Courts Reform (Scotland) Act 2014

2014 asp 18

PART 1

SHERIFF COURTS

CHAPTER 4

COMPETENCE AND JURISDICTION

Sheriffs: civil competence and jurisdiction

39 Exclusive competence

(1) This section applies to any civil proceedings—
  (a) which a sheriff has competence to deal with, and
  (b) in which—
    (i) one or more orders of value are sought, and
    (ii) the aggregate total value of all such orders sought, exclusive of interest and expenses, does not exceed £100,000.

(2) The proceedings may be brought only in the sheriff court and may not be brought in any other court.

(3) This section does not apply to family proceedings unless the only order sought in the proceedings is an order for payment of aliment.

(4) Subsection (2) is subject to section 92(7) (remit of cases in exceptional circumstances to the Court of Session).

(5) The Scottish Ministers may by order substitute another sum for the sum for the time being specified in subsection (1)(b)(ii).

(6) For the purposes of this Act, an order is an order of value if it is—
  (a) an order for payment of money, or
  (b) an order determining rights in relation to property.

Changes to legislation: *Courts Reform (Scotland) Act 2014, Section 39 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) Provision may be made by the Court of Session by act of sederunt for determining, for the purposes of this Act—

(a) the value of an order,

(b) the aggregate total value of all the orders of value sought in any proceedings.

(8) An act of sederunt under subsection (7) may make different provision for different purposes.

Modifications etc. (not altering text)

C1 S. 39 excluded (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions and Modifications) Order 2015 (S.I. 2015/700), arts. 1(6), **4**

C2 S. 39 excluded by S.S.I. 2000/301, **rule 4** (as amended (22.9.2015) by The Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 (S.S.I. 2015/338), art. 1, **Sch. 1 para. 2**

C3 S. 39 power to disapply or modify conferred (30.1.2019) by Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (asp 10), **ss. 21(2)(g)**, 27(3) (with s. 21(3)(5)); S.S.I. 2018/368, reg. 2(m)

Commencement Information

I1 S. 39 in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), **Sch.**

I2 S. 39 in force at 22.9.2015 in so far as not already in force by S.S.I. 2015/247, art. 2, **Sch.** (with art. 3(2))

Changes to legislation:
Courts Reform (Scotland) Act 2014, Section 39 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by 2020 asp 9 s. 9
- sch. 1 para. 2(g)(h) inserted by 2021 asp 16 s. 15(8)