



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 1

SHERIFF COURTS

CHAPTER 4

COMPETENCE AND JURISDICTION

Sheriffs: civil competence and jurisdiction

43 Jurisdiction over persons, etc.

- (1) Subsection (2) applies for the purpose of determining the jurisdiction of a sheriff in relation to any civil proceedings that may competently be dealt with by a sheriff.
- (2) The proceedings may be brought before the sheriff of a particular sheriffdom if—
 - (a) the defender (or, where there is more than one defender, one of them) resides in the sheriffdom,
 - (b) the defender (or, where there is more than one defender, one of them) formerly resided in the sheriffdom for at least 40 days and the defender—
 - (i) has ceased to reside there for fewer than 40 days, and
 - (ii) has no known residence in Scotland,
 - (c) the defender—
 - (i) carries on business in the sheriffdom,
 - (ii) has a place of business in the sheriffdom, and
 - (iii) is cited in the sheriffdom, either personally or at the place of business,
 - (d) where the defender is not otherwise subject to the jurisdiction of any court in Scotland, there has been arrested in the sheriffdom—
 - (i) a ship or vessel of which the defender is an owner or part-owner, demise charterer or master, or
 - (ii) goods, debts, money or other moveable property belonging to the defender,

Status: This is the original version (as it was originally enacted).

- (e) any property of which the defender is (either individually or as trustee) the owner, part-owner, tenant or joint tenant is located in the sheriffdom and the proceedings relate to such property or to the defender's interest in it,
 - (f) in proceedings for interdict, the alleged wrong is being committed or threatened to be committed in the sheriffdom,
 - (g) in proceedings relating to a contract—
 - (i) the place of execution or performance of the contract is located in the sheriffdom, and
 - (ii) the defender is personally cited in the sheriffdom,
 - (h) in actions of furthcoming or multiplepoinding—
 - (i) the fund or property that is the subject of the proceedings is located in the sheriffdom, or
 - (ii) the sheriff otherwise has jurisdiction over the arrestee or holder of the fund or property that is the subject of the proceedings,
 - (i) the party sued is the pursuer in any proceedings pending in the sheriffdom against the party suing,
 - (j) where the proceedings are founded in delict, the delict was committed in the sheriffdom,
 - (k) the defender has prorogated the jurisdiction of the sheriff or courts of the sheriffdom.
- (3) Subsection (2) is subject to—
- (a) section 8 of, and Schedule 1B to, the Domicile and Matrimonial Proceedings Act 1973,
 - (b) the Civil Jurisdiction and Judgments Act 1982,
 - (c) Chapter 3 of Part 1 of the Family Law Act 1986, and
 - (d) any other enactment or rule of law that applies for the purpose of determining the jurisdiction of a sheriff in relation to persons or subject-matter.