



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 3

REMIT OF CASES BETWEEN COURTS

92 Remit of cases to the Court of Session

- (1) Subsection (2) applies to any civil proceedings before a sheriff that are—
 - (a) proceedings that the Court of Session also has competence and jurisdiction to deal with,
 - (b) not proceedings to which section 39 applies, and
 - (c) not subject to simple procedure.
- (2) On the application of any of the parties to the proceedings, the sheriff may, at any stage, remit the proceedings to the Court of Session if the sheriff considers that the importance or difficulty of the proceedings makes it appropriate to do so.
- (3) Subsection (4) applies to any civil proceedings before a sheriff that are—
 - (a) proceedings to which section 39 applies,
 - (b) proceedings that the Court of Session would (but for that section) also have competence and jurisdiction to deal with, and
 - (c) not subject to simple procedure.
- (4) On the application of any of the parties to the proceedings, the sheriff may, at any stage, request the Court of Session to allow the proceedings to be remitted to that Court if the sheriff considers that the importance or difficulty of the proceedings makes it appropriate to do so.
- (5) On receiving a request under subsection (4), the Court of Session may, on cause shown, allow the proceedings to be remitted to the Court.

Status: This is the original version (as it was originally enacted).

- (6) If the Court of Session allows the proceedings to be remitted to that Court, the sheriff is to remit the proceedings to that Court.
- (7) Where the proceedings are remitted to the Court of Session under subsection (6), the proceedings may be dealt with and disposed of by that Court despite section 39(2).