



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 3

REMIT OF CASES BETWEEN COURTS

93 Remit of cases from the Court of Session

- (1) Subsection (2) applies to any proceedings in the Court of Session if—
 - (a) they are proceedings that a sheriff also has competence and jurisdiction to deal with,
 - (b) they would be proceedings to which section 39 applies but for the fact that subsection (1)(b)(ii) of that section is not satisfied, and
 - (c) the Court considers, at any stage, that it is unlikely that the aggregate total value of all the orders of value granted in the proceedings, exclusive of interest and expenses, will be greater than the sum specified in that subsection.
- (2) The Court must remit the proceedings to an appropriate sheriff, unless the Court considers, on cause shown, that the proceedings should remain in the Court of Session.
- (3) In considering the matter in subsection (1)(c), the Court is to assume—
 - (a) that liability for the order sought is established, and
 - (b) that there will, where appropriate, be no deduction for contributory negligence.
- (4) Subsection (5) applies to any proceedings in the Court of Session if—
 - (a) they are proceedings that a sheriff also has competence and jurisdiction to deal with, but
 - (b) are not proceedings to which paragraph (b) or (c) of subsection (1) applies.
- (5) The Court may, at any stage, remit the proceedings to an appropriate sheriff if the Court considers that the nature of the proceedings makes it appropriate to do so.

Status: Point in time view as at 22/09/2015.

Changes to legislation: Courts Reform (Scotland) Act 2014, Section 93 is up to date with all changes known to be in force on or before 24 April 2023. 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)

- (6) The Court may remit proceedings under subsection (2) or (5)—
- (a) on the application of any party to the proceedings, or
 - (b) on its own initiative.
- (7) In this section, “an appropriate sheriff” means, in relation to proceedings remitted from the Court of Session under this section, a sheriff having competence and jurisdiction to deal with the proceedings sitting at such sheriff court as the Court may, at the time of the remit, specify.

Commencement Information

II [S. 93](#) in force at 22.9.2015 by [S.S.I. 2015/247](#), [art. 2](#), [Sch.](#) (with [art. 3\(4\)](#))

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