



Sheriff Courts (Scotland) Act 1907

1907 CHAPTER 51 7 Edw 7

JURISDICTION

5 Extension of jurisdiction.

Nothing herein contained shall derogate from any jurisdiction, powers, or authority presently possessed or in use to be exercised by the [^{F1}sheriffs principal] of Scotland, and such jurisdiction shall extend to and include—

(1) Actions of declarator ^{F2}. . . :

(1A) ^{F3}

[^{F4}(2) Actions for aliment or separation (other than any action mentioned in subsection (2A) below) . . . ^{F5}]

[^{F6}(2A) Actions, arising out of an application under section 31(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972, for the recovery of maintenance:]

[^{F7}(2B) Actions for divorce]

^{F8}(2C)

(3) Actions of division of commony and of division or division and sale of common property, in which cases the ^{M1}Division of Commonities Act 1695 concerning the division of commonities shall be read and construed as if it conferred jurisdiction upon the sherrif court in the same manner as upon the Court of Session:

(4) Actions relating to questions of heritable right or title (except actions of adjudication save in so far as now competent and actions of reduction) including all actions of declarator of irritancy and removing, whether at the instance of a superior against a vassal or of a landlord against a tenant:

(5) Suspension of charges or threatened charges upon the decrees of court granted by the [^{F1}sheriff principal] or upon decrees of registration proceeding upon bonds, bills, contracts or other obligations registered in the books of the sheriff court, the books of council and session, or any others competent . . . ^{F9}. . . ^{F10}. . . ^{F11}.

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Sheriff Courts (Scotland) Act 1907. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), **s. 4**
- F2** Words in [s. 5\(1\)](#) repealed (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), **ss. 4, 46(2)**; [S.S.I. 2006/212](#), **art. 2** (subject to [arts. 3-13](#))
- F3** [S. 5\(1A\)](#) which was inserted by [Presumption of Death \(Scotland Act\) 1977 \(c. 27\)](#), [s.20\(2\)](#), **Sch. 1** is repealed (S.) by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), [ss. 9, 10\(2\)](#), **Sch. 2**
- F4** [S. 5\(2\)](#) substituted (S.) by virtue of [Family Law \(Scotland\) Act 1985 \(c. 37, SIF 49:3\)](#), [s. 28\(1\)](#), **Sch. 1 para. 1**
- F5** Words repealed by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), [ss. 9, 10\(2\)](#), **Sch. 2**
- F6** [S. 5\(2A\)](#) inserted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22\)](#), [s. 85\(3\)](#), **Sch. 2 para. 1(b)**
- F7** [S. 5\(2B\)](#) inserted by [Divorce Jurisdiction, Court Fees and Legal Aid \(Scotland\) Act 1983 \(c. 12, SIF 47\)](#), **s. 1**
- F8** [S. 5\(2C\)](#) repealed (1.11.1996) by 1995 c. 36, [s. 105\(5\)](#), **Sch. 5**; [S.I. 1996/2203](#), [art. 3](#), **Sch.**
- F9** Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3, 72:2\)](#), **ss. 15(a)**, [28\(2\)](#), **Sch. 3**
- F10** Words repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), [s. 54](#), **Sch. 14**
- F11** Words repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 72:2\)](#), [s. 28\(2\)](#), **Sch. 3**

Modifications etc. (not altering text)

- C1** [S. 5](#) excluded by [Land Registration \(Scotland\) Act 1979 \(c. 33, SIF 31:3\)](#), **ss. 21(6)**, [22\(7\)](#)

Marginal Citations

- M1** [Scots Act 1695 c. 69](#)

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