



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.