



Sheriff Courts (Scotland) Act 1971

1971 CHAPTER 58

PART III

CIVIL JURISDICTION, PROCEDURE AND APPEALS

Summary causes

35 Summary causes

- (1) The definition of " summary cause " contained in paragraph (i) of section 3 of the Sheriff Courts (Scotland) Act 1907 shall cease to have effect, and for the purposes of the procedure and practice in civil proceedings in the sheriff court there shall be a form of process, to be known as a " summary cause ", which shall be used for the purposes of all civil proceedings brought in that court, being proceedings of one or other of the following descriptions, namely—
 - (a) actions for payment of money not exceeding two hundred and fifty pounds in amount (exclusive of interest and expenses);
 - (b) actions of multiplepoinding, actions of furthcoming and actions of sequestration for rent, where the value of the fund in medio, or the value of the arrested fund or subject, or the rent in respect of which sequestration is asked, as the case may be, does not exceed two hundred and fifty pounds (exclusive of interest and expenses);
 - (c) actions ad factum praestandum and actions for the recovery of possession of heritable or moveable property, other than actions in which there is claimed in addition, or as an alternative, to a decree ad factum praestandum or for such recovery, as the case may be, a decree for payment of money exceeding two hundred and fifty pounds in amount (exclusive of interest and expenses);
 - (d) proceedings which, according to the law and practice existing immediately before the commencement of this Act, might competently be brought in the sheriff's small debt court or were required to be conducted and disposed of in the summary manner in which proceedings were conducted and disposed of under the Small Debt Acts;

Status: This is the original version (as it was originally enacted).

and any reference in the following provisions of this Act, or in any other enactment (whether passed or made before or after the commencement of this Act) relating to civil procedure in the sheriff court, to a summary cause shall be construed as a reference to a summary cause within the meaning of this subsection.

- (2) The Small Debt (Scotland) Act 1837 and the Small Debt Amendment (Scotland) Act 1889 shall cease to have effect.