



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 7

JURISDICTION OF THE LAND COURT AND THE RESOLUTION OF DISPUTES

Jurisdiction of the Land Court: further provision

85 Remit from Land Court to sheriff or Court of Session

- (1) Where—
- (a) a matter is before the Land Court for determination by virtue of the 1991 Act or this Act; and
 - (b) an action in respect of the matter could competently have been brought before a sheriff or in the Court of Session,
- the Land Court may (at its own instance or following a request under subsection (2) (a) below) remit the case to the sheriff within whose jurisdiction the action could have been brought, or to the Court of Session, if it considers that to be appropriate.
- (2) Any person with an interest in a matter that is before the Land Court for determination under this Act may make an application—
- (a) to the Land Court requesting that it remit the matter to the Court of Session under subsection (1) above; or
 - (b) to the Court of Session craving it to require the Land Court so to remit the matter.
- (3) Where an application is made under subsection (2)(b) above, the Court of Session may require the Land Court to remit the matter to it if it considers that it would be appropriate for it to determine the matter.