
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 227

**Act of Sederunt (Rules of the Court of Session
1994 and Sheriff Court Rules Amendment)
(No. 2) (Personal Injury and Remits) 2015**

Amendment of the Ordinary Cause Rules 1993: remits

- 7.—(1) The Ordinary Cause Rules 1993(1) are amended in accordance with this paragraph.
- (2) In rule 26.1(1) (transfer to another sheriff court), for “remit” substitute “transfer”.
- (3) After rule 26.1 (transfer to another sheriff court), insert—

“Remit and transfer of summary cause proceedings to all-Scotland sheriff court

26.1A.—(1) This rule applies where the sheriff directs that a summary cause is to be treated as an ordinary cause and, at the same time, makes an order transferring the action to the all-Scotland sheriff court.

(2) The pursuer must lodge an initial writ and intimate it to every other party within 14 days of the date of the order.

(3) The defender must lodge defences within 28 days after the date of the order.

(4) Following the making of a direction and order mentioned in paragraph (1), the action is to be treated as a personal injuries action within the meaning of Part A1 of Chapter 36.”

- (4) For rule 26.2 (remit to Court of Session), substitute—

“Remit to the Court of Session: proceedings to which section 39 of the 2014 Act does not apply

26.2.—(1) An application under section 92(2) of the 2014 Act (remit of cases to the Court of Session) is to be made by motion.

(2) Within 4 days after the sheriff has pronounced an interlocutor remitting a cause to the Court of Session under section 92(2), the sheriff clerk must—

- (a) send written notice of the remit to each party;
- (b) certify on the interlocutor sheet that subparagraph (a) has been complied with;
- (c) transmit the process to the Deputy Principal Clerk of Session.

(3) Failure by a sheriff clerk to comply with paragraph (2)(a) or (b) does not affect the validity of a remit.

Remit to the Court of Session: proceedings to which section 39 of the 2014 Act applies

26.2A.—(1) An application under section 92(4) of the 2014 Act (request for remit to the Court of Session) is to be made by motion.

(1) The Ordinary Cause Rules 1993 are in Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956 and was last amended by S.S.I. 2015/176.

(2) The decision of a sheriff on an application made under section 92(4) is to be recorded in an interlocutor, and a note of the sheriff’s reasons for that decision must be appended to that interlocutor.

(3) Following receipt of an interlocutor from the Court of Session allowing the proceedings to be remitted the sheriff must issue an interlocutor remitting the proceedings under section 92(6).

(4) Within 4 days after the sheriff has pronounced an interlocutor remitting a cause to the Court of Session under section 92(6), the sheriff clerk must—

- (a) send written notice of the remit to each party;
- (b) certify on the interlocutor sheet that subparagraph (a) has been complied with;
- (c) transmit the process to the Deputy Principal Clerk of Session.

(5) Failure by a sheriff clerk to comply with paragraph (4)(a) or (b) does not affect the validity of a remit.

Remit to the Court of Session: remits under other enactments

26.2B.—(1) This rule applies where the sheriff has pronounced an interlocutor remitting a cause to the Court of Session under an enactment other than section 92 of the 2014 Act.

(2) Within 4 days after the sheriff has pronounced that interlocutor, the sheriff clerk must—

- (a) send written notice of the remit to each party;
- (b) certify on the interlocutor sheet that subparagraph (a) has been complied with;
- (c) transmit the process to the Deputy Principal Clerk of Session.

(3) Failure by a sheriff clerk to comply with paragraph (2)(a) or (b) does not affect the validity of a remit.”.

(5) In rule 26.3 (remit from Court of Session) for “section 14 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985” substitute “section 93 of the 2014 Act (remit of cases from the Court of Session)”.