

ELIZABETH II



1963 CHAPTER 22

An Act to increase the amount by reference to which actions are classified as summary causes in the sheriff court in Scotland; to increase the amount by reference to which the small debt jurisdiction of the sheriff is limited; to amend the law with regard to the bringing of actions between spouses for interim aliment of small amounts in the sheriff's small debt court and with regard to the jurisdiction of the sheriff in such actions brought as aforesaid; and for purposes connected with the matters aforesaid. [10th July 1963]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In section 3 (*i*) of the principal Act (which provides that in that Act the expression “summary cause” is to include actions (other than actions in the small debt court) for payment of money not exceeding fifty pounds and actions the value of which is agreed by the parties thereto not to exceed fifty pounds), and in Rule 40 of the First Schedule to the principal Act (which empowers the sheriff to direct that a cause be tried as a summary cause notwithstanding that its value exceeds fifty pounds), for the references to fifty pounds there shall be substituted references to two hundred and fifty pounds. Raising of summary cause limit to £250.

(2) The amendments made by the foregoing subsection shall not apply in relation to any proceedings commenced before the commencement of this Act.

2.—(1) In section 42 of the principal Act (by virtue of which the Small Debt Acts apply to all causes competent thereunder the value of which does not exceed twenty pounds) for the references to twenty pounds there shall be substituted references to fifty pounds. Extension of small debt jurisdiction to £50.

(2) The amendments made by the foregoing subsection shall not apply in relation to any proceedings commenced before the commencement of this Act.

Actions
between
spouses for
interim
aliment
of small
amounts.

3.—(1) An action of interim aliment by one party to a marriage against the other may competently be brought in the sheriff's small debt court under the Small Debt Acts if the aliment claimed in the action does not exceed—

(a) the sum of five pounds per week in respect of the pursuer, and

(b) the sum of thirty shillings per week in respect of each child (if any) of the marriage;

and a provision in any enactment limiting the jurisdiction of the sheriff in the small debt court by reference to any amount, or limiting the period for which a decree granted in that court shall have effect, shall not apply in relation to such an action of interim aliment as is described in this subsection.

(2) Without prejudice to the provisions regarding jurisdiction of any other enactment, the sheriff shall also have jurisdiction in an action of interim aliment brought in the small debt court by virtue of subsection (1) of this section if—

(a) the pursuer resides within the jurisdiction of the sheriff, and

(b) the action could, by virtue of section 6 of the principal Act (which relates to jurisdiction), have been brought in the sheriff court of another sheriffdom.

(3) The sheriff may on the motion of either party to an action of interim aliment brought in the small debt court (being an action in which he has jurisdiction by virtue of subsection (2) of this section), if it appears to him that the action could more conveniently be disposed of in the small debt court of another sheriffdom, order that the action be transferred to the last-mentioned court, and an action so transferred shall proceed in all respects as if it had been brought originally in the last-mentioned court and the sheriff having jurisdiction in that court may hear and determine the action accordingly.

Citation,
construction
and com-
mencement.

7 Edw. 7. c. 51.

4.—(1) This Act may be cited as the Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963.

(2) In this Act the expression "the principal Act" means the Sheriff Courts (Scotland) Act 1907, as amended by any other enactment, and the principal Act and this Act shall be construed together as one.

(3) This Act shall come into operation on 1st October 1963.

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