



# Sheriff Courts (Scotland) Act 1971

## 1971 CHAPTER 58

### PART III

#### CIVIL JURISDICTION, PROCEDURE AND APPEALS

##### *Summary causes*

#### 37 Remits.

- (1) In the case of any ordinary cause brought in the sheriff court the sheriff [<sup>F1</sup>—
- (a) shall at any stage, on the joint motion of the parties to the cause, direct that the cause be treated as a summary cause, and in that case the cause shall be treated for all purposes (including appeal) as a summary cause and shall proceed accordingly
  - <sup>F2</sup>(b) . . . . .
- (2) In the case of any summary cause, the sheriff at any stage—
- (a) shall, on the joint motion of the parties to the cause, and
  - (b) may, on the motion of any of the parties to the cause, if he is of the opinion that the importance or difficulty of the cause makes it appropriate to do so,
- direct that the cause be treated as an ordinary cause, and in that case the cause shall be treated for all purposes (including appeal) as an ordinary cause and shall proceed accordingly:

Provided that a direction under this subsection may, in the case of an action for the recovery of possession of heritable or moveable property, be given by the sheriff of his own accord.

- <sup>F2</sup>(2A) . . . . .
- <sup>F2</sup>(2B) . . . . .
- <sup>F2</sup>(2C) . . . . .
- <sup>F2</sup>(2D) . . . . .

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*Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Section 37. (See end of Document for details)*

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[<sup>F3</sup>(3) A decision—

- (a) to remit, or not to remit, under subsection (2A) [<sup>F4</sup> (2B) or (2C)] above; or
- (b) to make, or not to make, a direction by virtue of paragraph ( b ) of, or the proviso to, subsection (2) above,

shall not be subject to review; but from a decision to remit, or not to remit, under subsection (1)( b ) above an appeal shall lie to the Court of Session.]

(4) In this section “sheriff” includes a sheriff principal.

#### **Textual Amendments**

- F1** “—(a)” inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3\)](#), [s. 16\(a\)\(i\)\(ii\)](#)
- F2** Act (except for ss. 2(3), 3(4)) repealed (S.) (1.4.2015 except for the repeal of ss. 31, 35, 36(2)(3), 36A, 36B, 37, 38, 45, 22.9.2015 for the repeal of ss. 31, 37(1)(b)(2A)(2D), 28.11.2016 for the repeal of ss. 35(2)-(4), 36A, 36B, 37(2B)(2C) and the repeal of specified words in s. 38(b)) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), [s. 138\(2\)](#), [sch. 5 para. 6\(2\)](#); [S.S.I. 2015/77](#), [art. 2\(2\)\(3\)](#), [sch. \(with art. 7\)](#); [S.S.I. 2015/247](#), [art. 2](#), [sch. \(with art. 9\)](#); [S.S.I. 2016/291](#), [art. 2](#), [sch. \(with art. 3\(1\)\(2\)\)](#)
- F3** S. 37(3) substituted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3\)](#), [s. 16\(c\)](#)
- F4** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\)](#), [s. 18\(3\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Sheriff Courts (Scotland) Act 1971, Section 37.