

ACT OF SEDERUNT (SMALL CLAIM RULES) 2002 NO. 133

CHAPTER 15 TRANSFER AND REMIT OF CLAIMS

- 15.1. [Transfer to another court](#)
- 15.2. [Remit between procedures](#)

Transfer to another court

- 15.1.** (1) The sheriff may transfer a claim to any other sheriff court, whether in the same sheriffdom or not, if the sheriff considers it expedient to do so.
- (2) If the sheriff is satisfied that the court has no jurisdiction, he may transfer the claim to any sheriff court in which it appears to the sheriff that it ought to have been brought.
- (3) A claim so transferred shall proceed in all respects as if it had been brought originally in the court to which it is transferred.

Remit between procedures

- 15.2.** (1) If the sheriff makes a direction that a claim is to be treated as an ordinary cause, he must, at the time of making that direction-
- (a) direct the pursuer to lodge an initial writ, and intimate it to every other party, within 14 days of the date of the direction;
 - (b) direct the defender to lodge defences within 28 days of the date of the direction; and
 - (c) fix a date and time for an Options Hearing and that date shall be the first suitable court day occurring not sooner than ten weeks, or such lesser period as he considers appropriate, after the last date for lodging the initial writ.
- (2) If the sheriff directs that a claim is to be treated as a summary cause he must specify the next step of procedure to be followed.
- (3) If the sheriff directs that an ordinary cause or a summary cause is to be treated as a claim under these rules it shall call for the Hearing held in terms of rule 9.1(2).