



Crown Proceedings Act 1947

1947 CHAPTER 44 10 and 11 Geo 6

PART V

APPLICATION TO SCOTLAND

44 Proceedings against the Crown in the sheriff court.

Subject to the provisions of this Act and to any enactment limiting the jurisdiction of the sheriff court (whether by reference to the subject matter of the proceedings or otherwise) civil proceedings against the Crown may be instituted in the sheriff court in like manner as if the proceedings were against a subject:

Provided that where in any proceedings against the Crown in the sheriff court a certificate by the [^{F1}appropriate Law Officer] is produced to the effect that the proceedings may involve an important question of law, or may be decisive of other cases, or are for other reasons more fit for trial in the Court of Session, the proceedings shall be remitted to the Court of Session, and where any proceedings have been so remitted to the Court of Session, and it appears to that Court that the remit has occasioned additional expense to the pursuer, the Court shall take account of the additional expense so occasioned in deciding any question as to expenses.^[F2]In this proviso, “the appropriate Law Officer” means—

- (a) the Lord Advocate, where the proceedings are against any part of the Scottish Administration, and
- (b) the Advocate General for Scotland, in any other case.]

Textual Amendments

- F1** Words in s. 44 substituted (20.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 7(4)(a)** (with s. 126(3)-(11)); S. I. 1998/3178, art. 2(2), **Sch. 4**
- F2** Words in s. 44 proviso inserted (20.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 7(4)(b)** (with s. 126(3)-(11)); S. I. 1998/3178, art. 2(2), **Sch. 4**

Changes to legislation: There are currently no known outstanding effects for the Crown Proceedings Act 1947, Section 44. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 44 proviso excluded by [Sex Discrimination Act 1975 \(c. 65\), s. 85\(9\)](#) and [Race Relations Act 1976 \(c. 74\), s. 75\(7\)](#)
- C2** S. 44: proviso excluded (E.W.S.) (8.4.2010) by [Equality Act 2010 \(c. 15\), ss. 206\(8\), 216\(1\)\(b\)](#)

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