
Status: Point in time view as at 19/12/1991.

Changes to legislation: Court of Session Act 1988 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Court of Session Act 1988

CHAPTER 36

COURT OF SESSION ACT 1988

PART I

CONSTITUTION AND ADMINISTRATION OF THE COURT

- 1 Number of judges of Court.
- 2 Composition of Court.
- 3 Exchequer causes.
- 4 Power of judges to act in cases relating to rates and taxes.

PART II

GENERAL POWERS OF THE COURT IN RELATION TO PROCEDURE

- 5 Power to regulate procedure etc. by act of sederunt.
- 6 Allocation of business etc. by act of sederunt.
- 7 Fees on remit to accountants etc.
- 8 Rules Council.

PART III

ORDINARY ACTIONS

Proof

- 9 Allowing of proof by Lord Ordinary.
- 10 Evidence on commission in Outer House.
- 11 Jury actions.

Trial by jury

- 12 Summoning of jury.

Status: Point in time view as at 19/12/1991.

Changes to legislation: Court of Session Act 1988 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 13 Selection of jury.
- 14 Application for view by jury.
- 15 Illness or death of juror during trial.
- 16 Trial to proceed despite objection to opinion and direction of judge.
- 17 Return of verdict.

Judgment

- 18 Lord Ordinary's judgment final in Outer House.

PART IV

OTHER CAUSES

Consistorial causes

- 19 Lord Advocate as party to action for nullity of marriage or divorce.
- 20 Orders with respect to children.

Exchequer causes

- 21 Exchequer causes to have precedence.
- 22 Lord Advocate to sue and be sued on behalf of the Crown.
- 23 Lord Advocate may be heard last.
- 24 Appeal to House of Lords.

Petitions

- 25 Disposal of petitions initiated in Outer House.

Summary trials

- 26 Summary trials.

Special cases

- 27 Special cases.

PART V

APPEAL AND REVIEW

Reclaiming

- 28 Reclaiming.

Review in jury actions

- 29 Application for new trial.
- 30 Restrictions on granting of application for new trial.
- 31 Verdict may be returned subject to opinion of Inner House on point reserved.

Appeals and transmissions from sheriff

- 32 Appeals.
- 33 Transmissions from sheriff to Court on ground of contingency.

Status: Point in time view as at 19/12/1991.

Changes to legislation: Court of Session Act 1988 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Review by suspension

- 34 Suspension of decrees of Court granted in absence.
- 35 Suspension of sheriff court decree.

Rehearing and additional proof in Inner House

- 36 Rehearing by larger court of causes pending in Inner House.
- 37 Additional proof ordered by Inner House.
- 38 Evidence on commission in Inner House.

Judgment in Inner House

- 39 Inner House judgment final in Court of Session.

Appeals to House of Lords

- 40 Appealable interlocutors.
- 41 Interim possession, execution and expenses.
- 42 House of Lords may make order on payment of interest.
- 43 Interest and expenses where appeal dismissed for want of prosecution.

PART VI

MISCELLANEOUS PROVISIONS

- 44 Selection of judges for trial of election petitions.
- 45 Restoration of possession and specific performance.
- 46 Specific relief may be granted in interdict proceedings.
- 47 Interim interdict and other interim orders.
- 48 Right of audience of solicitor before the court.
- 48A Further provision as to rights of audience.
- 49 Subscription of bill for letters of inhibition.
- 50 Copy of interlocutor granting commission and diligence to be equivalent to formal extract.

PART VII

SUPPLEMENTARY

- 51 Interpretation
- 52 Consequential amendments, repeals and savings.
- 53 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Minor Amendments

The Jury Trials (Scotland) Act 1815 (c.42)

- 1 In section 20 (common jury summons)— (a) for the words...

The Sheriff Courts (Scotland) Act 1907 (c.51)

- 2 After section 38A there shall be inserted the following— Consistorial...

SCHEDULE 2 — Repeals

Status: Point in time view as at 19/12/1991.

Changes to legislation: Court of Session Act 1988 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- Part I — ENACTMENTS REPEALED
- Part II — REPEALED ENACTMENTS WHICH ARE RE-ENACTED
- Part III — REPEALED ENACTMENTS WHICH ARE NOT RE-ENACTED

Status:

Point in time view as at 19/12/1991.

Changes to legislation:

Court of Session Act 1988 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.