



Civil Imprisonment (Scotland) Act 1882

1882 CHAPTER 42 45 and 46 Vict

6 Imprisonment in law burrows, &c.

In order to amend the law in regard to imprisonment in the process of law burrows, the following provisions shall have effect; (that is to say,)

- (1) It shall not be competent to issue letters of law burrows under the signet in the Court of Session or Court of Justiciary:
- (2) Upon an application for law burrows being presented, the [^{F1}sheriff principal or sheriff] or justice of the peace shall immediately, and without taking the oath of the applicant, order the petition to be served upon the person complained against, and shall at the same time grant warrant to both parties to cite witnesses:
- (3) At the diet of proof appointed, or at any adjourned diet, the application shall be disposed of summarily under the provisions of the Summary Jurisdiction Acts, and without any written pleadings or record of the evidence being kept, and expenses may be awarded against either party if and as it shall seem just:
- (4) In every application for law burrows the parties shall be competent witnesses, and the [^{F1}sheriff principal or sheriff], or justice of the peace, may grant the prayer of the petition upon the sworn testimony of one credible witness, although such witness may be a party:
- (5) In the event of the [^{F1}sheriff principal or sheriff], or justice of the peace, ordering caution to be found, the amount of caution shall be in his discretion:
- (6) The [^{F1}sheriff principal or sheriff], or justice of the peace, may, in the event of his ordering caution to be found, further order that the party complained against shall, failing his finding caution, be imprisoned for a period not exceeding six months, if the order be made by a [^{F1}sheriff principal or sheriff], and not exceeding fourteen days, if the order be made by a justice of the peace:
- (7) It shall be in the power of the [^{F1}sheriff principal or sheriff], or justice of the peace, to order the party complained against to grant his own bond without caution for duly implementing the terms of the order, and failing such bond being granted within the

Changes to legislation: There are currently no known outstanding effects for the Civil Imprisonment (Scotland) Act 1882, Section 6. (See end of Document for details)

time limited by the order, such order may farther direct that the party failing shall be imprisoned for such periods as aforesaid:

- (8) The applicant shall not be bound to aliment or contribute to the aliment of the person complained against when incarcerated; but the person so incarcerated shall be subject to the enactments and rules as to maintenance, work, discipline, and otherwise applicable to the class of prisoners committed for contempt of court:

Provided always that except in so far as expressly altered by this section, nothing in this Act shall affect the existing law and practice in regard to the process of law burrows.

Textual Amendments

F1 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

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