

Changes to legislation: There are currently no known outstanding effects for the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **S**

Section 6(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

The Court of Session Act 1830 c. 69

- 1 In section 33 (which provides for the Court of Session to have exclusive jurisdiction in respect of certain consistorial actions), for the word “All” there shall be substituted the words “ Subject to section 5(2B) of the ^{M1}Sheriff Courts (Scotland) Act 1907, all ”.

Marginal Citations

M1 1907 c. 51.

- 2 . . . ^{F1}

Textual Amendments

F1 Sch. 1 para. 2 repealed by Civil Evidence (Scotland) Act 1988 (c. 32, SIF 47), s. 10(1)(3), **Sch.**

- 3, 4. . . . ^{F2}

Textual Amendments

F2 Sch. 1 paras. 3, 4 repealed by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), ss. 9, 10(2), **Sch. 2**

- 5 ^{F3}

Textual Amendments

F3 Sch. 1 para. 5 repealed by Court of Session Act 1988 (c. 36, SIF 36:1), s. 52(2), Sch. 2 Pts. I, **III**

The Crofters Holdings (Scotland) Act 1886 c. 29

- 6 At the end of section 29 (which provides, among other things, for the fixing of scales of costs and fees, and for their taxation) there shall be added the following—
- “Provided that no scale of costs and fees fixed by the Commission, and no regulations made by them as to the taxation of such costs and fees, shall apply in respect of any of the matters which the Secretary of State may regulate under or by virtue of section 14A of the Legal Aid (Scotland) Act 1967”.

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The Sheriff Courts (Scotland) Act 1907 c. 51

[^{F47} In section 40 (which relates to the power of the Court of Session to regulate fees etc.), after the word “agents” there shall be inserted the words “ (other than such of the fees of agents as the Secretary of State may regulate under or by virtue of section 14A of the ^{M2}Legal Aid (Scotland) Act 1967) ”.]

Textual Amendments

F4 Sch. 1 para. 7 repealed (*prosp.*) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), ss. 74(2), 75(2), **Sch. 9**

Marginal Citations

M2 1967 c. 43.

8 . . . ^{F5}

Textual Amendments

F5 Sch. 1 para. 8 repealed and re-enacted by Court of Session Act 1988 (c. 36, SIF 36:1), s. 52(2), Sch. 2 Pts. I, II

The Juries Act 1949 c. 27

9 In subsection (1) of section 26 (which provides for fees payable by a party applying for a jury trial in a civil cause)—

- (a) for the words “Act of Sederunt”, where they appear for the first time, there shall be substituted the words “ an order made by the Secretary of State ”;
- (b) after the words “as may be”, where they appear for the second time, there shall be inserted the word “ so ”;
- (c) the words “by Act of Sederunt”, where they appear for the second time, shall cease to have effect.

The Summary Jurisdiction (Scotland) Act 1954 c. 48

10 In subsection (3) of section 76 (which relates to the regulation of fees by the High Court of Justiciary), for the words “affect the regulations enacted” there shall be substituted the words “ empower the High Court to make any regulation which the Secretary of State is empowered to make ”.

11 ^{F6}

Textual Amendments

F6 Sch. 1 para. 11 repealed by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), ss. 43, 45, Sch. 4 para. 3(1), **Sch. 5**

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The Sheriff Courts (Scotland) Act 1971 c. 58

12 In subsection (2A) of section 37 (which relates to remits from the sheriff court to the Court of Session), after the words “sheriff court” there shall be inserted the words “, being an action for divorce or an action ”.

13 . . . F7

Textual Amendments

F7 Sch. 1 para. 13 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. 1 Gp. 4

14—17. . . . F8

Textual Amendments

F8 Sch. 1 paras. 14–17 repealed by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), ss. 43, 45, Sch. 4 para. 3(1), Sch. 5

The Domicile and Matrimonial Proceedings Act 1973 c. 45

18 In section 8 (which relates to the jurisdiction of the sheriff court),—
(a) in subsection (1), at the end there shall be added the words “ or divorce ”;
(b) in subsection (2) of the said section, after the word “separation” there shall be inserted the words “ or divorce ”;
(c) in subsection (3) of the said section, after the word “separation” there shall be inserted the words “ or divorce ”; and
(d) in subsection (4) of the said section, after the word “separation” there shall be inserted the words “ or divorce ”.

19 In paragraph 8 of Schedule 3 (which relates to the sisting of consistorial actions)—
(a) after the words “in the Court of Session” there shall be inserted the words “ or in the sheriff court ”;
(b) after the word “Court” where it appears for the second time there shall be inserted the word “ concerned ”.

20 In paragraph 9(3) of the said Schedule the words “on the Court of Session” shall cease to have effect.

The Divorce (Scotland) Act 1976 c. 39

21 F9

Textual Amendments

F9 Sch. 1 paras. 21, 23 repealed by Family Law (Scotland) Act 1985 (c. 37, SIF 49:3), s. 28(2), Sch. 2

22 In section 13(1) (which defines terms used in the Act), in the definition of “court” for the words from “—(a)” to “require” there shall be substituted the words “, in relation to any action, the Court of Session or the sheriff court, as the case may require. ”.

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23

F10

Textual Amendments

F10 Sch. 1 paras. 21, 23 repealed by Family Law (Scotland) Act 1985 (c. 37, SIF 49:3), s. 28(2), **Sch. 2**

The Civil Jurisdiction and Judgments Act 1982 c. 27

24

In Schedule 14 (repeals) in the entry relating to the ^{M3}Sheriff Courts (Scotland) Act 1907, for the words “the first “Provided”” there shall be substituted the words “Provided that actions ”.

Marginal Citations

M3 1907 c. 51.

SCHEDULE 2 **S**

Enactments Repealed

Chapter	Short title	Extent of repeal
1 & 2 Geo. 4. c. 38.	The Court of Session Act 1821.	Section 31.
7 Edw. 7. c. 51.	The Sheriff Courts (Scotland) Act 1907.	In section 40, the words from “and, with the” to “fees of court”.
15 & 16 Geo. 5. c. 33.	The Church of Scotland (Property and Endowments) Act 1925.	In section 11(3), the words from “The Court of Session” to “the said fees.”.
1 & 2 Geo. 6. c. 50.	The Divorce (Scotland) Act 1938.	The whole Act.
12 & 13 Geo. 6. c. 27.	The Juries Act 1949.	In section 26(1), the words “by Act of Sederunt” where they appear for the second time.
1967 c. 43.	The Legal Aid (Scotland) Act 1967.	Section 16(1)(b)(i), (2) and (4), and Schedule 2.
1972 c. 50.	The Legal Advice and Assistance Act 1972.	In section 3(3) the words “charges or” in both places where they occur. Section 5(6).

SCHEDULE 2

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1973 c. 45.

The Domicile and
Matrimonial Proceedings Act
1973.

In Schedule 3, in paragraph
9(3) the words “on the Court
of Session”.

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