



# Court of Session Act 1988

## 1988 CHAPTER 36

### PART VII

#### SUPPLEMENTARY

#### 51 Interpretation

In this Act unless the context otherwise requires—

“action” means a cause initiated by a summons;

“the Court” means the Court of Session and, in any provision conferring a power on the Court with regard to a cause before it, means, as the case may be, a Division of the Inner House, a Division sitting with an additional judge or judges or a Lord Ordinary;

“enactment” includes an act of sederunt<sup>F1</sup> and an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament];

“the Inner House” means, in any provision conferring power on it, a Division thereof;

“the Lord President” means the Lord President of the Court of Session;

“prescribed” means prescribed by act of sederunt;

“solicitor” has the same meaning as in section 65(1) of the <sup>M1</sup>Solicitors (Scotland) Act 1980.

#### Textual Amendments

**F1** Words in s. 51 inserted (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [sch. 5 para. 43](#); [S.S.I. 2015/77](#), art. 2(2)(3), sch.

#### Marginal Citations

**M1** [1980 c. 46](#).

*Status: Point in time view as at 30/11/2021.*

*Changes to legislation: Court of Session Act 1988, Part VII is up to date with all changes known to be in force on or before 09 May 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)*

**52 Consequential amendments, repeals and savings.**

- (1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.
- (2) The enactments mentioned in Part I of Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule; and Parts II and III of that Schedule respectively show the extent to which the aforesaid enactments are re-enacted (with or without amendment) in this Act or are repealed without re-enactment as being no longer of practical utility or being spent or unnecessary.
- <sup>F2</sup>(3) .....
- (4) In so far as any appointment, act of sederunt or regulations made under any enactment repealed and re-enacted by this Act, or any other thing done under any such enactment, could have been made or done under a corresponding provision of this Act, it shall not be invalidated by the repeals effected by this section but shall have effect as if made or done under that corresponding provision.
- (5) Where any Act or any document refers, either expressly or by implication, to an enactment repealed and re-enacted by this Act, the reference shall, except where the context otherwise requires, be construed as a reference to the corresponding provision of this Act.
- (6) Nothing in this section shall be taken as prejudicing the operation of sections 16 and 17 of the <sup>M2</sup>Interpretation Act 1978 (general savings and repeal and re-enactment).

<b>Textual Amendments</b>	
<b>F2</b>	S. 52(3) repealed (22.9.2015) by <a href="#">Courts Reform (Scotland) Act 2014 (asp 18)</a> , s. 138(2), <a href="#">Sch. 5 para. 32(4)</a> ; <a href="#">S.S.I. 2015/247</a> , art. 2, Sch. (with art. 5(1))
<b>Marginal Citations</b>	
<b>M2</b>	<a href="#">1978 c. 30.</a>

**53 Short title, commencement and extent.**

- (1) This Act may be cited as the Court of Session Act 1988.
- (2) This Act shall come into force on the expiry of the period of 2 months beginning with the date on which it is passed.
- (3) This Act extends to Scotland only.

**Status:**

Point in time view as at 30/11/2021.

**Changes to legislation:**

Court of Session Act 1988, Part VII is up to date with all changes known to be in force on or before 09 May 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.