



Court of Session Act 1988

1988 CHAPTER 36

PART III

ORDINARY ACTIONS

Proof

11 Jury actions.

Subject to section 9(b) of this Act, the following actions if remitted to probation shall be tried by jury—

- (a) an action of damages for personal injuries;
- ^{F1}(b)
- (c) an action founded on delinquency or quasi delinquency, where the conclusion is for damages only and expenses; and
- (d) an action of reduction on the ground of incapacity, essential error, or force and fear;

and such an action which has been ordered by the Lord Ordinary to be tried by jury is hereafter in this Act referred to as a jury action.

Textual Amendments

- F1** S. 11(b) repealed (8.8.2022) by [Defamation and Malicious Publication \(Scotland\) Act 2021 \(asp 10\)](#), ss. 20(1), 39(2) (with s. 20(2)); S.S.I. 2022/154, reg. 2

Modifications etc. (not altering text)

- C1** S. 11 excluded (31.7.2020) by [Civil Litigation \(Expenses and Group Proceedings\) \(Scotland\) Act 2018 \(asp 10\)](#), ss. 20(10), 27(3); S.S.I. 2020/167, reg. 2

Changes to legislation:

Court of Session Act 1988, Section 11 is up to date with all changes known to be in force on or before 25 February 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) added by [2024 asp 1 s. 7\(13\)](#)