



# Administration of Justice (Scotland) Act 1933

1933 CHAPTER 41 23 and 24 Geo 5

## PART I

### COURT OF SESSION

#### **10 Provision for summary trial of certain cases.**

- (1) The parties to any dispute or question to which this section applies may present a petition in the Outer House setting forth the dispute or question and craving that it may be decided by a particular Lord Ordinary, and any such petition shall stand referred to such Lord Ordinary for his determination of the dispute or question.
- (2) For the purpose of the hearing and determination of any such dispute or question, the procedure, in lieu of the procedure ordinarily obtaining in proceedings in the Outer House, shall, subject to the provisions of any Act of Sederunt made under this Act, be such as the parties may, with the consent of the Lord Ordinary, agree, or, failing such agreement, as the Lord Ordinary may order:  

Provided always that any evidence led shall not be taken down in shorthand and recorded unless the parties so agree.
- (3) The Lord Ordinary may, on cause shown, hear and determine in chambers any dispute or question submitted for his decision under this section.
- (4) The Lord Ordinary shall pronounce any decree which he may deem necessary to enable his decision of a dispute or question under this section to be carried into effect.
- (5) Any decree or interlocutor of the Lord Ordinary in any proceedings under this section shall be final and binding on the parties and shall not be subject to review by reclaiming note or otherwise.
- (6) It shall be competent to the parties to any cause in dependence in the Outer House not affecting the status of any person, to agree by joint minute, or in such other manner

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*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice (Scotland) Act 1933, Section 10. (See end of Document for details)*

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as may be prescribed, that the provisions of this section shall apply to such cause, and thereafter the said provisions shall apply accordingly.

- (7) Provision shall be made by Act of Sederunt under this Act for securing that causes under this section shall be disposed of with as little delay as possible.
- (8) This section shall apply to any dispute or question not effecting the status of any person which might competently be the subject of any cause in the Outer House, or which might competently have been the subject of any such cause but for the provisions of section seven of the <sup>M1</sup>Sheriff Courts (Scotland) Act 1907.

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**Modifications etc. (not altering text)**

- C1** Ss. 9–11, 13–18, 24(5) repealed (S.) by Court of Session Act 1988 (c. 36, SIF 36:1), s. 52(2), **Sch. 2 Pt. I** (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)
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**Marginal Citations**

- M1** 1907 c. 51.

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