



Exchequer Court (Scotland) Act 1856

CHAPTER 56

EXCHEQUER COURT (SCOTLAND) ACT 1856

- I The Court of Session to be the Court of Exchequer in Scotland.
- II One of the Lords Ordinary in the Court of Session to be Lord Ordinary in Exchequer Causes.
- III Lord Ordinary in Exchequer Causes may act in Vacation as well as during Session; and in his Absence any other Lord Ordinary may act in his Room.
- IV Clerks to the Lord Ordinary in Exchequer Causes to be Clerks in such Causes; and additional Salary granted.
- V Exchequer Causes maybe commenced by Subpoena.
- VI Subpoena to be called in Court as a Summons, and Procedure thereon.
- VII Form of Information in Causes commenced by Subpoena.
- VIII Special Case may be lodged where Parties agreed upon the Facts.
- IX Procedure in Cases commenced by Subpoena, so far as not expressly provided, how to be regulated.
- X Proceedings may be commenced by Summons in place of Subpoena; and Procedure under Summons, to be the same as in Ordinary Court of Session Cases.
- XI Procedure in Cases of Seizure.
- XII Procedure in lieu of Writs of Capias, &c.
- XIII Procedure in lieu of Writs of the Pipe.
- XIV Procedure in lieu of Injunction.
- XV Procedure in lieu of Mandamus.
- XVI Procedure on Affidavit of Danger.
- XVII Procedure in lieu of Writs of Habeas and Certiorari.
- XVIII As to Performance of certain Duties of Court of Exchequer heretofore performed under 10 & 11 Vict. c.51.
- XIX Duties of Court of Exchequer in Appointment of Tutors Dative to be performed by Inner Houses of Session.

- XX Interlocutors in Exchequer Causes may be reclaimed against, and appealed, as if pronounced in ordinary Court of Session Causes.
- XXI Suspension, where competent, to be by Note in the Bill Chamber in common Form; and when Note passed Case to depend before Lord Ordinary in Exchequer Causes.
- XXII The Lord Advocate to sue and be sued on behalf of Her Majesty.
- XXIII Privilege of Audience preserved to the Crown.
- XXIV Costs may be given for and against the Crown.
- XXV Exchequer Causes to have Precedence of all others.
- XXVI Sittings of the Court of Session to be held to correspond with existing Exchequer Terms.
- XXVII Certified Copies of Interlocutors, equivalent to Extracts, except in order to Diligence.
- XXVIII Minute Book dispensed with as to Extracts of Exchequer Decrees; such Extracts to have Priority in the Extractor's Office; and such Extracts, and also Extracts of registered Bonds to Her Majesty, to be in ordinary Form; except that Warrant to charge to be in Form scheduled.
- XXIX Exchequer Decrees to be put in Execution by Sheriffs.
- XXX Sheriff may arrest on Extract Decree; and such Arrestment shall transfer to the Crown the arrested Fund.
- XXXI Sheriff may charge Crown Debtor on Extract Decree; Execution of Charge to be in Form scheduled.
- XXXII Sheriff may Poind on Extract Decree. Poinding to be in ordinary Form ; Except that Poinded Effects may be taken possession of; and, if no Offerer at Sale, Sheriff to retain them on Behalf of the Crown.
- XXXIII On Expiration of Charge, Sheriff may record the Extract and Execution of Charge.
- XXXIV After Execution of Charge recorded, Sheriff may issue Warrant to imprison.
- XXXV Sheriff may seize Books of Crown Debtor under Extract Decree.
- XXXVI Effects of deceased Crown Debtor may be attached by Arrestment or Poinding.
- XXXVII Bonds, &c. heretofore taken by Court of Exchequer may be taken by Sheriffs, &c.
- XXXVIII Bonds to Her Majesty to be held as containing a Clause of Registration.
- XXXIX Where a Bond to Her Majesty is not for a specific Sum, Sum may be supplied by an Account stated and certified, on which Diligence may proceed.
- XL Provision for recovering in Scotland Duties accruing in other Parts of the United Kingdom.
- XLI Jurisdiction of Sheriffs and Justices in Exchequer Cases saved.
- XLII Preference of Crown over other Creditors not to be affected.
- XLIII Section 3 of 16 Vict. c.20 not to extend to Revenue Cases.
- XLIV Lord President, Lord Advocate, and Lord Ordinary in Exchequer Causes empowered to make Orders and Regulations to facilitate Procedure.
- XLV Offices of Attornies, or Sworn Clerks and Macers in Exchequer, &c., abolished.
- XLVI Power to Treasury to grant Compensations for Loss of Office.
- XLVII Interpretation of certain Terms.
- XLVIII Repeal of certain Laws, &c.
- XLIX Commencement of Act.

SCHEDULE A — SUBPOENA

SCHEDULE B — Informations

SCHEDULE C — Verdict

SCHEDULE D — Appraisement of Seizure

SCHEDULE E — Claim for Seizure

SCHEDULE F — Note of Appeal

SCHEDULE G — Warrant to be subjoined to Extracts of Exchequer Decrees in
favour of the crown

SCHEDULE H — Execution of Charge against Crown Debtor

SCHEDULE I — Certificate of Registration of Execution of Charge in Sheriff
Court

SCHEDULE K — Warrant to imprison

SCHEDULE L — Execution of Seizure of Books and Papers of Crown Debtor

SCHEDULE M — Certificate of Officer of Revenue to stated Account