



Exchequer Court (Scotland) Act 1856

1856 CHAPTER 56 19 and 20 Vict

[^{F1}28 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 bond to Her Majesty, to be in ordinary form; except that warrant to charge to be in form scheduled.

All decrees to be pronounced under this Act by either division of the Court of Session, sitting as the Court of Exchequer, shall be extracted by the extractor of the Court of Session, without abiding the expiration of the days of the minute book, which are hereby dispensed with; and such extractor shall give to all extracts in Exchequer causes preference and priority in the preparation thereof over all other business in his office; and such extracts, and also the extracts of all decrees proceeding upon bonds or other obligations to Her Majesty on which execution may competently proceed, registered in the books of council and session or in the books of any sheriff court, shall be, as nearly as may be in ordinary form, so far as such form may be consistent with the provisions of this Act; except that in the case of extracts of decrees proceeding upon bonds and other obligations to Her Majesty, registered as aforesaid, and also in the case of extracts of such decrees as aforesaid decerning for payment of any penalty, duty, or debt due to Her Majesty, the extractor shall insert in the extract a warrant to [^{F2}sheriff's principal] to charge and execute diligence, in terms as nearly as may be of the schedule G hereunto annexed, in lieu of the warrant to charge and for diligence in use in ordinary cases; and such extract shall be a sufficient warrant to any messenger-at-arms or sheriff officer to execute charge, arrestment, and poiding in terms thereof.]

Textual Amendments

- F1** Ss. 15, 16, 19–23, 25–28 repealed (S.) by [Court of Session Act 1988](#) (c. 36, SIF 36:1), s. 52(2), [Sch. 2 Pt.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)
- F2** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971](#) (c. 58), s. 4

Changes to legislation:

There are currently no known outstanding effects for the Exchequer Court (Scotland) Act 1856, Section 28.