



Law Reform (Miscellaneous Provisions) (Scotland) Act 1980

1980 CHAPTER 55

Miscellaneous

17 Power of judges to act as arbiters.

[^{F1}(1) A Senator of the College of Justice may, if in all the circumstances he thinks fit, accept appointment as arbiter, or as oversman, by or by virtue of an arbitration agreement where the dispute appears to him to be of commercial character:

Provided that he shall not accept such appointment unless the Lord President of the Court of Session has informed him that, having regard to the state of business in that court, he can be made available to do so.

(2) The fees payable for the services of a Senator of the College of Justice as arbiter or oversman shall be—

- (a) payable in the Court of Session ; and
- (b) of such amount as the [^{F2}Scottish Ministers may] by order made by statutory instrument prescribe.

(3) Any jurisdiction which is exercisable, other than under the ^{M1} Arbitration (Scotland) Act 1894, by the Court of Session in relation to arbiters and oversmen shall in relation to a Senator of the College of Justice appointed as arbiter or oversman be exercisable by the Inner House of that court.

(4) In section 6 of the said Act of 1894 (interpretation), at the end there shall be added the words—

“: except that where—

- (a) any arbiter appointed is; or
- (b) in terms of the agreement to refer to arbitration an arbiter or oversman to be appointed must be,

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Cross Heading: Miscellaneous. (See end of Document for details)

a Senator of the College of Justice, “the court” shall mean the Inner House of the Court of Session.”

- (5) An order under subsection (2)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** S. 17 repealed (7.6.2010 other than for the purposes of statutory arbitration) by [Arbitration \(Scotland\) Act 2010 \(asp 1\)](#), ss. 29, 35(2), **Sch. 2** (with ss. 30, 34, 36); S.S.I. 2010/195, **art. 2** (with art. 3)
- F2** Words in s. 17(2)(b) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 66**; S.I. 1998/3178, **art. 3**

Modifications etc. (not altering text)

- C1** The text of ss. 2(3), 4, 5, 7–10, 13–16, 17(4), 19, 21, 22(1)(a)(b)(d), 24, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1894 c. 13.

18 Interest on awards of compensation by Lands Tribunal for Scotland.

A sum awarded as compensation by the Lands Tribunal for Scotland may, if the Tribunal so determine, carry interest as from the date of the award at the same rate as would apply, (in the absence of any such statement as is provided for in ^{M2}Rule 66 of the Act of Sederunt (Rules of Court, consolidation and amendment) 1965), in the case of a decree or extract in an action commenced on that date in the Court of Session if interest were included in or exigible under that decree or extract:

Provided that this section shall not affect—

- (a) any existing enactment or rule of law whereby and in accordance with which a sum so awarded may carry interest ;
- (b) any case in which the hearing has begun before the coming into force of this section.

Marginal Citations

- M2** S.I. 1965 No. 321.

^{F3}19 Vexatious litigants.

Textual Amendments

- F3** S. 19 repealed (28.11.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Relevant Officer and Consequential Provisions\) Order 2016 \(S.S.I. 2016/387\)](#), art. 1, **sch. 2 para. 1**

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Cross Heading: Miscellaneous. (See end of Document for details)

20 Jurisdiction in actions for reduction.

The Court of Session shall have jurisdiction to entertain an action for reduction of any decree granted by a Scottish court whether or not the Court would have jurisdiction to do apart from this section and whether the decree was granted before or after the coming into force of this section.

21 Liability for offences committed by clubs.

F4

Textual Amendments

F4 S. 21 repealed (1.9.2009 at 5.00 a.m.) by Licensing (Scotland) Act 2005 (asp 16), ss. 149, 150(2), Sch. 7 (with s. 143); S.S.I. 2007/472, art. 3

22 Amendment of Marriage (Scotland) Act 1977.

- (1) In the ^{M3} Marriage (Scotland) Act 1977—
- (a) in section 6(5) (restriction as to date and place of religious marriage), for the words “13(3)” there shall be substituted the words “ 23A ”;
 - (b) in section 8(1) (persons who may solemnise marriages), at the beginning there shall be inserted the words “Subject to section 23A of this Act,”;
 - (c) in section 13 (preliminaries to solemnisation of religious marriages), subsections (2) and (3), which in so far as they are not inconsistent with the provisions inserted in the said Act or 1977 by paragraph (d) below are superceded by those provisions, shall cease to have effect;
 - (d) after section 23 there shall be inserted the following section —

“23A Validity of registered marriage.

- (1) Subject to sections 1 and 2 of, and without prejudice to section 24(1) of, this Act, where the particulars of any marriage at the ceremony in respect of which both parties were present are entered in a register of marriages by or at the behest of an appropriate registrar, the validity of that marriage shall not be questioned, in any legal proceedings whatsoever, on the ground of failure to comply with a requirement or restriction imposed by, under or by virtue of this Act.
 - (2) In subsection (1) above, “appropriate registrar” means—
 - (a) in the case of a civil marriage, an authorised registrar; and
 - (b) in any other case, a district registrar.”
- (2) The said Act of 1977 shall be deemed for all purposes to have effect as if it had originally been enacted as amended by subsection (1) above.

Modifications etc. (not altering text)

C2 The text of ss. 2(3), 4, 5, 7–10, 13–16, 17(4), 19, 21, 22(1)(a)(b)(d), 24, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Cross Heading: Miscellaneous. (See end of Document for details)

Marginal Citations

M3 1977 c. 15.

23 Amendment of Prescription and Limitation (Scotland) Act 1973.

In the ^{M4} Prescription and Limitation (Scotland) Act 1973—

(a) after section 19 there shall be inserted the following section —

“19A Power of court to override time-limits etc.

- (1) Where a person would be entitled, but for any of the provisions of section 17 (as read with sections 18 and 19) of this Act, to bring an action, the court may, if it seems to it equitable to do so, allow him to bring the action notwithstanding that provision.
- (2) The provisions of subsection (1) above shall have effect not only as regards rights of action accruing after the commencement of this section but also as regards those, in respect of which a final judgment has not been pronounced, accruing before such commencement.
- (3) In subsection (2) above, the expression “final judgment” means an interlocutor of a court of first instance which, by itself, or taken along with previous interlocutors, disposes of the subject matter of a cause notwithstanding that judgment may not have been pronounced on every question raised of that the expenses found due may not have been modified, taxed or decerned for; but the expression does not include an interlocutor dismissing a cause by reason only of a provision mentioned in subsection (1) above.”;

(b) ^{F5}

Textual Amendments

F5 S. 23(b)(c)(d) repealed by [Prescription and Limitation \(Scotland\) Act 1984 \(c. 45, SIF 97\)](#), s. 6(2), [Sch. 2](#)

Modifications etc. (not altering text)

C3 The text of ss. 23, 25, 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M4 1973 c. 52.

24 Solicitors’ Discipline Tribunal.

In the ^{M5} Solicitors (Scotland) Act 1980—

- (a) in section 53 (powers of Scottish Solicitors’ Discipline Tribunal)—
 - (i) in subsection (2)(c) for the words “£250” there shall be substituted the words “£2,500 ”; and
 - (ii) at the end there shall be added the following subsection—

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Cross Heading: Miscellaneous. (See end of Document for details)

“(8) The Secretary of State may, by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, amend paragraph (c) of subsection (2) by substituting for the amount for the time being specified in that paragraph such other amount as appears to him to be justified by a change in the value of money.”;

- (b) in Schedule 4, Part I (constitution of the tribunal)—
- (i) in paragraph 1(a), for “5” and “7” there shall be substituted, respectively, “ 10 ” and “ 14 ”;
 - (ii) in paragraph 1(b), for the word “two” there shall be substituted “ 4 ”; and
 - (iii) in paragraph 2 for the words “on the recommendation of the Council shall be eligible for re-appointment” there shall be substituted the words
“in the case—
 - (a) of a lay member, may be re-appointed by the Lord President; and
 - (b) of a solicitor member, may be so re-appointed on the recommendation of the Council”.

Modifications etc. (not altering text)

C4 The text of ss. 2(3), 4, 5, 7–10, 13–16, 17(4), 19, 21, 22(1)(a)(b)(d), 24, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M5 1980 c. 46.

25 Solicitors’ clients’ accounts.

- (a) in section 36(1) (interest on client’s money)—
- (i) the word “either” shall cease to have effect;
 - (ii) after paragraph (a) there shall be inserted the following paragraph—
 - “(aa) to keep in—
 - (i) a deposit or share account with a designated building society; or
 - (ii) an account showing sums on loan to a local authority,
being in either case an account kept by the solicitor in his own name for a specified client, money so received; or”;
 - (iii) in paragraph (b) after the words “paragraph (a)”, there shall be inserted the words “ or (aa) ”;
- (b) in section 42(3) (exceptions to provisions regarding distribution of sums in client’s bank account), at the end there shall be added the words
“; nor shall any regard be had for such purposes to any—

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Cross Heading: Miscellaneous. (See end of Document for details)

- (a) deposit or share account with a designated building society;
or
- (b) account showing sums on loan to a local authority,
being in either case an account kept by the solicitor in his own name
for a specified client.”; and

(c) F6

Textual Amendments

F6 S. 25(c) repealed by Solicitors (Scotland) Act 1988 (c. 42, SIF 76:2), s. 6(2)(3), Sch. 2

Modifications etc. (not altering text)

C5 The text of ss. 23, 25, 28 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

26 F7

Textual Amendments

F7 S. 26 repealed by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), ss. 43, 45, Sch. 4 para. 3(1), Sch. 5

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Cross Heading: Miscellaneous.