



Court of Session Act 1988

CHAPTER 36

COURT OF SESSION ACT 1988

PART I

CONSTITUTION AND ADMINISTRATION OF THE COURT

- 1 Number of judges of Court
- 2 Composition of Court
- 3 Exchequer causes
- 4 Power of judges to act in cases relating to rates and taxes

PART II

GENERAL POWERS OF THE COURT IN RELATION TO PROCEDURE

- 5 Power to regulate procedure etc. by act of sederunt
- 6 Allocation of business etc. by act of sederunt
- 7 Fees on remit to accountants etc
- 8 Rules Council

PART III

ORDINARY ACTIONS

Proof

- 9 Allowing of proof by Lord Ordinary
- 10 Evidence on commission in Outer House
- 11 Jury actions

Trial by jury

- 12 Summoning of jury

Status: This is the original version (as it was originally enacted).

- 13 Selection of jury
- 14 Application for view by jury
- 15 Illness or death of juror during trial
- 16 Trial to proceed despite objection to opinion and direction of judge
- 17 Return of verdict

Judgment

- 18 Lord Ordinary's judgment final in Outer House

PART IV

OTHER CAUSES

Consistorial causes

- 19 Lord Advocate as party to action for nullity of marriage or divorce
- 20 Orders with respect to children

Exchequer causes

- 21 Exchequer causes to have precedence
- 22 Lord Advocate to sue and be sued on behalf of the Crown
- 23 Lord Advocate may be heard last
- 24 Appeal to House of Lords

Petitions

- 25 Disposal of petitions initiated in Outer House

Summary trials

- 26 Summary trials

Special cases

- 27 Special cases

PART V

APPEAL AND REVIEW

Reclaiming

- 28 Reclaiming

Review in jury actions

- 29 Application for new trial
- 30 Restrictions on granting of application for new trial
- 31 Verdict may be returned subject to opinion of Inner House on point reserved

Appeals and transmissions from sheriff

- 32 Appeals
- 33 Transmissions from sheriff to Court on ground of contingency

Review by suspension

- 34 Suspension of decrees of Court granted in absence
- 35 Suspension of sheriff court decree

Rehearing and additional proof in Inner House

- 36 Rehearing by larger court of causes pending in Inner House
- 37 Additional proof ordered by Inner House
- 38 Evidence on commission in Inner House

Judgment in Inner House

- 39 Inner House judgment final in Court of Session

Appeals to House of Lords

- 40 Appealable interlocutors
- 41 Interim possession, execution and expenses
- 42 House of Lords may make order on payment of interest
- 43 Interest and expenses where appeal dismissed for want of prosecution

PART VI

MISCELLANEOUS PROVISIONS

- 44 Selection of judges for trial of election petitions
- 45 Restoration of possession and specific performance
- 46 Specific relief may be granted in interdict proceedings
- 47 Interim interdict and other interim orders
- 48 Limited right of audience of solicitor before the Court
- 49 Subscription of bill for letters of inhibition
- 50 Copy of interlocutor granting commission and diligence to be equivalent to formal extract

PART VII

SUPPLEMENTARY

- 51 Interpretation
- 52 Consequential amendments, repeals and savings
- 53 Short title, commencement and extent

SCHEDULES

SCHEDULE 1 — Minor Amendments

The Jury Trials (Scotland) Act 1815 (c. 42)

- 1 In section 20 (common jury summons)— (a) for the words...

The Sheriff Courts (Scotland) Act 1907 (c. 51)

- 2 After section 38A there shall be inserted the following— Consistorial...

SCHEDULE 2 — Repeals

Part I — ENACTMENTS REPEALED

Status: This is the original version (as it was originally enacted).

Part II — REPEALED ENACTMENTS WHICH ARE RE-ENACTED
Part III — REPEALED ENACTMENTS WHICH ARE NOT RE-ENACTED