



Court of Session Act 1988

1988 CHAPTER 36

PART VI

MISCELLANEOUS PROVISIONS

45 Restoration of possession and specific performance.

The Court may, on application by summary petition—

- (a) order the restoration of possession of any real or personal property of the possession of which the petitioner may have been violently or fraudulently deprived; and
- (b) order the specific performance of any statutory duty, under such conditions and penalties (including fine and imprisonment, where consistent with the enactment concerned) in the event of the order not being implemented, as to the Court seem proper.

Modifications etc. (not altering text)

- C1** S. 45 applied by [Food Safety Act 1990](#) (c. 16, SIF 53:1, 2), [s. 40\(3\)](#)
S. 45 applied (2.10.2000) by [2000 c. 23, ss. 11\(8\)](#), 12(7) (with s. 82(3)); S.I. 2000/2543, [art. 3](#)
S. 45 applied (26.11.2001) by [S.I. 2001/3755](#), reg. 13, [Sch. 2 para. 7\(1\)](#) (with regs. 39, 45)
S. 45 applied (14.12.2001) by [2001 c. 24, s. 104\(7\)](#), 127(2)(g)
S. 45 applied (5.1.2004) by [2000 c. 23, ss. 22\(8\)](#), 83(2) (with s. 82(3)); S.I. 2003/3140, [art. 2\(a\)](#)
- C2** S. 45 applied (17.2.2003 for certain purposes, otherwise 1.4.2003) by [1999 c. 33, ss. 25\(5\)\(b\)](#), 170(4); [S.I. 2003/2, art. 2](#), Sch.
- C3** S. 45 applied (6.4.2005) by [Pensions Act 2004](#) (c. 35), [ss. 71\(10\)](#), 322(1) (with s. 313); S.I. 2005/275, [art. 2\(7\)](#), Sch. Pt. 7
- C4** S. 45 applied (11.1.2006) by [The Food Hygiene \(Scotland\) Regulations 2006](#) (S.S.I. 2006/3), [reg. 24\(4\)](#)
- C5** S. 45 applied (6.4.2008) by [Companies Act 2006](#) (c. 46), [ss. 1249\(3\)](#), 1300; S.I. 2007/3495, [art. 3\(1\)\(u\)](#) (with Sch. 4 paras. 37-42)
- C6** S. 45 applied (6.4.2009) by [The Data Retention \(EC Directive\) Regulations 2009](#) (S.I. 2009/859), [reg. 10\(6\)](#)

Changes to legislation: Court of Session Act 1988, Section 45 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- C7** S. 45 applied (30.11.2021) by The Green Gas Support Scheme Regulations 2021 (S.I. 2021/1335), regs. 1(1), **53(8)(b)**
- C8** S. 45 applied (31.12.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(3), **Sch. 11 para. 120(8)**; S.I. 2023/1382, reg. 8(b)
- C9** S. 45(b) applied (3.4.2000) by 1999 c. 33, s. **101(5)**; S.I. 2000/464, art. 2, **Sch. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) added by [2024 asp 1 s. 7\(13\)](#)