



# Jury Trials (Scotland) Act 1815

1815 CHAPTER 42 55 Geo 3

## 7 Exception may be taken.

It shall be competent to the counsel for any party, at the trial of any issue or issues, to except to the opinion and direction of the judge or judges before whom the same shall be tried, either as to the competency of witnesses, the admissibility of evidence, or other matter of law arising at the trial, and, on such exception being taken, the same shall be put in writing by the counsel for the party objecting, and signed by the judge or judges; but notwithstanding the said exception the trial shall proceed, and the jury shall give a verdict therein for the pursuer or defender, and assess damages when necessary; and after the trial of every such issue or issues the judge who presided shall forthwith present the said exception, with the order or interlocutor directing such issue or issues and a copy of the verdict of the jury indorsed thereon, to the division by which the said issue or issues were directed, which division shall thereupon order the said exception to be heard in presence on or before the fourth sederunt day thereafter; and in case the said division shall allow the said exception, they shall direct another jury to be summoned for the trial of the said issue or issues, or if the exception shall be disallowed, the verdict shall be final and conclusive as herein-after mentioned: Provided always, that it shall be competent to the party against whom any interlocutor shall be pronounced on the matter of the exception to appeal from such interlocutor to the House of Lords, attaching a copy of the exception to the petition of appeal, certified by one of the clerks of session; so as such appeal shall be presented to the House of Lords within fourteen days after the interlocutor shall have been pronounced, if Parliament shall be then sitting, or if Parliament shall not be sitting, then within eight days after the commencement of the next session of Parliament, but not afterwards; and so as the proceedings on such appeal do conform in all respects to the rules and regulations established respecting appeals; and every such appeal shall be appointed to be heard on or before the fourth cause day after the time limited for laying the printed cases in such appeal upon the table of the House of Lords; and upon the hearing of such appeal the House of Lords shall give such judgment regarding the farther proceedings, either by directing a new trial to be had, or otherwise, as the case may require.

**Changes to legislation:**

There are currently no known outstanding effects for the Jury Trials (Scotland) Act 1815, Section 7.