



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

III.—CALLING AND DECREE IN ABSENCE

24 Certain decrees in absence to have effect as decrees in foro.

Where a decree upon which a charge is competent shall have been pronounced in absence of a defender after personal service of the summons on such defender or after the entering of appearance for such defender, with his authority and such decree shall not have been recalled in virtue of the provision to that effect herein-before contained, such decree after extract, and upon the lapse of sixty days after the expiry of a charge upon it not brought under review by suspension, shall be entitled to all the privileges of a decree in foro against such defender; and a decree of declarator, or any other decree on which a charge is not competent, obtained in absence after such personal service or appearance as aforesaid, shall be final after the lapse of twenty years from its date, unless the same shall before that time have been lawfully recalled or brought under review by suspension or reduction.

Modifications etc. (not altering text)

- C1** Ss. 15–44 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt.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)
- C2** S. 24 excluded by [Conveyancing Amendment \(Scotland\) Act 1938 \(c. 24\)](#), s. 6(4) and [Land Tenure Reform \(Scotland\) Act 1974 \(c. 38\)](#), s. 9(7)

Changes to legislation:

There are currently no known outstanding effects for the Court of Session Act 1868, Section 24.