



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

VIII.—ACCOUNTINGS, SUSPENSIONS, AND SUMMARY PETITIONS

91 Questions of possession or specific performance may be presented in the form of a summary petition.

It shall be lawful for the Court, upon application by summary petition, to order the restoration of possession of any real or personal property of the possession of which the petitioner may have been violently or fraudently deprived, and also to order the specific performance of any statutory duty, under such conditions and penalties, (including fine and imprisonment, where consistent with the Statute,) in the event of the order not being implemented, as to the Court shall seem proper; and such petitions may be presented to any Lord Ordinary, or, in time of vacation or recess, to the Lord Ordinary on the Bills, who shall proceed therein as justice may require; and any such petition presented to the Lord Ordinary on the Bills may, after the ordinary sittings of the Court have commenced, be transferred to one of the Lords Ordinary in the Outer House in manner herein-before provided with respect to Bill Chamber proceedings.

Modifications etc. (not altering text)

- C1 Ss. 50–101 repealed (S.) by Court of Session Act 1988 (c. 36, SIF 36:1), s. 52(2), Sch. 2 Pt.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. 91 extended by Harbours, Piers and Ferries (Scotland) Act 1937 (c. 28), s. 22(4), S.I. 1955/1752 (1955 I, p. 778), reg. 43(2), Housing and Town Development (Scotland) Act 1957 (c. 38), s. 16(3)(b), Road Traffic Regulation Act 1967 (c. 76), ss. 62(2), 69(6), Rent (Control of Increases) Act 1969 (c. 62), s. 4(3), Civil Aviation Act 1971 (c. 75), s. 29(6), Town and Country Planning (Scotland) Act 1972 (c. 52), s. 260(7) and Finance Act 1975 (c. 7), s. 29, Sch. 6 Pt. I para. 13(6)

Changes to legislation:

There are currently no known outstanding effects for the Court of Session Act 1868, Section 91.