



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

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

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

Changes to legislation: Court of Session Act 1988 is up to date with all changes known to be in force on or before 25 February 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

Trial by jury

- 12 Summoning of jury.
- 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.

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- 18 Lord Ordinary's judgment final in Outer House.

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- 19 Lord Advocate as party to action for nullity of marriage or divorce.
- 20 Other Causes

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- 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.
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- 25 Disposal of petitions initiated in Outer House.

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- 26 Summary trials.

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- 27 Special cases.

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- 27A Time limits
- 27B Requirement for permission
- 27C Oral hearings where permission refused, etc.
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PART V

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- 28 Reclaiming.

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- 29 Application for new trial.
- 30 Restrictions on granting of application for new trial.

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- 31 Verdict may be returned subject to opinion of Inner House on point reserved.
- 31A Power to provide for single judge of Inner House to determine leave or permission and assess grounds of appeal

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

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

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- 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.

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- 39 Inner House judgment final in Court of Session.

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- 40 Appeals to the Supreme Court
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- 41 Interim possession, execution and expenses.
- 42 Supreme Court may make order on payment of interest.
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PART VI

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- 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.
- 47A Power to grant warrant for ejection
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- 49 Subscription of bill for letters of inhibition.
- 50 Copy of interlocutor granting commission and diligence to be equivalent to formal extract.

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

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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

Part II — REPEALED ENACTMENTS WHICH ARE RE-ENACTED

Part III — REPEALED ENACTMENTS WHICH ARE NOT RE-ENACTED

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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\(13\)](#)