



Court of Session Act 1821

1821 CHAPTER 38

XXXII Office of Auditor of the Court of Session to be made permanent. During temporary Indisposition, &c. a Person to be appointed to discharge the Duties of Auditor.

And whereas the Office of Auditor of Accounts in the Court of Session was established by Acts of Sederunt of the Lords of Council and Session, and the Fees payable to and exigible by the Auditor were afterwards regulated and established by the aforesaid Act passed in the Fiftieth Year of the Reign of His late Majesty, by which it was provided, that in the Event of there being an Auditor of each Division, such Fees should be equally divided between the Two Auditors: And whereas the said Office has been found useful and beneficial; be it therefore enacted, That the said Office of Auditor of Accounts shall hereafter be and remain a permanent Office in the Court of Session, and the Person at present filling the said Office shall continue to hold the same, *ad vitam aut culpam*, with Power nevertheless to His Majesty, His Heirs and Successors, to appoint another Auditor of Accounts, so that there may be an Auditor of Accounts for each Division whenever it shall be certified to His Majesty, His Heirs and Successors, by the Lord President of the Court of Session and the Lord Justice Clerk, that in the Opinion of the Court the due Dispatch of the Business of the said Office shall require that there shall be Two such Auditors, every such Auditor being a fit and proper Person, who shall have practised for not less than Three Years as a Writer to the Signet, or as a Member of the Incorporation of Solicitors before the Supreme Courts in *Scotland*; and every Person filling the said Office shall, in virtue of his Appointment, be a Member of the College of Justice, and shall hold the same, *ad vitam aut culpam*; and that upon every Vacancy in the said Office, by Death, Resignation, or otherwise, it shall be lawful to His Majesty, His Heirs and Successors, to nominate and appoint a fit and proper Person, of the Description aforesaid, to supply such Vacancy; and no Person holding the said Office shall under Pain of Deprivation of Office practise either directly or indirectly as an Agent before the said Court of Session; Provided always, that in the Event that Two Auditors of Accounts shall be appointed, it shall and may be lawful for the Court of Session, and such Court is hereby empowered by an Act or Acts of Sederunt, to regulate the Manner in which the Business of the said Office shall be performed by the said Two Auditors, and the Manner in which the Fees granted by the said recited Act shall be divided between them, any thing in the said recited Act to the contrary notwithstanding: Provided further, that a Copy of every such Act of

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Sederunt shall be transmitted by the President of the Court of Session to His Majesty's Secretary of State for the Home Department, who shall cause a Copy thereof to be laid before each House of Parliament, at or immediately after the Commencement of the then next Session ; and upon the Expiration of Three Calendar Months after the First Day of such Session, but not sooner, such Act of Sederunt shall become in force in the same Manner as if the Regulations prescribed therein had been made by the Authority of Parliament: Provided nevertheless, that in case the present Auditor or any Auditor henceforth to be appointed, shall be unable to discharge the Duties of the said Office, by reason of temporary Indisposition or Absence, it shall and may be lawful for the said Court to appoint a fit and proper Person, though continuing to practise as an Agent before that Court, to discharge the Duties of such Auditor during the Period of such temporary Indisposition or Absence.