



# Court Of Session Act 1830

## 1830 CHAPTER 69 11 Geo 4 and 1 Will 4

An Act for uniting the Benefits of Jury Trial in Civil Causes with the ordinary Jurisdiction of the Court of Session, and for making certain other Alterations and Reduction in the Judicial Establishments of Scotland. [23d July 1830]

### Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act repealed by [Court of Session Act 1850 \(c. 36\)](#), [s. 56](#) in so far only as it may be in any respect inconsistent or at variance with the provisions of that Act and in so far as inconsistent with Rules of Court by [S.I. 1948/1691 \(1948 I, p. 3778\)](#) and [1965/321](#)
- C3 [Preamble \(which recites Jury Trials \(Scotland\) Act 1815 \(c. 42\), Jury Trials \(Scotland\) Act 1819 \(c. 35\) and Court of Session Act 1825 \(c. 120\)\)](#) omitted under authority of [Statute Law Revision Act 1890 \(c. 33\)](#)

1—3. .... F1

### Textual Amendments

- F1 [Ss. 1–3, 9, 11, 15, 16, 19](#) repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), [s. 52\(2\)](#), [Sch. 2 Pt. I](#)

4 ..... F2

### Textual Amendments

- F2 [S. 4](#) repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

5—7. .... F3

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**Textual Amendments**

**F3** Ss. 5–7 repealed by [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#), **Sch.**

**8** ..... **F4**

**Textual Amendments**

**F4** S. 8 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**9** ..... **F5**

**Textual Amendments**

**F5** Ss. 1–3, 9, 11, 15, 16, 19 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I**

**10** ..... **F6**

**Textual Amendments**

**F6** S. 10 repealed by [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#), **Sch.**

**11** ..... **F7**

**Textual Amendments**

**F7** Ss. 1–3, 9, 11, 15, 16, 19 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I**

**12** ..... **F8**

**Textual Amendments**

**F8** S. 12 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**13, 14.** ..... **F9**

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**Textual Amendments**

**F9** Ss. 13, 14 repealed by [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#), **Sch.**

**15, 16.** ..... **F10**

**Textual Amendments**

**F10** Ss. 1–3, 9, 11, 15, 16, 19 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I**

**17** ..... **F11**

**Textual Amendments**

**F11** S. 17 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**F12** **18** .....

**Textual Amendments**

**F12** S. 18 repealed (S.)(1.4.1996) by [1995 c. 40, ss. 6, 7\(2\)](#), **Sch. 5** (with Sch. 3 para. 1)

**19** ..... **F13**

**Textual Amendments**

**F13** Ss. 1–3, 9, 11, 15, 16, 19 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I**

**20** ..... **F14**

**Textual Amendments**

**F14** S. 20 repealed by [Administration of Justice \(Scotland\) Act 1948 \(12, 13 & 14 Geo. 6 c. 10\)](#), **Sch.**

**21** **Transference of Admiralty Jurisdiction.**

..... **F15** the Court of Session shall hold and exercise original jurisdiction in all maritime civil causes and proceedings of the same nature

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and extent in all respects as that held and exercised in regard to such causes by the High Court of Admiralty before the passing of this Act;.....<sup>F16</sup>

.....

**Textual Amendments**

**F15** Recital omitted under authority of and words repealed by [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)

**F16** Words repealed by [Statute Law Revision Act 1963 \(c. 30\)](#)

**22—** .....<sup>F17</sup>  
**24.**

.....

**Textual Amendments**

**F17** [Ss. 22–24](#) repealed by [Sheriff Courts \(Scotland\) Act 1907 \(c. 51\)](#), [Sch. 2](#)

**25** .....<sup>F18</sup>

.....

**Textual Amendments**

**F18** [Ss. 25, 26](#) repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**26** .....<sup>F19</sup>

.....

**Textual Amendments**

**F19** [Ss. 25, 26](#) repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**27 Sheriff clerks to act as clerks to sheriffs in maritime causes.**

The sheriff clerks of the several counties of Scotland shall respectively act as clerks to the sheriffs in maritime causes: Provided always, that neither that officer, nor any other person appointed to any office, or acquiring right to any fees or emoluments in virtue of the provisions of this Act, shall be entitled to prefer any claim to compensation in consequence of the subsequent abolition of such office or fees, or of any alteration therein.

**28** .....<sup>F20</sup>

.....

**Textual Amendments**

**F20** [S. 28](#) repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

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**[<sup>F21</sup>29 As to inferior Admiralty jurisdiction.**

All inferior Admiralty jurisdiction, not dependent upon the High Court of Admiralty, shall continue as heretofore, but the judgments of such courts shall be subject to review solely in the courts of Session and Justiciary respectively: Provided always, that nothing herein contained shall extend or be construed to extend to lessen or take away any salary or allowance now payable to the sheriff substitute of the district of the town of Leith by the commissioners of police of the said town, but the same shall continue to be paid as heretofore.]

**Textual Amendments**

**F21** S. 29 repealed (S.), so far as relating to the Court of Session, and the proviso by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#)

**30** ..... <sup>F22</sup>

**Textual Amendments**

**F22** S. 30 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#) and [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 1](#)

**31** ..... <sup>F23</sup>

**Textual Amendments**

**F23** S. 31 repealed by [Statute Law Revision Act 1890 \(c. 33\)](#)

**32** ..... <sup>F24</sup>

**Textual Amendments**

**F24** S. 32 repealed by [Sheriff Courts \(Scotland\) Act 1907 \(c. 51\)](#), [Sch. 2](#)

**33 Consistorial actions to be instituted in the Court of Session.**

[<sup>F25</sup>Subject to section 5(2B) of the Sheriff Courts (Scotland) Act 1907, all]actions of declarator of marriage, and of nullity of marriage, . . . <sup>F26</sup>, and all actions of divorce, . . . <sup>F27</sup> shall be competent to be brought and insisted on only before the Court of Session.

**Textual Amendments**

**F25** Words substituted by [Divorce Jurisdiction, Court Fees and Legal Aid \(Scotland\) Act 1983 \(c.12, SIF 47\)](#), s. 6(1), [Sch. 1 para. 1](#)

**F26** Words repealed (S.) by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), ss. 9, 10(2), [Sch. 2](#)

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**F27** Words repealed by [Sheriff Courts \(Scotland\) Act 1907 \(c. 51\)](#), **Sch. 2**

**Modifications etc. (not altering text)**

**C4** [S. 33](#) extended by [Court of Session Act 1850 \(c. 36\)](#), **s. 16** and [Matrimonial Proceedings \(Polygamous Marriages\) Act 1972 \(c. 38\)](#), **s. 2**

**34** ..... **F28**

**Textual Amendments**

**F28** [Ss. 34, 38](#) repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**35** ..... **F29**

**Textual Amendments**

**F29** [S. 35](#) repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I**

**36** ..... **F30**

**Textual Amendments**

**F30** [S. 36](#) repealed (S.) by [Civil Evidence \(Scotland\) Act 1988 \(c. 32, SIF 47\)](#), s. 10(1)(3), **Sch.**

**37** ..... **F31**

**Textual Amendments**

**F31** [Ss. 37, 40](#) repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I**

**38** ..... **F32**

**Textual Amendments**

**F32** [Ss. 34, 38](#) repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**39** ..... **F33**

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**Textual Amendments**

**F33** S. 39 repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

**40** ..... **F34**

**Textual Amendments**

**F34** Ss. 37, 40 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), **Sch. 2 Pt. I**

**41—** ..... **F35**  
**43.**

**Textual Amendments**

**F35** Ss. 41–43 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**44** ..... **F36**

**Textual Amendments**

**F36** S. 44 repealed by [Statute Law Revision Act 1890 \(c. 33\)](#)

**45** ..... **F37**

**Textual Amendments**

**F37** S. 45 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**46** ..... **F38**

**Textual Amendments**

**F38** S. 46 repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

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F39F39 SCHEDULE

**Textual Amendments**

**F39** Sch. repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

F39



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