



# Exchequer Court (Scotland) Act 1856

1856 CHAPTER 56 19 and 20 Vict

**38 Bonds to Her Majesty to be held as containing a clause of registration.**

All bonds or obligations granted or that may be granted to Her Majesty, in the form heretofore in use in the Court of Exchequer in Scotland, shall be deemed and taken to be probative documents, and shall have all the like privileges, operation, and effects as if duly executed and attested according to the law of Scotland; and all bonds or obligations, granted or that may be granted to Her Majesty, albeit not containing any clause of registration, shall be capable of registration in the books of council and session, or other judges books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like manner as if a formal clause of registration had been contained therein; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration: Provided, that where any such bond or obligation shall be for a penal sum, stipulated to be paid in the event of payment not being duly made of a smaller sum of money conditioned in such bond or obligation, diligence and execution shall proceed on the extract of such bond or obligation only for payment of such smaller sum conditioned as aforesaid, with such interest and expenses as may be due thereon.

**Changes to legislation:**

There are currently no known outstanding effects for the Exchequer Court (Scotland) Act 1856, Section 38.