



Exchequer Court (Scotland) Act 1856

1856 CHAPTER 56

XXII The Lord Advocate to sue and be sued on behalf of Her Majesty.

All Causes which shall be brought on the Behalf of the Crown in Terms of this Act shall be at the Instance of the Lord Advocate on the Behalf of Her Majesty ; and it shall be competent for any Person alleging any Ground of Action against the Crown, which at the Date of the passing of this Act was cognizable by the Court of Exchequer as at present constituted, to call the Crown, by calling the Lord Advocate as Defender or Respondent on the Behalf of Her Majesty; and all Interlocutors or Decrees which shall be pronounced in any such Cause shall be binding upon Her Majesty and Her Royal Successors as upon the other Parties thereto ; and where in any such Cause any Decree shall be obtained against the Lord Advocate on the Behalf of Her Majesty, Payment of any Money contained in such Decree shall be made, and such Decree shall be otherwise implemented by the Commissioners of Her Majesty's Treasury, or by such Board of Revenue or other Department as in the Opinion of the Lord Advocate ought properly to make such Payment or Implement ; and the Person obtaining such Decree shall be entitled to demand from the Lord Advocate a Certificate of his Opinion accordingly, but shall not be entitled to put such Decree in farther Execution against the Lord Advocate.