



Church of Scotland Courts Act 1863

1863 CHAPTER 47 26 and 27 Vict

4 Church court may appoint a person to dictate the evidence of witnesses, or appoint a shorthand writer to take it down.

Where in any cause depending before a Presbytery or other superior court of the Church a proof shall have been allowed, it shall be lawful and competent for such court to appoint a qualified person being an advocate, writer to the signet, solicitor before the Supreme Courts, or a procurator duly entered as a practitioner in any sheriff court in Scotland, of not less than three years standing, to sit with them for the purpose of dictating to the clerk of court the evidence given by the witnesses examined in the course of the proof; and the oath de fidei administratione officii shall be administered by the moderator to any person so appointed; and it shall be lawful and competent for such court, if it see fit, to appoint the evidence of the witnesses examined in the course of such proof to be taken down by a writer skilled in shorthand writing, to whom the oath de fidei administratione officii shall be administered; and the said shorthand writer shall afterwards, and within such time as may be fixed by the court, write out in full the evidence so taken down by him in shorthand; and the extended notes, so written out, certified by the moderator and clerk of court to be correct, shall be the record of the oral evidence in the cause: Provided always, that nothing herein contained shall prevent any Church court, if it see fit, from taking down and recording the evidence adduced in any cause, according to the form hitherto in use.

Changes to legislation:

There are currently no known outstanding effects for the Church of Scotland Courts Act 1863, Section 4.