



# Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

## II.—SUMMONS

### 18 **Warrant of inhibitions may be inserted in will of summons. Publication of such warrants and letters of inhibition.**

It shall be competent to insert in the will of a summons passing the signet a warrant of inhibition, which shall have all the like force and effect as letters of inhibition in the form in use at the passing of this Act; and such warrant shall be, as nearly as may be, in the following form:

“And also that ye lawfully inhibit the said , personally or at his dwelling place, if within Scotland, and if furth thereof, at the office of the Keeper of the Record of Edictal Citations at Edinburgh, from selling, burdening, disponsing, alienating, or otherwise affecting his lands or heritages, to the prejudice of the pursuer; and that ye cause register this summons and execution hereof in the general register of inhibitions at Edinburgh, for publication to our lieges”:

When warrant of inhibition is contained in the will of a summons passing the signet, such warrant may be executed either at the same time as the summons is served or at any time thereafter, and it shall not be necessary to publish such warrants, or to intimate letters of inhibition passing the signet, to the lieges in any other way than by registration in the general register of inhibitions; and in registering it shall be sufficient to register the summons, including the warrant of inhibition, and the execution of such warrant, without registering any condescendence or note of pleas in law which may follow the summons, or where letters of inhibition are used, then such letters, with the execution thereof, shall be registered; and from and after registration as aforesaid, the inhibition, whether contained in a summons or by separate letters of inhibition, shall be held to be duly intimated and published to all concerned.

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

**C1** Ss. 15–44 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in [Sch. 2 Pt. II](#) of that Act)

**Changes to legislation:**

There are currently no known outstanding effects for the Court of Session Act 1868, Section 18.