



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

VI.—INNER HOUSE PROCEDURE

63 Special cases on questions of law.

Where any parties interested, whether personally or in some fiduciary or official character, in the decision of a question of law shall be agreed upon the facts, and shall dispute only on the law applicable thereto, it shall be competent for them, without raising any action or proceeding, or at any stage of an action or proceeding, to present to one of the divisions of the Court a special case, signed by their counsel, setting forth the facts upon which they are so agreed, and the question of law thence arising upon which they desire to obtain the opinion of the Court; and which case may set forth alternatively the terms in which the parties agree that judgment shall be pronounced, according to the opinion of the Court upon the question of law, aforesaid. When a special case is laid before one of the divisions the Court may order such documents as appear to be necessary to be printed and boxed, and shall hear parties . . . ^{F1} and give their opinion or pronounce judgment, as the case may be, and such judgment shall be extractable in common form: Provided always, that the case may be amended of consent, and that, if the Court shall think fit, they may appoint the case to be reheard in terms of the sixtieth section hereof; and the Court shall dispose of all questions of expenses. Judgments pronounced in virtue of this section shall be liable to review by the House of Lords, unless such review shall be excluded of consent of all parties.

Textual Amendments

F1 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

Modifications etc. (not altering text)

C1 [Ss. 50–101](#) repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt.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 63.