



# Court of Session Consignations (Scotland) Act 1895

1895 CHAPTER 19 58 and 59 Vict

An Act to make provision in regard to the Consignation of Money in the Court of Session in Scotland; and for other purposes. [27th June 1895]

**1 Short title and extent.**

This Act may be cited as the Court of Session Consignations (Scotland) Act 1895 and shall apply to Scotland only.

**2 Definition of “consignation.”**

In this Act the expression “consignation” shall extend and apply to any sum of money consigned or deposited in any bank under orders of the Court, or in virtue of the provisions of any Act of Parliament, and shall include any sum of money, or any bank deposit receipt, security, or other voucher for a sum of money, received by the Accountant of Court (herein-after called the Accountant), . . . <sup>F1</sup> for deposit or consignation, in any cause or proceeding, whether by order of court or otherwise, and any sum of money lodged by way of caution or security in corroboration of any bond, and also any unclaimed dividends, or special deposits, or unapplied balances, in any sequestration or cessio, deposited in any bank in terms of the <sup>M1</sup>Bankruptcy (Scotland) Act 1856, or otherwise.

**Textual Amendments**

**F1** Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. VII](#)

**Marginal Citations**

**M1** [1856 c. 79](#).

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Court of Session Consignations (Scotland) Act 1895. (See end of Document for details)*

**3 Accountant of court to be sole custodier of consignations.**

...<sup>F2</sup> the Accountant shall be the sole custodier of all consignations under this Act,  
<sup>F3</sup> ...

No fees shall be payable to the Accountant in cases of consignment other than those which are or may be prescribed by the Lords of Council and Session with the sanction of the Treasury.

**Textual Amendments**  
**F2** Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\), Sch. Pt. VII](#)  
**F3** Words repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\), Sch. Pt. VII](#) and expressed to be repealed (5.9.1994) by [S.I. 1994/1443, art. 3\(2\), Sch. 4](#)

**4 Consignations to be entered in books kept by Accountant of Court.**

All consignations shall be entered by the Accountant in a book or books, to be kept by him for the purpose, in such form as the Lords of Council and Session may from time to time by Act of Sederunt prescribe, and any person interested shall be entitled to inspect such books under such regulations as to fees or otherwise as the Accountant may, with the approval of the said Lords and of the Treasury, prescribe.

**5 Consignations to be deposited in bank.**

Within ten days after receipt of any consignment in money the Accountant shall lodge the same on deposit receipt in one of the banks in Scotland, established by Act of Parliament or Royal Charter, and every deposit receipt for money lodged in any of the said banks representing a consignment, whether lodged by the Accountant, or by any party to a cause, or by any other person, shall be taken in name of the Accountant and his successors in office, and shall bear on the face of it the name of the party or parties by whom or on whose behalf the consignment is made, and of the cause, or proceeding, or bond to which it relates.

**6 Responsibility of Accountant of Court for safe custody.**

The Accountant shall be responsible for the safe custody of all consignations made with him, and shall be bound to account for the same with interest, if any, accrued thereon to the person having right thereto, subject to the orders of the Court. The Accountant shall not be liable for any loss resulting from the failure of any bank in which any consignment shall have been made as aforesaid.

**7, 8.** .....<sup>F4</sup>

**Textual Amendments**  
**F4** [Ss. 7, 8](#) repealed by [Statute Law Revision Act 1963 \(c. 30\)](#)

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## 9 Accountant to lodge returns of consignations with Lord President.

On or before the first day of April, one thousand eight hundred and ninety-seven, the Accountant shall lodge with the Lord President of the Court of Session, and with [F5the Secretary of State], a detailed return of all consignations made with him and his predecessors in office, or with any of the Clerks of Court during the year ending thirty-first December, one thousand eight hundred and eighty-nine, and which are unpaid or not accounted for at the date of the said return; and, similarly, on or before the first day of April in each succeeding year, a like return of unpaid consignations shall be made in respect of the year which shall have terminated seven years prior to the previous thirty-first December, and the Accountant shall, along with the said return, deliver the deposit receipts or other vouchers, or pay the amount of such consignations mentioned therein, with any interest which may have accrued thereon, to [F5the Secretary of State], and the endorsement by [F5the Secretary of State] of any deposit receipt or other voucher shall be a sufficient warrant to a bank to pay the amount deposited, with interest, to [F5the Secretary of State], who shall, upon such payment being made, grant a receipt binding himself and his successors in office to relieve the Accountant of any claim that may be established in respect of such consignations and interest, and shall thereupon become responsible for any consignations so paid over or delivered.

### Textual Amendments

F5 Words substituted by S.I. 1974/1274, art. 3(4), Sch.

## 10, 11. .... F6

### Textual Amendments

F6 Ss. 10, 11 repealed by Bankruptcy (Scotland) Act 1913 (c. 20), Sch. 1

## 12 Cases of non-compliance with the provisions of the Act.

[F7The Secretary of State] shall report to the Lord President of the Court of Session any instance of non-compliance with the provisions of this Act which may come or be brought to his knowledge, and [F7the Secretary of State], or any person deputed by him may at any time have access to the consignment books and registers of unclaimed dividends, and may call for exhibition of the deposit receipts, accounts, and all other documents applicable or relating to consignations.

### Textual Amendments

F7 Words substituted by S.I. 1974/1274, art. 3(4), Sch.

## 13 Payment by Queen's Remembrancer to Exchequer.

It shall be lawful for the Treasury from time to time to direct the Queen's and Lord Treasurer's Remembrancer to pay over to the Exchequer out of the moneys accumulated in his hands under the provisions of this Act such sums as to them may seem fit.

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

- C1** Functions of Treasury and Queen's and Lord Treasurer's Remembrancer under s. 13 now exercisable by Secretary of State: [S.I. 1974/1274](#) arts. 2(4), 3(4), Sch.

### 14 Provision for deficiency in balance left with Queen's Remembrancer.

If at any time the moneys in the hands of [<sup>F8</sup>the Secretary of State] under the provisions of this Act is reduced to a sum not sufficient, in the opinion of [<sup>F8</sup>the Secretary of State], to meet the demands upon it, [<sup>F8</sup>the Secretary of State] shall advance out of the Consolidated Fund, . . . <sup>F9</sup> such sum as [<sup>F8</sup>he] may think necessary, not exceeding in the whole the amount of the sums paid over to the Exchequer in pursuance of this Act.

#### Textual Amendments

- F8** Words substituted by [S.I. 1974/1274](#), art. 3(4), Sch.  
**F9** Words repealed by [Statute Law Revision Act 1963](#) (c. 30)

### 15 . . . . . <sup>F10</sup>

#### Textual Amendments

- F10** [S. 15](#) repealed by [Statute Law Revision Act 1950](#) (c. 6), Sch. 1

### 16 Right to claim moneys in Queen's Remembrancer's Hands.

Every person having any legal claim to the moneys to be paid over in terms of this Act, or any part of them, shall have such and the like claim thereto, and such and the like right to demand and recover the same from [<sup>F11</sup>the Secretary of State], after payment thereof to [<sup>F11</sup>the Secretary of State], as from the person or persons having possession of such moneys before payment to [<sup>F11</sup>the Secretary of State]; and an order by the court in which any consignment has been made or received for the payment thereof, or of any part thereof, to any person or persons named, shall be sufficient warrant to [<sup>F11</sup>the Secretary of State] to make such payment, and such court shall continue to have jurisdiction relative to the disposal of such consignment, and the parties to the cause shall have the same rights of appeal and otherwise in case of dispute regarding the consignment as they would have had if the money had remained in the hands of the Accountant . . . <sup>F12</sup>

#### Textual Amendments

- F11** Words substituted by [S.I. 1974/1274](#), art. 3(4), Sch.  
**F12** Words repealed by [Statute Law \(Repeals\) Act 1969](#) (c. 52), Sch. Pt. VII

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

- C2** [S. 16](#) repealed by [Bankruptcy \(Scotland\) Act 1913](#) (c. 20), Sch. 1 so far as relating to any sum received by the accountant or deposited in bank in terms of that Act; amended by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1940](#) (c. 42), s. 6(2)

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17 ..... F13

.....  
**Textual Amendments**

**F13** S. 17 repealed by Statute Law (Repeals) Act 1969 (c. 52), Sch. Pt. VII

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Court of Session Consignations (Scotland) Act 1895.