

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Vexatious Actions (Scotland) Act 1898 (repealed) is up to date with all changes known to be in force on or before 10 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Vexatious Actions (Scotland) Act 1898

1898 CHAPTER 35 61 and 62 Vict

An Act to prevent vexatious Legal proceedings in Scotland. [12th August 1898]

## 1 Power of Court of Session to prohibit institution of action without leave.

It shall be lawful for the Lord Advocate to apply to either Division of the Inner House of the Court of Session for an order under this Act, and if he satisfies the Court that any person has habitually and persistently instituted vexatious legal proceedings without any reasonable ground for instituting such proceedings, whether in the Court of Session or in any inferior court, and whether against the same person or against different persons, the Court may order that no legal proceedings shall be instituted by that person in the Court of Session or any other court unless he obtains the leave of [<sup>F1</sup>a judge sitting in the Outer House] on the Bills in the Court of Session, having satisfied the [<sup>F1</sup>judge] that such legal proceeding is not vexatious, and that there is prima facie ground for such proceeding. A copy of such order shall be published in the Edinburgh Gazette.

### Textual Amendments

F1 Words substituted by virtue of [Administration of Justice \(Scotland\) Act 1933 \(c. 41\), s. 3\(1\)](#)

### Modifications etc. (not altering text)

C1 [S.1](#): power to transfer certain functions conferred (6.5.1999) [S.I. 1999/901, art. 5, Sch.](#)

[<sup>F2</sup>1A

A decision of the Lord Ordinary to refuse leave, under section 1 of this Act, to institute legal proceedings shall be final.]

### Textual Amendments

F2 [S. 1A](#) inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980 \(c. 55, SIF 36:3\), s. 19](#)

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## **2 Short title.**

This Act may be cited as the Vexatious Actions (Scotland) Act 1898.

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