



Exchequer Court (Scotland) Act 1856

CHAPTER 56

EXCHEQUER COURT (SCOTLAND) ACT 1856

- 1 The Court of Session to be the Court of Exchequer in Scotland.
- 2 One of the Lords Ordinary in the Court of Session to be Lord Ordinary in Exchequer causes.
- 3 Lord Ordinary in Exchequer causes may act in vacation as well as during session; and in his absence any other Lord Ordinary may act in his room.
- 4 Clerks to the Lord Ordinary in Exchequer causes to be clerks in such causes.
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- 11, 12
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- 14 Procedure in lieu of injunction.
- 15 Procedure in lieu of mandamus.
- 16 Procedure on affidavit of danger.
- 17 Procedure in lieu of writs of habeas and certiorari.
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- 19 Duties of Court of Exchequer in appointment of tutors dative to be performed by Inner House of Session.
- 20 Interlocutors in Exchequer causes may be reclaimed against, and appealed, as if pronounced in ordinary Court of Session causes.
- 21 Suspension, where competent, to be by note in the Bill Chamber in common form; and when note passed case to depend before Lord Ordinary in Exchequer causes.
- 22 The Lord Advocate to sue and be sued on behalf of Her Majesty.
- 23 Privilege of audience preserved to the Crown.
- 24 Costs may be given for and against the Crown.
- 25 Exchequer causes to have precedence of all others.

Changes to legislation: There are currently no known outstanding effects for the Exchequer Court (Scotland) Act 1856. (See end of Document for details)

- 26 Sittings of the Court of Session to be held to correspond with existing Exchequer terms.
- 27 Certified copies of interlocutors, equivalent to extracts, except in order to diligence.
- 28 Minute book dispensed with as to extracts of Exchequer decrees; such extracts to have priority in the extractor’s office; and such extracts, and also extracts of registered bond to Her Majesty, to be in ordinary form; except that warrant to charge to be in form scheduled.
- 29—34
- 35 †Sheriff may seize books of crown debtor under extract decree.
- 36
- 37 †Bonds, &c. heretofore taken by Court of Exchequer may be taken by sheriffs, &c.
- 38 Bonds to Her Majesty to be held as containing a clause of registration.
- 39 Where a bond to Her Majesty is not for a specific sum, sum may be supplied by an account stated and certified, on which diligence may proceed.
- 40 Provision for recovering in Scotland duties accruing in other parts of the United Kingdom.
- 41 Jurisdiction of sheriffs and justices in Exchequer cases saved.
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- 47 Interpretation of certain terms.
- 48, 49

_____ schedules referred to in the foregoing act

SCHEDULES A—E —

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SCHEDULE F — Note of Appeal

Note of appeal for A.B.,[design him,] supervisor of Excise for...
 [or] In the matter of the warrant of commitment of...
 The appellant hereby appeals against a judgment [or warrant of...
 [name the justice or justices by whom signed, and state...
 In respect whereof, &c.
 [To be signed by any solicitor of Revenue, or
 by any agent before the Court of Session.]

SCHEDULE G — ...

SCHEDULE H — ...

SCHEDULE I — ...

SCHEDULE K —

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SCHEDULE L — Execution of Seizure of Books and Papers of Crown Debtor

Upon the day of , at , within the county...

Inventory

[Follows the inventory.]

the same having, in my requisition to that effect, been...

or

the same having been found by me in a safe...

[Signature.]

Sheriff Clerk.

SCHEDULE M — Certificate of Officer of Revenue to stated Account

I, [name and designation], being an officer of Her Majesty's...

[Signature of officer of Revenue.]

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