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# Court of Session Act 1988

## CHAPTER 36

### COURT OF SESSION ACT 1988

#### PART I

##### CONSTITUTION AND ADMINISTRATION OF THE COURT

- 1 Number of judges of Court.
- 2 Composition of Court.
- 3 Exchequer causes.
- 4 Power of judges to act in cases relating to rates and taxes.

#### PART II

##### GENERAL POWERS OF THE COURT IN RELATION TO PROCEDURE

- 5 Power to regulate procedure etc. by act of sederunt.
- 5A Rules for lay representation
- 6 Allocation of business etc. by act of sederunt.
- 7 Fees on remit to accountants etc.
- 8 Rules Council.

#### PART III

##### ORDINARY ACTIONS

###### *Proof*

- 9 Allowing of proof by Lord Ordinary.
- 10 Evidence on commission in Outer House.
- 11 Jury actions.

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### *Trial by jury*

- 12 Summoning of jury.
- 13 Selection of jury.
- 14 Application for view by jury.
- 15 Illness or death of juror during trial.
- 16 Trial to proceed despite objection to opinion and direction of judge.
- 17 Return of verdict.

### *Judgment*

- 18 Lord Ordinary's judgment final in Outer House.

## **PART IV**

### **OTHER CAUSES**

#### *Consistorial causes*

- 19 Lord Advocate as party to action for nullity of marriage or divorce.
- 20 Orders with respect to children.

#### *Exchequer causes*

- 21 Exchequer causes to have precedence.
- 22 Lord Advocate to sue and be sued on behalf of the Crown.
- 23 Lord Advocate may be heard last.
- 24 Appeal to Supreme Court.

#### *Petitions*

- 25 Disposal of petitions initiated in Outer House.

#### *Summary trials*

- 26 Summary trials.

#### *Special cases*

- 27 Special cases.

## **PART V**

### **APPEAL AND REVIEW**

#### *Reclaiming*

- 28 Reclaiming.

#### *Review in jury actions*

- 29 Application for new trial.
- 30 Restrictions on granting of application for new trial.
- 31 Verdict may be returned subject to opinion of Inner House on point reserved.

#### *Appeals and transmissions from sheriff*

- 32 Appeals.
- 33 Transmissions from sheriff to Court on ground of contingency.

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*Review by suspension*

- 34 Suspension of decrees of Court granted in absence.
- 35 Suspension of sheriff court decree.

*Rehearing and additional proof in Inner House*

- 36 Rehearing by larger court of causes pending in Inner House.
- 37 Additional proof ordered by Inner House.
- 38 Evidence on commission in Inner House.

*Judgment in Inner House*

- 39 Inner House judgment final in Court of Session.

*Appeals to Supreme Court*

- 40 Appealable interlocutors.
- 41 Interim possession, execution and expenses.
- 42 Supreme Court may make order on payment of interest.
- 43 Interest and expenses where appeal dismissed for want of prosecution.

**PART VI**

MISCELLANEOUS PROVISIONS

- 44 Selection of judges for trial of election petitions.
- 45 Restoration of possession and specific performance.
- 46 Specific relief may be granted in interdict proceedings.
- 47 Interim interdict and other interim orders.
- 48 Right of audience of solicitor before the court.
- 48A Further provision as to rights of audience.
- 49 Subscription of bill for letters of inhibition.
- 50 Copy of interlocutor granting commission and diligence to be equivalent to formal extract.

**PART VII**

SUPPLEMENTARY

- 51 Interpretation
- 52 Consequential amendments, repeals and savings.
- 53 Short title, commencement and extent.

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**SCHEDULES**

SCHEDULE 1 — Minor Amendments

*The Jury Trials (Scotland) Act 1815 (c.42)*

- 1 In section 20 (common jury summons)— (a) for the words...

*The Sheriff Courts (Scotland) Act 1907 (c.51)*

- 2 After section 38A there shall be inserted the following— Consistorial...

SCHEDULE 2 — Repeals

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- Part I — ENACTMENTS REPEALED
- Part II — REPEALED ENACTMENTS WHICH ARE RE-ENACTED
- Part III — REPEALED ENACTMENTS WHICH ARE NOT RE-ENACTED

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