



Court of Session Act 1988

1988 CHAPTER 36

PART III

ORDINARY ACTIONS

Proof

10 Evidence on commission in Outer House.

The Lord Ordinary may grant commission in any action—

- (a) to any person competent to take and report in writing the depositions of havers;
- (b) to take and report in writing the evidence of any witness who is resident beyond the jurisdiction of the Court, or who, by reason of age, infirmity or sickness, is unable to attend the diet of proof or trial:

Provided that nothing in this section shall affect the existing practice in regard to granting commission for the examination of aged and infirm witnesses to take their evidence to lie *in retentis* before a proof or, as the case may be, trial has been allowed.

Changes to legislation:

Court of Session Act 1988, Section 10 is up to date with all changes known to be in force on or before 03 June 2024. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) added by [2024 asp 1 s. 7\(13\)](#)