



# Sheriff Courts (Scotland) Act 1907

1907 CHAPTER 51 7 Edw 7

## PRELIMINARY

### 1 Short title.

This Act may be cited for all purposes as the Sheriff Courts (Scotland) Act 1907.

### 2 ..... <sup>F1</sup>

#### Textual Amendments

<sup>F1</sup> S. 2 repealed by Statute Law Revision Act 1927 (c. 42), Sch. Pt. I

### 3 Interpretation.

In construing this Act (unless where the context is repugnant to such construction)—

- (a) [<sup>F2</sup> “sheriff principal” ] includes [<sup>F2</sup> sheriff];
- (b) “Tenant” includes sub-tenant;
- (c) “Lease” includes sub-lease;
- (d) “Action” [<sup>F3</sup> or “cause”] includes every civil proceeding competent in the ordinary sheriff court;
- (e) “Person” includes company, corporation, or association and firm of any description nominate or descriptive, or any Board corporate or unincorporate;
- (f) “Sheriff clerk” includes sheriff-clerk depute;
- (g) “Agent” means a law-agent enrolled in terms of the <sup>M1</sup>Law Agents (Scotland) Act 1873;
- (h) “Final judgment” means an interlocutor which, by itself, or taken along with previous interlocutors, disposes of the subject-matter of the cause, notwithstanding that judgment may not have been pronounced on every

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question raised, and that expenses found due may not have been modified, taxed, or decerned for;

- (i) ..... <sup>F4</sup>
- (j) “Small Debt Acts” means and includes the Small Debt (Scotland) Acts 1837 to 1889, and Acts explaining or amending the same;
- (k) “Initial writ” means the statement of claim, petition, note of appeal, or other document by which the action is initiated;
- (l) “Procurator-Fiscal” means procurator-fiscal in the sheriff-court;
- (m) ..... <sup>F5</sup>
- (n) “Pursuer” means and includes any person making a claim or demand, or seeking any warrant or order competent in the sheriff court;
- (o) “Defender” means and includes any person who is required to be called in any action;
- (p) “Summary application” means and includes all applications of a summary nature brought under the common law jurisdiction of the [<sup>F2</sup>sheriff principal], and all applications, whether by appeal or otherwise, brought under any Act of Parliament which provides, or, according to any practice in the sheriff court, which allows, that the same shall be disposed of in a summary manner, but which does not more particularly define in what form the same shall be heard, tried, and determined;
- (q) ..... <sup>F6</sup>

#### Textual Amendments

- F2** Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), s. 4
- F3** Words inserted by Sheriff Courts (Scotland) Act 1913 (2 & 3 Geo. 5 c. 28), Sch. 1
- F4** S. 3(i) repealed by Sheriff Courts (Scotland) Act 1971 (c. 58), Sch. 2 Pt. II
- F5** S. 3(m) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I Gp. 3
- F6** S. 3(q) repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 72:2), s. 28(2), Sch. 3

#### Marginal Citations

- M1** 1873 c. 63.

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