



Exchequer Court (Scotland) Act 1856

1856 CHAPTER 56 19 and 20 Vict

[^{F1}15 Procedure in lieu of mandamus.

In all cases where at the date of the passing of this Act it would be competent to apply to the Court of Exchequer for a rule upon any person or persons to show cause why a mandamus should not issue against such person or persons, directing him or them to do any act or to perform any duty, and for such Court of Exchequer, failing such cause being shown, to issue a mandamus against such person or persons to the effect aforesaid, it shall be competent to apply to the Lord Ordinary in Exchequer causes by summary petition, setting forth briefly the facts on which the application is based, for an order on such person or persons, decerning and ordaining him or them to do the act or to perform the duty which he or they is or are refusing or neglecting to do or perform, and, in the event of the failure of such person or persons to conform and to implement the terms of said order, to pay conjointly and severally, or jointly, or otherwise as to the Lord Ordinary may seem fit, such sum or sums of money as may be reasonably demanded in respect of such failure, and that either in lieu of or by way of fine or penalty over and above performance; and the Lord Ordinary shall order service of such petition on such person or persons as he may deem proper, and may, if he sees fit, appoint answers to be lodged to such petition, or parties to be heard thereon, with or without answers, and may thereupon give decree granting or refusing the prayer of such petition, or may take such other course with regard thereto as to him may seem proper: Provided, that it shall be competent to the Lord Ordinary to prescribe what shall be deemed good service of any order, interlocutor, or decree which may be pronounced by him upon any person or persons who may be affected thereby.]

Textual Amendments

F1 Ss. 15, 16, 19–23, 25–28 repealed (S.) by [Court of Session Act 1988](#) (c. 36, SIF 36:1), s. 52(2), [Sch. 2 Pt. 1](#) (and re-enacted in part as referred to in Sch. 2 Pt. II of that Act)

Changes to legislation:

There are currently no known outstanding effects for the Exchequer Court (Scotland) Act 1856, Section 15.