



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

II.—SUMMONS

20 Amendment of summonses and pleadings in undefended causes.

In undefended actions any error or defect in any summons or other pleading whereby the action is commenced in the the Court of Session may be amended upon application to the Lord Ordinary or the Court before whom it depends, if the Lord Ordinary or the Court think such amendment should be allowed; and such amendment shall be made in writing either upon the summons or pleading, or in a separate paper, and shall be authenticated by the signature of counsel; and the Lord Ordinary or Court may, if he or they think fit, order the amended summons or other pleading to be served upon the absent defender or defenders, with liberty to him or them to enter appearance within such time as shall seem proper: Provided, that the expenses occasioned by such amendment shall not be chargeable against the defender or defenders; and provided also, that such amendment shall not have the effect of validating diligence used on the dependence of the actions so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but shall be operative to the effect of obviating any objections to such diligence when stated by the defender himself, or by any person representing him by a title, or in right of a debt contracted by him, subsequent to the using of such diligence.

Modifications etc. (not altering text)

C1 Ss. 15–44 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (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 Court of Session Act 1868, Section 20.