



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

III.—CALLING AND DECREE IN ABSENCE

22 New procedure in reference to calling of summonses and enrolment for decree.

Summonses may be called in Court on any sederunt day; and the calling lists shall be printed and published in the daily rolls of Court, under such regulations as the Court may see proper to make, in place of the separate calling lists now in use to be published; and in case a pursuer shall not call his summons in Court on the first sederunt day after the expiration of the induciæ thereof, or on one of the two sederunt days next ensuing, the defender shall be entitled to the like remedy by protestation as is now competent, and subject to the like conditions. The weekly printed rolls of new causes shall be discontinued; and where a defender shall not enter appearance on or before the second day after the summons has been called in Court, the cause may immediately be enrolled in the Lord Ordinary's motion roll as an undefended cause for decree in absence; and where appearance is timeously entered as aforesaid on behalf of a defender, his defence shall be lodged on or before the tenth day after the date of calling of the summons, failing which the cause may be immediately enrolled for decree in absence, or in the case of actions containing reductive conclusions the cause may be enrolled for the purpose of obtaining an order for satisfying the production, and thereafter the cause may be enrolled by either party for further procedure.

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C1 Ss. 15–44 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt.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 22.