



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

IV.—RECORD, MOTIONS, AND PROBATION

26 Procedure after pleadings completed, and adjustment of pleadings.

If no motion for revival is made as above provided, or if such motion is refused, or after the lapse of the period within which the revised pleadings fall to be lodged where a revival has been allowed or ordered, the pursuer shall cause the pleadings which are to form the record to be printed, and shall within eight days from the lodging of the defences or revised pleadings as the case may be, deliver two printer's proofs thereof to the agent or to each of the agents of the other parties, and also to the clerk to the process, who shall transmit the same to the Lord Ordinary, and the Lord Ordinary shall direct the cause to be put to the roll for a day not less than four and not more than six days thereafter; and upon such day the Lord Ordinary shall require the parties then to adjust their pleadings, and shall close the record: Provided, that if the pursuer shall fail to deliver the printer's proofs as aforesaid the defender may enrol the cause, and move for decree of absolvitor by default, which decree the Lord Ordinary shall grant unless the pursuer shall show good cause to the contrary: Provided also, that it shall not be competent of consent of parties to prorogate the time for complying with any statutory enactment or order of the Court, whether with reference to the making up and closing of the record or otherwise.

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C1 Ss. 15–44 repealed (S.) by Court of Session Act 1988 (c. 36, SIF 36:1), s. 52(2), Sch. 2 Pt.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 26.