



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

IV.—RECORD, MOTIONS, AND PROBATION

28 Review of certain interlocutors of the Lord Ordinary.

Any interlocutor pronounced by the Lord Ordinary as provided for in the preceding section, . . . ^{F1} shall be final, unless within six days from its date the parties, or either of them, shall present a reclaiming note against it to one of the divisions of the Court, by whom the cause shall be heard summarily; and when the reclaiming note is advised, the division shall dispose of the expenses of the reclaiming note, and of the discussion, and shall remit the cause to the Lord Ordinary to proceed as accords: Provided always, that it shall be lawful to either party within the said period, without presenting a reclaiming note, to move the said division to vary the terms of any issue that may have been approved of by an interlocutor of the Lord Ordinary, specifying in the notice of motion the variation that is desired: Provided also, that nothing herein contained shall be held to prevent the Lord Ordinary or the Court from dismissing the action at any stage upon any ground upon which such action might at present be dismissed according to the existing law and practice.

Textual Amendments

F1 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

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C1 [Ss. 15–44](#) repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt.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

C2 [S. 28](#) amended by [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#), s. 14(2)

Changes to legislation:

There are currently no known outstanding effects for the Court of Session Act 1868, Section 28.