



# Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

## VI.—INNER HOUSE PROCEDURE

### 59 Provision for rehearing before five judges in case of equal division of opinion.

In event of the judges of either of the divisions of the Inner House being equally divided in opinion on a question of fact arising upon a proof, or upon a cause which in their opinion does not involve any legal principle of importance, it shall be competent for such division to appoint the cause to be re-heard before the judges of the said division, or such of them as shall be able to give attendance in Court on the day appointed, with the assistance of such additional judge or judges to be afterwards named by the president or judge presiding in the division as shall make up the number of five judges; and the judgment to be pronounced upon such hearing shall be in conformity with the opinion of the majority of the five judges, and shall bear to be the judgment of the division by which the hearing was appointed, after consulting with such additional judge or judges, and may be signed at any ordinary sitting of the said division, without the presence of such additional judge or judges, if he or they do not desire to attend for the purpose of delivering separate opinions.

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#### **Modifications etc. (not altering text)**

C1 Ss. 50–101 repealed (S.) by [Court of Session Act 1988](#) (c. 36, SIF 36:1), s. 52(2), [Sch. 2 Pt.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 59.