



# Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

## IX.—MISCELLANEOUS PROVISIONS

### 97 **New procedure in place of combined actions of wakening and transference.**

Where, according to the existing practice, a cause would require to be wakened in order to its being proceeded with, and also to be transferred against any party or parties, it shall be competent to any party who might have instituted a summons of wakening and transference to enrol the cause before the Lord Ordinary, and to lodge a minute craving a wakening of the cause, and a transference thereof against such party or parties; and after such procedure by intimation and service as is herein-before directed with respect to motions for wakening and transference respectively, the Lord Ordinary may pronounce an interlocutor holding the cause as wakened, and may either in the same interlocutor, or in an interlocutor to be subsequently pronounced, as justice may require, also transfer the cause against the parties named in such minute.

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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C1 Ss. 50–101 repealed (S.) by [Court of Session Act 1988](#) (c. 36, SIF 36:1), s. 52(2), [Sch. 2 Pt.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 97.