3. PROCEDURE

Act of Sederunt (Transferred Functions of the Railway and Canal Commission) 1949

1949 No. 1320 (S. 94)

Made - - - -	12*th July*, 1949
Coming into Operation	12*th July*, 1949

The Lords of Council and Session under and by virtue of the powers conferred on them by section 16 of the Administration of Justice (Scotland) Act, 1933(**a**) as read along with the Railway and Canal Commission (Abolition) Act, 1949(**b**) and of all other powers competent to them in that behalf, do hereby enact as follows:—

1. The Rules of Court enacted by the Act of Sederunt (Rules of Court, consolidation and amendment) 1948(**c**) are hereby amended by inserting in Chapter IV after Section 9, the following Sections—

"Section 10

APPEALS AND REFERENCES UNDER THE TELEGRAPH ACTS

269A.—(*a*) Applications for a re-hearing under section 4 of the Telegraph Act, 1878(**d**) as amended by section 2 of the Railway and Canal Commission (Abolition) Act, 1949, and References to the Court of Session under section 1 of the Telegraph (Arbitration) Act, 1909(**e**) as amended by the said section 2 shall be made by petition presented to the Outer House and lodged in the Petition Department. The petition shall set forth shortly the question at issue and the facts which give rise to it and (in the case of a re-hearing) the determination of the sheriff.

(*b*) The petition shall be heard and determined by the judge designated from time to time by the Lord President.

(*c*) The procedure shall be summary and in the discretion of the designated judge, and the decision of the designated judge shall be final and not subject to review.

Section 11

APPLICATIONS FORMERLY DEALT WITH BY THE RAILWAY AND CANAL COMMISSION

269B.—(*a*) Applications under any enactment which are referred to the Court of Session pursuant to subsection (1) of section 1 of the Railway and Canal Commission (Abolition) Act, 1949 (other than those to which Rule 269A applies) shall be made by petition presented to the Outer House and lodged in the Petition Department. Such petition shall narrate the facts and crave the relief to which the petitioner claims to be entitled.

(*b*) The petition shall be heard and determined by the judge designated for the purposes of Rule 269A, and shall proceed as an Outer House petition subject to the ordinary rules as to reclaiming.

(**a**) 23 & 24 Geo. 5. c. 41. (**b**) 12, 13 & 14 Geo. 6. c. 11. (**c**) S.I. 1948 (No. 1691) I, p. 3778.
(**d**) 41 & 42 Vict. c. 76. (**e**) 9 Edw. 7. c. 20.

(*c*) The proceedings in any cases which were pending before the Court of the Railway and Canal Commission on the first day of April, 1949, in so far as they extend to Scotland, shall be adopted as Court of Session processes; but before any such case may be further proceeded with a petition must be presented under paragraph (*a*) of this Rule.

(*d*) Any person liable to make periodical or other payments under any order of the Court of the Railway and Canal Commission extending to Scotland and made before the first day of April, 1949 shall apply by petition under this Rule for directions regulating future payments under the said order."

2. This Act of Sederunt may be cited as the Act of Sederunt (Transferred Functions of the Railway and Canal Commission) 1949 and shall come into operation on the 12th day of July, 1949.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

T. M. Cooper,
I.P.D.

Edinburgh.
12th July, 1949.

EXPLANATORY NOTE

(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)

Section 1 of the Railway and Canal Commission (Abolition) Act, 1949 transfers the functions of the Commission in Scotland to the Court of Session and section 2 of that Act confers jurisdiction on the Court of Session in relation to appeals and references under certain of the Telegraph Acts. This Act of Sederunt prescribes the procedure to be followed in connection with applications and appeals formerly dealt with by the Railway and Canal Commission and now to be dealt with by the Court of Session and makes special provision for certain proceedings pending before the Commission on the date on which the said Act of 1949 came into force (i.e. 1st April, 1949).

SHERIFF COURT, SCOTLAND

1. *Appeals.*
2. *Fees*, p. 3961.
3. *Jury Trials*, p. 3966.
4. *Sittings and Distribution of Business*, p. 3967.

1. APPEALS

Act of Sederunt (Sheriff Court Appeals), 1949

1949 No. 2062 (S. 144)

Made - - - - *4th November*, 1949
Coming into Operation *1st January*, 1950

The Lords of Council and Session under and by virtue of the powers conferred on them by section 34 of the Administration of Justice (Scotland)