

# SHERIFF COURT PRACTICE

THE HON. LORD MACPHAIL

THIRD EDITION

by

T. WELSH, Q.C.



THOMSON  
—\*—  
W. GREEN

# SHERIFF COURT PRACTICE

The Hon. Lord Macphail, LL.D., F.R.S.E.  
*Senator of the College of Justice*

THIRD EDITION

Edited by

T. Welsh, Q.C., M.A., LL.B.  
*Sheriff of South Strathclyde, Dumfries and Galloway at Hamilton*

With contributions by

A.M. Cubie, LL.B.  
*Sheriff of Tayside, Central and Fife at  
Stirling*

R.H. Dickson, LL.B., W.S.  
*Sheriff of South Strathclyde, Dumfries  
and Galloway at Airdrie*

L.D.R. Foulis, LL.B.  
*Sheriff of Tayside Central and Fife at  
Perth*

J.M.S. Horsburgh, Q.C., M.A., LL.B.  
*Sheriff of Lothian and Borders at  
Edinburgh*

T.G. Hughes, LL.B.  
*Sheriff of Tayside Central and Fife at  
Dundee*

K.A. Ross, LL.B.  
*Sheriff of South Strathclyde, Dumfries  
and Galloway at Dumfries*

C.A.L. Scott, LL.B.  
*Sheriff of Glasgow and Strathkelvin*

H.K. Small, LL.B., Advocate  
*Sheriff of South Strathclyde, Dumfries  
and Galloway at Hamilton*

C.N. Stoddart, LL.B., LL.M.  
(McGill), Ph.D.  
*Sheriff of Lothian and Borders at  
Edinburgh*

J.A. Taylor, B.Sc., LL.B.  
*Sheriff Principal of Glasgow and  
Strathkelvin*

Published under the auspices of  
**SCOTTISH UNIVERSITIES LAW INSTITUTE LTD**

First edition published 1988  
Second edition volume 1, 1998  
Second edition volume 2, 2002

Published in 2006 by  
W. Green & Son Ltd  
21 Alva Street  
Edinburgh EH2 4PS

[www.wgreen.thomson.com](http://www.wgreen.thomson.com)

*Typeset by YHT Ltd, Hillingdon*  
*Printed and bound in Great Britain by*  
*William Clowes Ltd, Beccles, Suffolk*

No natural forests were destroyed to make this product;  
only farmed timber was used and replanted

A CIP catalogue record for this book is available from  
the British Library.

ISBN-10 0-414-01609-2  
ISBN-13 978-0-414-01609-5

© SCOTTISH UNIVERSITIES LAW INSTITUTE 2006

Crown Copyright legislation is reproduced under the terms of Crown Copyright Policy Guidance issued by HMSO. All rights reserved. No part of this publication may be reproduced or transmitted in any form, or by any means stored in any retrieval system of any nature without prior written permission, except for permitted fair dealing under the Copyright, Designs and Patents Act 1988, or in accordance with the terms of a licence issued by the Copyright Licensing Agency in respect of photocopying and/or reprographic reproduction. Application for permission for other use of copyright material including permission to reproduce extracts in other published work shall be made to the publishers. Full acknowledgment of author, publisher and source must be given.

## PREFACE TO THIRD EDITION

Lord Macphail's *Sheriff Court Practice* is the peerless and indispensable textbook, manual and *vade mecum*, for all those who work, practice and sit in the sheriff court. The third edition revises, updates and augments the first and second editions. Some of the contributors to the present text worked on the second edition. All contributors to this edition are sitting sheriffs. The third edition amalgamates the two separate volumes of the second edition into a single convenient publication. The overall structure and layout of the book will be familiar to the reader. A new chapter is added explaining the rules, practice and procedures which govern the commercial court.

It would not be possible to complete a project such as this without recognising and paying tribute to the selfless endeavour of all the contributors. The smell of the tallow is discernible even across the electronic medium, so I am very conscious of and grateful to contributors for long evening hours, weekends and periods of leave spent away from families, friends and recreation while sitting concentrating on this work, in front of a computer screen.

In addition, I am particularly grateful to Lord Macphail, who identified several specific areas in need of alteration in the text and suggested further additions. I am indebted to Sheriff Principal Sir S.T. Young, Q.C. and Professor Alan Paterson, who brought to my attention interesting issues addressed in Chapter 21 in relation to actions for recovery of solicitors' fees. Further a particular acknowledgement must be made to Sheriff J.K. Tierney who provided valuable consultative assistance in the preparation of the new chapter on the commercial court.

An immense amount of hard work, expertise, diligence and application went into the technical side of the publication. Jill Hyslop and Dr Valerie Malloch, the commissioning editors, were always available to help, inspire, support and assist. Rebecca Standing, the head of editorial operations, did an excellent job in bringing together the complicated technical intricacies which now constitute the final product with consummate skill and patience. Alan Bett devised the marketing with great flair.

Painstaking and meticulous work was done by Noel Keenan, Karen Howatson, Riaz Darr and Michael Hayes in preparing and revising the text, tables and indexes.

Finally, the Scottish Universities Law Institute, under the direction of Professor Joe Thomson, have again encouraged and supported the publication of another edition of this important and instructive work, which is one of the keystones in the canon of legal publishing in Scotland.

The law and practice is stated as at July 1, 2006.

Sheriff T. Welsh, Q.C.

## PREFACE TO SECOND EDITION

When the first edition of Sheriff Macphail's scholarly work on Sheriff Court Practice was published in 1988 it filled an immense gap in Scottish legal literature since, as he observes in the Preface to that edition, some 40 years had by then passed since the publication of Sheriff Dobie's work on the same subject. Almost at once "Macphail", as the book quickly came to be known, became a standard text in advocates' and solicitors' libraries, in the sheriff courts, in the Court of Session, and even on occasions in the House of Lords; and it was regarded, rightly, as an authoritative and reliable source of information and guidance on most matters relating to civil practice and procedure in the sheriff courts.

However, in the 10 years which have elapsed since the publication of that first edition substantial changes both in substantive law and in the day-to-day practice of the courts have taken place with the consequence that a growing need was seen for a new, updated, edition of "Macphail". Sheriff Macphail himself did not feel disposed once again to take on the immense task of preparing such a large volume for publication, and instead the Scottish Universities Law Institute invited a number of contributors to undertake the revision of one or more chapters each. At the same time Sheriff Principal Nicholson was invited to assume the general editorship of the new edition. Some time thereafter, and at Sheriff Principal Nicholson's request, Sheriff A.L. Stewart, Q.C. was invited to become joint general editor.

Thereafter, some of the contributors who had originally been approached found themselves unable to undertake the commitment, and had to withdraw. In due course they were replaced by others including, in some instances, ourselves. A full list of those who did contribute to this second edition is to be found on the title page of this work. We are most grateful for all of the work done by the contributors. We as editors accept full responsibility for all that appears in this second edition, and we simply express the hope that it will enjoy the same high reputation as Sheriff Macphail's own first edition.

This new edition closely follows the arrangement, and titles, of chapters in the first edition. However, there are now three wholly new chapters and, as is explained below, there are two other chapters which have yet to appear in a second volume. The new chapters are on the subjects of fatal accident inquiries (Sheriff C.N. Stoddart), adoption (Mrs J.M. Scott), and the enforcement of judgments (Professor G. Maher). Although all of these subjects are dealt with in other books, the view was taken that the usefulness of this book would be enhanced if they were also to be covered in it. We are particularly grateful to the contributors who prepared those new chapters.

The chapters which will appear in a separate second volume will deal mainly with the subjects of summary causes and small claims. The first edition contains a section dealing with summary causes, but gives no guidance in relation to small claims on account of the fact that they had

not been introduced by the date when that edition was published. During the period when the second edition was being prepared we were advised by the Sheriff Court Rules Council that new, revised, rules for both summary causes and small claims were being drafted; and in that situation it was our hope, and expectation, that the second edition would, in the light of the new rules, incorporate fully up-to-date chapters dealing with the procedures in both of these classes of action. In fact, however, the promulgation of these new rules has been much delayed, and it is now unlikely that they will appear until some time in 1999. In that situation a decision was taken, by Greens and by us as editors, that publication of the bulk of the new edition should not be held up in order to await the new summary cause and small claim rules. Consequently, the present volume does not deal with those matters, and a second volume, which will deal with them, will be published as soon as possible after the new rules have come into existence. We should add, however, that that second volume will include a consolidated index and tables so that users of the two volumes need only refer to a single index or table. We should also, perhaps, add that in the circumstances it would be advisable that copies of the first edition should not be discarded at this stage: that edition contains material relating to summary causes which will still be relevant until Volume 2 of this edition is published.

Since it may be some months before Volume 2 of this edition is published, and since there may be further developments of the law during that time in respect of subjects covered in Volume 1, it is hoped that Volume 2 may also contain a chapter designed to update the material in Volume 1.

In the course of preparing this new edition we have received considerable help from a number of people. We have already mentioned the great assistance given by the main contributors. In addition, however, Alan Delaney, Craig Watson, and Derek Young all undertook helpful research in connection with particular chapters, and in some instances they were able to guide contributors in the intricacies of word-processing systems. Their willing assistance is much appreciated.

We are also most grateful to Professor W.W. McBryde and Professor George Gretton who, as successive Directors of the Scottish Universities Law Institute, supported and encouraged the preparation of the new edition at all times. And, finally, of course, we are grateful to all at W. Green & Son Ltd who guided and assisted us in the course of our work. In that regard particular mention must be made of Elanor Bower who kept us on the right track in the early stages of the project; of Karen Taylor, her successor as commissioning editor, who constantly found ways to lessen our burden, and who contrived to keep our spirits high even when the work appeared most daunting; of Heather Palomino who gave us expert help and advice in the latter stages of editing the text; and of Noel Keenan who guided us with an expert hand through the more technical aspects of preparing the new edition. Our grateful thanks are also due to Chantal Hamill who undertook the preparation of the index. It was a great relief to us to be able to leave that task in such capable hands.

In this edition we have endeavoured to state the law as at September 30, 1998, but later developments have been noted where it has been practical to do so.

Gordon Nicholson  
Alastair Stewart

## PREFACE TO SECOND EDITION, VOLUME 2

At last the second edition of Macphail's Sheriff Court Practice is complete!

We stated in the preface to Volume 1 that Volume 2 would be published as soon as possible after the new summary cause and small claim rules came into existence. We envisaged that that would be "some months" after the publication of Volume 1. This volume is in fact appearing some four years after Volume 1, and this certainly calls for an explanation.

The reason for this apparently inordinate delay is that the new, revised rules for summary causes and small claims did not in fact materialise until the spring of 2002 instead of sometime in 1999, as had been confidently expected at the time when we wrote the preface of Volume 1. We understand that the problems faced by the Sheriff Court Rules Council which resulted in this lapse of time were caused by the large amount of rules relating to other matters—not least the implementation of the Scotland Act 1998 and the Human Rights Act 1998—which had to be given precedence over the new summary cause and small claim rules.

Although the new rules have now been approved by the Court of Session and came into force for all actions commenced on and after June 10, 2002, the financial limits of summary causes and small claims remain the same as they have been since 1988. This is so despite well-publicised proposals to increase the limits to £5,000 for summary causes and to £1,500 for small claims. It was generally understood that these increases would be brought into force at the same time as the new rules. Indeed the new summary cause rules, especially those dealing with actions of damages for personal injuries, are clearly intended to take account of the increased limits. The reason why these have still not been introduced is obscure. It is a matter of great regret that these increases have not yet been made and we express the hope that they will not be much longer delayed.

In the preface to Volume 1 we suggested that Volume 2 would deal not only with summary causes and small claims but would also have a chapter designed to update the material in Volume 1. Such a chapter seemed to us then to be a realistic prospect if Volume 2 was to appear only a few months after Volume 1. However, we have now reluctantly concluded that to produce an update covering developments in sheriff court practice over the last four years would be beyond our capabilities. There is therefore no updating chapter, and for this we apologise.

Sheriff Stewart wrote the chapter on summary causes in the first edition. He therefore undertook to write the chapters contained in this volume. His work was revised by Sheriff Principal Nicholson, but the main burden of preparing this volume fell upon Sheriff Stewart.

The chapter on summary causes in this edition does not precisely follow the arrangement of the equivalent chapter in the first edition. Sheriff Stewart considered that some improvements could be made in the order



in which the topics covered by the chapter were taken. It is hoped that the new layout of the chapter will be of assistance to the reader. The small claims chapter is, of course, completely new. It follows the same pattern as the summary causes chapter.

Sheriff Stewart would like to express his gratitude to the members and secretariat of the Sheriff Court Rules Council for making available to him various drafts of the new rules. This enabled him to produce the manuscript of these chapters much more quickly than would have been the case if he had had to await the official publication of the Acts of Sederunt.

He also wishes to thank Mr Jeffrey Hope (solicitor, Dundee) and Mr Brian Woodcock (solicitor with Dundee City Council) for helping to guide him through the mysteries of housing law including the provisions of the Housing (Scotland) Act 2001, which is likely to come into force shortly after publication of this volume. Their assistance was invaluable.

Finally, we must once again express our gratitude to all at W. Green & Son Ltd who helped us with the production of this volume. Jill Barrington, commissioning editor, who remained remarkably calm and cheerful even when it seemed that the new rules were never going to appear and that publication would be indefinitely postponed, should be particularly mentioned.

We have endeavoured to state the law as at June 10, 2002, the date when the new rules came into effect.

Gordon Nicholson  
Alastair Stewart



## PREFACE TO FIRST EDITION

Forty years have passed since the publication of Sheriff W. Jardine Dobie's *Sheriff Court Practice*. During that time there have been so many changes in the practice and procedure of the sheriff court that it would scarcely be possible to prepare a new edition of Sheriff Dobie's work without rewriting the text so extensively that most of the original would disappear. It was therefore decided that it would be appropriate to prepare an entirely new book.

This work is in no sense a revision of Sheriff Dobie's book, nor is it based upon it; but "Dobie" is so familiar to Scottish courts and practitioners that it seems desirable to explain the extent to which the present volume differs from it in scope. This book, unlike Sheriff Dobie's, is not a comprehensive guide to all the forms of civil proceedings which are competent in the sheriff court. In some areas, namely adoption of children, bankruptcy, commissary proceedings and company law and practice, the practitioner is already well provided with modern textbooks. In others, new procedural rules will soon be promulgated: the forthcoming rules on diligence would supersede any account of the subject in this book very shortly after its publication; and it is also too early to anticipate the introduction of small claims procedure. Nor does this book attempt to expound the law of civil remedies, which has already been fully examined in Professor Walker's volume on that subject in the Scottish Universities Law Institute series, or the substantive law relative to particular procedural rules, on which much guidance is available elsewhere. In the field of family proceedings, for example, Dr Clive's work in this series has been so well supplemented by a number of excellent monographs on recent legislation that it would be otiose for this book to venture beyond an exposition of the relevant rules of procedure.

This volume, accordingly, is not an exhaustive treatise but a general textbook. It attempts to explain the modern statutory rules of procedure and the principles and practices which regulate the conduct of all forms of civil proceedings in the sheriff court other than those already mentioned as the subjects of specialist works or forthcoming rules. I have tried to state the law in the light of the sources available to me on May 1, 1987.

The longest chapters in the book, and two of the most useful, are those on summary cause procedure by Sheriff A.L. Stewart and on miscellaneous statutory powers and duties by Mrs. Elizabeth R. Colwell Wilson. I supplied each of these contributors with the relevant part of my card index, various other materials and a scheme of the proposed chapter. Mrs. Colwell Wilson was also able to use materials which were most generously made available by Mr. C.M.G. Himsworth of the Department of Constitutional and Administrative Law of Edinburgh University. These materials had been compiled and analysed by Mr. Himsworth with the assistance of Mr. Neil Farrell, LL.B. Both Sheriff Stewart and Mrs. Colwell Wilson, however, undertook much further research and considerably improved the original schemes, making creative contributions

which fully justify the appearance of their names on the title page. I am most grateful to them both.

I am also indebted to The Hon. Lord Dunpark and Professor W. A. Wilson, the President and Director of the Scottish Universities Law Institute, for their support throughout the writing of the book, and to the members of the Institute's advisory committee. The committee's chairman, Sir John Dick, M.C., Q.C., LL.D., read the entire book in draft, as did Sheriff Principal P.I. Caplan, Q.C. Members of the staff of Scottish Courts Administration read Chapters 1, 3 and 6, and Professor Robert Black read Chapter 3. All made valuable comments, and I offer them my sincerest thanks. It is with particular pleasure that I thank Sir John Dick, who has influenced my professional life at many points. I alone am responsible for the errors which remain in the text.

I am also grateful to the many people who willingly responded to my requests for information. Among them are Professor A.E. Anton; Sheriff Principal S.E. Bell, Q.C.; Professor Black; Mr. W. Bryden, S.S.C.; The Hon. Lord Coulsfield; Sheriff G.L. Cox; Dr. A.G. Coyle, Governor of H.M. Prison, Greenock; Mr. P.B. Cullen, Advocate, Clerk of Faculty; Mr. I. Dean, Crown Agent; Mr. P. Feeney, Secretary to the Sheriff Court Rules Council; Mr. H.S. Foley, Deputy Principal Clerk (Administration) and Keeper of the Rolls of the Court of Session; Sheriff Principal M.G. Gillies, T.D., Q.C.; Sheriff A.C. Horsfall; Sir Jack I.H. Jacob, Q.C., LL.D.; Mr. H.R.M. Macdonald, Advocate; Sheriff R.G. McEwan, Q.C.; Mr. C. McLay, Regional Sheriff Clerk of Glasgow and Strathkelvin; Mr. A.A. McMillan, when Solicitor to the Secretary of State for Scotland; Dr. A.L. Murray, Keeper of the Records of Scotland; Sheriff Principal Sir Frederick O'Brien, Q.C.; Mr. F.G.N. Rennie, Principal Sheriff Clerk Depute, Glasgow; Mr. W. Russell, Keeper of the Registers of Scotland; Miss Linda Ruxton, Solicitor; Sheriff D.B. Smith; Mr. G.W. Waddell, Assistant Sheriff Clerk, Paisley; Mr. E.H. Weir, W.S., Auditor of the Court of Session; and Mr. D.N. Yule, Solicitor.

My wife Rosslyn compiled the tables of cases, statutes and rules. Mrs. Colwell Wilson helped with the statutes. Mr. K.G. McGregor, S.S.C., prepared the index. The publishers, W. Green & Son Ltd., and the printers, the Oxford University Press, discharged with skill and care the task of converting a combination of word-processor print-outs and typescripts into a handsome book.

It would have been impossible for me to complete this work without the help of my wife. She devoted hundreds of hours of her time to the book, not only in preparing the tables and in assembling, copying and proof-reading the text, but in providing me with all the conditions necessary for a prolonged period of intensive work. With remarkable forbearance our children bore the loss of many leisure hours when they might reasonably have expected to be in my company. In recognition of the burdens which this task has imposed on them, I dedicate this book to my family.

I. D. MACPHAIL  
Edinburgh  
September 14, 1987

## TABLE OF CASES

A, <i>PETRS</i> , 1953 S.L.T. (Sh. Ct.) 45; (1953) 69 Sh. Ct. Rep. 118, Sh Ct (Tayside) . . .	29.43
A v A ( <i>Forum Conveniens</i> ) [1999] 1 F.L.R. 1; [1999] 3 F.C.R. 376; [1998] Fam. Law 735, Fam Div . . .	2.89
A v B (1873) 10 S.L.R. 290 . . .	9.119
A v B, 1935 S.L.T. 12 . . .	14.21
A v B, 1955 S.C. 378; 1955 S.L.T. 436, IH (1 Div) . . .	29.32
A v B, Linlithgow Sh. Ct, October 9, 1985, unreported . . .	13.62
A v B and C. <i>See</i> O'Connor v A and B . . .	
A v C, 1922 S.L.T. 34 . . .	10.60
A v Children's Hearing for the Tayside Region, 1987 S.L.T. (Sh. Ct.) 126, Sh Ct (Tayside) . . .	29.21
A (Adoption: Placement), Re; sub nom Re Adoption Application (AA 113/67) [1988] 1 W.L.R. 229; [1988] 2 F.L.R. 133; [1988] F.C.R. 723; [1988] Fam. Law 293; (1988) 152 J.P.N. 699; (1988) 132 S.J. 91, Fam Div . . .	29.82
A and A v G, IH, April 12, 1994, unreported . . .	29.90
A and B v C (Adoption), 1977 S.C. 27, IH (1 Div) . . .	29.135
A and B v C, 1987 S.C.L.R. 514, IH (1 Div) . . .	29.32, 29.76
AB, Petr; sub nom AB and CB v X's Curator, 1963 S.C. 124; 1963 S.L.T. 46, IH (1 Div) . . .	29.05, 29.28, 29.135
AB v CB, 1911 2 S.L.T. 99 . . .	13.79
AB v CB, 1937 S.C. 408 . . .	4.08, 8.60, 8.64
AB v CB, 1985 S.L.T. 514, IH (2 Div) . . .	29.116
AB v CD (1836) 15 S. 158 . . .	11.66
AB v CD (1843) 6 D. 95 . . .	19.22
AB v CD (1905) 21 Sh.Ct.Rep. 303 . . .	8.06, 12.20
AB v CD, 1937 S.C. 408 . . .	4.07
AB v Strathclyde RC, Sh. Pr. Dick, Glasgow Sh. Ct, September 6, 1982, unreported . . .	27.112
AB (A Minor) (Adoption: Unmarried Couple), Re; sub nom Re AB (Adoption: Joint Residence); Re AB (A Minor) (Adoption: Parental Consent) [1996] 1 F.L.R. 27; [1996] 1 F.C.R. 633; [1995] Fam. Law 663; (1995) 159 J.P.N. 827; <i>The Times</i> , August 10, 1995, Fam Div . . .	29.45, 29.123
AB (Adoption: Joint Residence), Re. <i>See</i> Re AB (A Minor) (Adoption: Unmarried Couple) . . .	
AB and CB, <i>Petrs</i> (Adoption); sub nom Petition of AB and CD to adopt X and Y, 1990 S.C.L.R. 809, IH (Ex Div) . . .	29.84, 29.114, 29.154
AB and CB v X's Curator. <i>See</i> AB, Petr . . .	
AB and CD, <i>Petrs</i> , 1992 S.L.T. 1064; 1992 S.C.L.R. 274, IH (1 Div) . . .	18.47, 29.01, 29.07, 29.08, 29.38, 29.41, 29.90, 29.116, 29.134, 29.160
A/B Karlshamns Oljefabriker v Monarch S.S. Co. <i>See</i> Monarch Steamship Co Ltd v A/B Karlshamns Oljefabriker . . .	
AB or D v CD (1908) 15 S.L.T. 911 . . .	15.106
AF Drysdale Ltd v Menzies, 1998 G.W.D. 32-1667, Sh Pr . . .	19.06, 19.16
AH and PH, <i>Petrs</i> , 1997 Fam. L.R. 84 . . .	29.11, 29.122
AIB Group (UK) Ltd v Guarino, Sh. Pr. Taylor, Glasgow Sh. Ct, January 18, 2006, unreported . . .	10.23, 10.24
AK v Strathclyde RC, Sh. Pr. Dick, Glasgow Sh. Ct, September 6, 1982, unreported . . .	27.110
ASA International Ltd v Nelson, 1999 S.L.T. (Sh Ct) 44; 1998 S.C.L.R. 1123; 1998 G.W.D. 35-, Sh Pr . . .	21.93
AW (Adoption Application), Re [1993] 1 F.L.R. 62; [1992] Fam. Law 539 . . .	29.82
Abbey National Building Society v Strang, 1981 S.L.T. (Sh. Ct.) 4, Sh Ct (Glasgow) . . .	21.49
Aberchirder Mags v Banff District Committee (1906) 8 F. 571 . . .	19.33
Abercrombie v Edgar & Crerar Ltd, 1923 S.L.T. 271 . . .	11.25, 30.17
Aberdeen v Wilson (1872) 10 M. 971 . . .	2.31
Aberdeen Cemetery Co v Clapperton (1918) 35 Sh.Ct.Rep. 86 . . .	26.08

Aberdeen City Council v Drummond, 1997 S.C.L.R. 969; 1997 Hous. L.R. 116, Sh Pr .....	27.235
Aberdeen CC v Roger (1936) 53 Sh.Ct.Rep. 171 .....	27.54
Aberdeen Development Co v Mackie, Ramsay and Taylor, 1977 S.L.T. 177, OH .....	2.113, 9.83, 20.01, 20.05
Aberdeen Drilling Schools Ltd v Davis, 2002 S.L.T. (Sh Ct) 147; 2002 G.W.D. 4-122, Sh Pr .....	14.21
Aberdeen Grit Co Ltd v Aberdeen Corp, 1948 S.L.T. (Notes) 44 .....	12.15, 14.68
Abidin Daver, The. <i>See</i> Owners of the Las Mercedes v Owners of the Abidin Daver Abrahams Ltd v Campbell, 1911 S.C. 353 .....	2.29
Abse v Smith [1986] Q.B. 536; [1986] 2 W.L.R. 322; [1986] 1 All E.R. 350; (1986) 83 L.S.G. 124; (1985) 135 N.L.J. 1255; (1985) 129 S.J. 893, CA (Civ Div) ....	1.34, 2.07
Acutt v Acutt, 1935 S.C. 525; 1935 S.L.T. 347, IH (1 Div) .....	2.39
Adair v Colville & Sons, 1926 S.C. (H.L.) 51 .....	12.70
Adair v JC Docherty & Sons, 1953 S.L.T. (Sh. Ct.) 58; (1953) 69 Sh. Ct. Rep. 161, Sh Ct (South Strathclyde) .....	18.117
Adams v Great North of Scotland Ry (1890) 18 R. (H.L.) 1 .....	27.11
Adamson v Adamson, 1996 S.L.T. 427, IH (Ex Div) .....	22.65
Adamson v Howie & Co v Guild (1867) 6 M. 347 .....	14.25
Adamson v Roberts, 1951 S.C. 681; 1951 S.L.T. 355, IH (1 Div) .....	9.33
Addison v Brown (1906) 8 F. 443 .....	6.19
Addison v Brown, 1910 1 S.L.T. 185 .....	12.15
Addison v Kellock (1906) 14 S.L.T. 410 .....	14.41
Adelphi Hotel (Glasgow) Ltd v Walker, 1960 S.C. 182; 1960 S.L.T. (Notes) 29, IH (1 Div) .....	18.50, 18.51
Administrator of Austrian Property v Von Lorange [1927] A.C. 641; 1927 S.C. (H.L.) 80; 1927 S.L.T. 438, HL; reversing 1926 S.C. 598; 1926 S.L.T. 372, IH (1 Div) .....	2.109
Admiralty v Aberdeen Steam Trawling and Fishing Co Ltd, 1909 S.C. 335 .....	15.53
Adoption Application AA212/86 (adoption: payment) [1987] 2 F.L.R. 291 .....	29.82
Advance Building and Construction Services Ltd v Cunningham, Sh. Pr. Caplan, Kilmarnock Sh. Ct, April 8, 1987, unreported .....	16.32
Advocate (HM) v Airs, 1975 J.C. 64; 1975 S.L.T. 177, HCJ .....	2.08, 2.18, 2.19, 2.21, 16.69
Advocate (HM) v Bell, 2002 S.L.T. 527; 2001 G.W.D. 13-472, IH (Ex Div) .....	2.130, 4.122
Advocate (HM) v Graham (1844) 7 D. 183 .....	4.76
Advocate (HM) v Murray (1866) 5 Irv. 232 .....	15.27
Advocate (HM) v Olssen, 1941 J.C. 63 .....	16.68
Advocate (HM) v Skene Black (1887) 1 White 365 .....	15.27
Advocate (Lord) v Argyllshire CC, 1950 S.C. 304 .....	4.65
Advocate (Lord) v Arnold; sub nom Lord Advocate v Gracie, 1951 S.C. 256; 1951 S.L.T. 116, IH (1 Div) .....	4.122
Advocate (Lord) v Black, 1995 S.L.T. 540; 1994 S.C.L.R. 925, OH .....	2.14
Advocate (Lord) v Cooney, 1984 S.L.T. 434, IH (2 Div) .....	4.122
Advocate (Lord) v Duke of Hamilton (1891) 29 S.L.R. 213 .....	4.76
Advocate (Lord) v Duncan Logan (Contractors) Ltd, 1964 S.L.T. (Notes) 35, OH .....	9.90
Advocate (Lord) v Gillespie, 1969 S.L.T. (Sh. Ct.) 10, Sh Ct (Lanark) .....	9.112
Advocate (Lord) v Henderson, 1983 S.L.T. 518, IH (1 Div) .....	4.122
Advocate (Lord) v Hunt (1867) 5 M. (H.L.) 1 .....	4.76
Advocate (Lord) v Johnston, 1983 S.L.T. 290, IH (2 Div) .....	10.17, 13.23, 17.07, 18.92
Advocate (Lord) v Johnston [1985] S.T.C. 527; 1985 S.L.T. 533, IH (2 Div) .....	9.07
Advocate (Lord) v Meiklam (1860) 22 D. 1427 .....	4.76
Advocate (Lord) v Miller's Trs (1884) 11 R. 1046 .....	4.76
Advocate (Lord) v Mirrielees' Trs, 1943 S.C. 587 .....	4.76
Advocate (Lord) v Rizza, 1962 S.L.T. (Notes) 8, IH (1 Div) .....	4.118, 4.122
Advocate (Lord) v Royal Bank of Scotland Ltd; sub nom Inland Revenue Comms v Royal Bank of Scotland Ltd, 1977 S.C. 155; 1978 S.L.T. 38, IH (1 Div) .....	30.34
Advocate (Lord) v Sinclair (1872) 10 M. 137 .....	23.45
Advocate (Lord) v Stewart (1899) 36 S.L.R. 945 .....	4.79
Advocate (Lord) v Strathclyde RC; Lord Advocate v Dumbarton DC, OH, September 4, 1986, unreported .....	4.77
Advocate (Lord) v Tursi, 1998 S.L.T. 1035; 1997 S.C.L.R. 264; 1997 G.W.D. 6-254, OH .....	3.08, 3.77
Advocate (Lord) v West End Construction, 1990 S.C.L.R. 777, Sh Pr .....	3.77
Advocate General for Scotland v Taylor, 2004 S.C. 339; 2003 S.L.T. 1340; 2003 G.W.D. 36-998, IH (Ex Div) .....	26.19, 31.79
Affleck v Affleck (1862) 24 D. 291 .....	11.06
Agnew v Earl of Stair (1822) 1 Shaw's App. 333 .....	4.16

Agnew v Laughlan, 1948 S.C. 656 .....	4.33
Agnew v Norwest Construction Co Ltd, 1935 S.C. 771; 1935 S.L.T. 517, IH (2 Div) .....	19.26, 19.28
Agnew's Trs v Macneel (1827) 5 S. 309 (N.E. 287) .....	17.14
Ahmed's Tr. v Ahmed (No.1), 1993 S.L.T. 390, OH .....	19.40
Aifanourios, The. <i>See</i> West of Scotland Ship Owners Mutual Protection & Indemnity Association (Luxembourg) v Aifanourios Shipping SA	
Air 2000 Ltd v Secretary of State for Transport (No.2), 1990 S.L.T. 335, OH .....	4.30
Air Canada v Secretary of State for Trade (No.2) [1983] 2 A.C. 394; [1983] 2 W.L.R. 494; [1983] 1 All E.R. 910, HL .....	4.73, 4.74, 4.75, 15.45
Aird v School Board of Tarbert, 1907 S.C. 22 .....	18.117
Aitchison v McDonald, 1911 S.C. 174 .....	2.29, 2.32, 4.101, 24.18
Aitchison v Steven (1864) 3 M. 81 .....	14.54
Aitken v Classen, 1928 S.C. 628 .....	19.10, 19.55
Aitken v Dick (1863) 1 M. 1038 .....	2.97, 6.06, 12.11
Aitken v Motherwell and Wishaw Licensing Court, 1971 S.L.T. (Sh. Ct.) 25, Sh Ct (South Strathclyde) .....	27.49, 27.246
Aitken v Norrie, 1966 S.C. 168; 1967 S.L.T. 4, IH (1 Div) .....	12.42, 12.49, 12.50, 12.51, 12.65
Aitken's Trs v Miles, 1921 S.C. 454 .....	4.14
Al-Adsani v Kuwait [1996] C.L.Y. 3663 .....	4.04
Albacora SRL v Westcott & Laurance Line Ltd [1966] 2 Lloyd's Rep. 53; 1966 S.C. (H.L.) 19; 1966 S.L.T. 253; 1966 S.L.T. (Notes) 61; (1966) 110 S.J. 525; <i>The Times</i> , June 23, 1966, HL .....	16.84
Albyn Housing Society Ltd v Taylor Woodrow Homes Ltd, 1985 S.C. 104; 1985 S.L.T. 309, IH (Ex Div) .....	2.12
Alcom v Columbia [1984] A.C. 580; [1984] 2 W.L.R. 750; [1984] 2 All E.R. 6; [1984] 2 Lloyd's Rep. 24; (1984) 81 L.S.G. 1837, HL .....	4.04
Alexander v Campbell's Trs (1903) 5 F. 634 .....	23.23
Alexander v McRae (1841) Bell's Notes to Hume ii, 270 .....	16.65
Alexander v Perth CC (1939) 56 Sh.Ct.Rep. 20 .....	4.44, 12.53, 24.16
Alexander v Picken, 1946 S.L.T. 91 .....	12.15
Alexander Allan & Sons v McGee, 1990 S.L.T. (Sh. Ct.) 2, Sh Pr .....	12.27, 13.15
Alexander Low & Sons v McKenzie, 1972 S.L.T. (Sh. Ct.) 10, Sh Ct (Grampian) .....	10.06
Alexander Mather & Son v John Wilson & Co Ltd (1908) 15 S.L.T. 946 .....	30.24
Alexandra v Murphy, 2000 S.L.T. (Sh Ct) 44; 2000 S.C.L.R. 200; 2000 G.W.D. 4-153, Sh Pr .....	24.07
Alfred Crompton Amusement Machines Ltd v Customs and Excise Commissioners (No.2) [1974] A.C. 405; [1973] 3 W.L.R. 268; [1972] 1 W.L.R. 833; [1973] 2 All E.R. 1169; 117 S.J. 602, HL .....	4.74
Algeo v Melville Dundas & Whitson Ltd, 1973 S.L.T. (Notes) 90, OH .....	12.61
Alison v Blenkhorn (1907) 23 Sh.Ct.Rep. 209 .....	27.31
Allan (1826) Shaw 172 .....	2.19
Allan v Alexander's Trs (1908) 16 S.L.T. 491 .....	2.27
Allan v Fleming (1845) 7 D. 908 .....	21.72
Allan v Jenkins, 2003 S.L.T. (Sh Ct) 111; 2003 G.W.D. 35-990, Sh Pr .....	19.48
Allan v Scott, 1972 S.C. 59; 1972 S.L.T. 45, IH (2 Div) .....	16.100
Allan's Exr v Union Bank of Scotland, 1909 S.C. 206 .....	30.20
Allardice v Wallace, 1957 S.L.T. 225, IH (2 Div) .....	16.33, 18.109
Allen v McCombie's Trs, 1909 S.C. 710 .....	2.109, 4.40
Allen & Leslie (International) Ltd v Wagley, 1976 S.L.T. (Sh. Ct.) 12, Sh Ct (Grampian) .....	2.04
Allen (David) & Sons Billposting Ltd v Edinburgh City Council; sub nom David Allen & Sons Billposting Ltd v Edinburgh Corp, 1909 S.C. 70; (1908) 16 S.L.T.410, IH (2 Div) .....	26.08, 26.17, 26.32, 26.34, 26.35, 26.39, 26.40, 26.41, 26.43, 26.44
Allen (David) & Sons Billposting Ltd v Edinburgh Corp. <i>See</i> David Allen (David) & Sons Billposting Ltd v Edinburgh City Council	
Allgemeine Deutsche Credit Anstalt v Scottish Amicable Life Assurance Society, 1908 S.C. 33 .....	20.03
Allied Airways (Gandar Dower) Ltd v Secretary of State for Air, 1950 S.C. 249; 1950 S.L.T. 166, IH (1 Div) .....	2.100, 2.101
Allied Irish Banks Plc v GPT Sales & Services Ltd, 1995 S.L.T. 163; 1993 S.C.L.R. 778, OH .....	11.19
Allison v Chief Constable of Strathclyde; sub nom Allison v Orr, 2004 S.C. 453; 2004 S.L.T. 340; 2004 S.C.L.R. 767; 2004 G.W.D. 1-26, IH (1 Div) .....	19.62

Alpine House Ltd v Links, 1990 S.L.T. (Sh. Ct.) 87, Sh Pr .....	31.128
Alpine v Heritors of Dumbarton (1908) 16 S.L.T. 388 .....	12.26
Alston v Alston's Trs, 1919 2 S.L.T. 22 .....	2.95, 2.96, 2.97
Alston v Macdougall (1887) 15 R. 78 .....	2.97, 4.32, 6.06, 6.20
Alston & Orr v Allan, 1910 S.C. 304 .....	19.16
Alston's Trs v Lord Advocate (1896) 3 S.L.T. 150 .....	4.76
Alyth Light Symphony Band v Ross, 1930 S.L.T. (Sh. Ct) 34 .....	4.101
Amarnath v AJ Drilling, 1993 S.C.L.R. 57, Sh Pr .....	16.41
American Mortgage Co of Scotland v Sidway, 1908 S.C. 500; (1908) 15 S.L.T. 850 .....	3.99, 30.26
Ammon v Tod, 1912 S.C. 306 .....	18.16, 19.29
Amplifaire Ltd v Chisholme Institute, 1995 S.C.L.R. 11, Sh Pr .....	18.12, 31.333
Anderson v Anderson (1855) 17 D. 804 .....	7.27
Anderson v Anderson, 1981 S.L.T. 271, OH .....	12.42, 12.46
Anderson v Anderson (Divorce: Financial Provision), 1989 S.C.L.R. 475, Sh Pr ..	22.36
Anderson v Balnagown Estates Co, 1939 S.C. 168 .....	10.09
Anderson v British Railways Board (No.1), 1973 S.L.T. (Notes) 20, OH ....	10.37, 10.52
Anderson v Dick (1901) 4 F. 68 .....	14.71
Anderson v Garson (1875) 3 R. 254 .....	14.14
Anderson v Glasgow DC, 1987 S.C. 11; 1987 S.L.T. 279, IH (2 Div) .....	2.121, 10.40
Anderson v Harboe (1871) 10 M. 217 .....	3.100
Anderson v McConnacher (1850) 13 D. 405 .....	21.97
Anderson v McFarlane (1899) 1 F. (J.) 36 .....	16.62
Anderson v McGown, 1911 S.C. 441 .....	2.53
Anderson v Moncrieff, 1966 S.L.T. (Sh. Ct.) 28, Sh Ct (Tayside) .....	21.98
Anderson v Morrison (1905) 7 F. 561 .....	15.21, 15.26
Anderson v Neilans, 1940 S.L.T. (Sh. Ct) 13 .....	27.171
Anderson v Palombo (Preliminary Procedure), 1984 S.L.T. 332, OH .....	4.74
Anderson v Palombo, 1986 S.L.T. 46, OH .....	4.74
Anderson v St Andrew's Ambulance Association, 1942 S.C. 555 .....	15.16, 15.54
Anderson v Stoddart, 1923 S.C. 755 .....	9.78
Anderson v Thomson, 1985 S.L.T. (Sh. Ct.) 8, Sh Pr .....	14.41, 14.50
Anderson v Urban, Sh. Pr. Dick, Glasgow Sh. Ct, November 11, 1985, unreported	16.25
Anderson v Wilson, 1972 S.C. 147; 1972 S.L.T. 170, OH .....	2.104, 2.105, 2.107, 9.126
Anderson, 1912 S.C. 1144 .....	15.19
Anderson's Trs v Donaldson & Co Ltd, 1908 S.C. 38 .....	23.28
Anderson's Trs v Skinner (1871) 8 S.L.R. 325 .....	4.07
"Andoni", MV v MV "St Angus", 1945 S.C. 468 .....	19.14
Andrea Merzario Ltd v Internationale Spedition Leitner Gesellschaft GmbH [2001] EWCA Civ 61; [2001] 1 All E.R. (Comm) 883; [2001] 1 Lloyd's Rep. 490; [2001] C.L.C. 643; [2002] I.L.Pr. 26; (2001) 98(9) L.S.G. 41; (2001) 145 S.J.L.B. 54; <i>The Times</i> , February 27, 2001; <i>Daily Telegraph</i> , February 13, 2001, CA (Civ Div) ..	3.92
Andrew Welsh Ltd v Thornhome Services, 1994 S.C.L.R. 1021, Sh Pr .....	8.34, 8.38, 8.44, 14.09
Angus v Glasgow Corp, 1977 S.L.T. 206, IH (1 Div) .....	18.107
Anisimic Ltd v Foreign Compensation Commission [1969] 2 A.C. 147; [1969] 2 W.L.R. 163; [1969] 1 All E.R. 208; (1968) 113 S.J. 55; <i>The Times</i> , December 18, 1968, HL .....	26.35
Annandale and Eskdale DC v North West Water Authority, 1978 S.C. 187; 1979 S.L.T. 266, OH .....	2.13, 20.01
Antermoney Coal Co v Wingate (1866) 4 M. 1017 .....	4.5
Anton Durbeck GmbH v Den Norske Bank ASA; sub nom Durbeck GmbH v Den Norske Bank ASA [2003] EWCA Civ 147; [2003] Q.B. 1160; [2003] 2 W.L.R. 1296; [2003] 4 All E.R. 543; [2003] 2 All E.R. (Comm) 411; [2003] 1 C.L.C. 679; [2003] I.L.Pr. 27; (2003) 100(12) L.S.G. 29; <i>The Times</i> , February 6, 2003; <i>Independent</i> , February 14, 2003, CA (Civ Div) .....	3.38
Appleby v Glasgow Corp, 1949 S.L.T. (Sh. Ct) 72 .....	14.33
Appleyard (Aberdeen) Ltd v Morrison, 1979 S.L.T. (Sh. Ct.) 65, Sh Pr ..	7.35, 7.36, 7.37
Arbroath District Committee v Carnoustie Mags (1911) 28 Sh.Ct.Rep. 101 .....	27.390
Arbuthnot v Williamson (1909) 25 Sh.Ct.Rep. 255 .....	27.11
Arcari v Dunbartonshire CC (No.1), 1948 S.C. 62; 1948 S.L.T. 438; 1948 S.L.T. (Notes) 9, IH (1 Div) .....	18.01, 26.06, 26.29, 26.32, 26.35, 26.36, 26.37, 26.41, 26.42, 26.43, 26.45
Arch Joinery Contracts v Arcade Building Services, 1992 S.L.T. 755; 1991 S.C.L.R. 638, OH .....	11.53
Archer's Trs v Alexander & Sons (1910) 27 Sh.Ct.Rep. 11 .....	18.06, 18.11

Argyll (Duke of) v Campbeltown Coal Co, 1924 S.C. 844 .....	20.04
Argyll (Duke of) v Duchess of Argyll (No.2), 1962 S.C. (H.L.) 88; 1962 S.L.T. 333, HL; reversing 1962 S.C. 140; 1962 S.L.T. (Notes) 25, IH (1 Div) .....	8.57, 10.06, 10.18, 10.28, 10.58, 15.109, 16.38
Argyll (Duke of) v Duchess of Argyll (No.3), 1963 S.L.T. (Notes) 42, OH .....	15.37
Argyll (Duke of) v MacArthur (1941) 59 Sh.CtRep. 91 .....	27.06
Argyll (Duke of) v Muir, 1910 S.C. 96 .....	2.29, 12.71, 12.72, 13.78, 18.96
Argyllshire Weavers Ltd v A. Macaulay (Tweeds) Ltd (No.1), 1962 S.C. 388; 1962 S.L.T. 310, IH (1 Div) .....	2.88, 2.89, 2.98, 8.19, 14.18, 15.78
Armia Ltd v Daejan Developments Ltd, 1979 S.C. (H.L.) 56; 1979 S.L.T. 147, HL; reversing 1978 S.C. 152, IH (1 Div) .....	10.17
Armour v Duff & Co, 1912 S.C. 120 .....	19.11
Armour v Munro (1899) 7 S.L.T. 21 .....	2.34
Armour & Melvin Ltd v Mitchell, 1934 S.C. 94; 1934 S.L.T. 90, IH (2 Div) ..	9.25, 12.36
Armstrong v Brake Bros (Frozen Foods) Ltd, 2003 S.L.T. (Sh Ct) 58; 2003 Rep. L.R. 36; 2003 G.W.D. 3-73, Sh Pr .....	31.142
Armstrong v Thompson (1895) 2 S.L.T. 537 .....	4.115
Arnauld v Boick (1704) Mor. 10159 .....	4.03
Arrow Chemicals Ltd v Guild, 1978 S.L.T. 206, OH .....	4.43, 4.50, 14.60
Arthur v Lindsay (1895) 22 R. 417 .....	10.06
Arthur v Lindsay (1895) 22 R. 904 .....	19.14, 19.55
Arthur v SMT Sales & Service Co Ltd (No.1), 1998 S.C. 525; 1998 S.L.T. 1446; 1998 G.W.D. 10-477, IH (2 Div) .....	9.118
Arthur JS Hall & Co v Simons; Barratt v Woolf Seddon; Cockbone v Atkinson Dacre & Slack; Harris v Scholfield Roberts & Hill; sub nom Harris v Scholfield Roberts & Hall; Barratt v Ansell (t/a Woolf Seddon) [2002] 1 A.C. 615; [2000] 3 W.L.R. 543; [2000] 3 All E.R. 673; [2000] B.L.R. 407; [2000] E.C.C. 487; [2000] 2 F.L.R. 545; [2000] 2 F.C.R. 673; [2001] P.N.L.R. 6; [2000] Fam. Law 806; [2000] E.G.C.S. 99; (2000) 97(32) L.S.G. 38; (2000) 150 N.L.J. 1147; (2000) 144 S.J.L.B. 238; [2000] N.P.C. 87; <i>The Times</i> , July 21, 2000; <i>Independent</i> , July 25, 2000, HL	2.19
Asbestos Insurance Coverage Cases, Re. <i>See</i> Sedgwick Group Plc v Johns-Manville Fibreboard Corp	
Ashcroft's Curator Bonis v Stewart, 1988 S.L.T. 163, OH .....	10.18
Asher v Macleod, 1948 S.C. 55; 1948 S.L.T. 227; 1948 S.L.T. (Notes) 3, IH (1 Div)	8.59
Assessor for Strathclyde Region v Dass Nicholas, 1981 S.L.T. (Notes) 116, LVAC	5.87
Assets Co Ltd v Bain's Trs (1905) 7 F. (H.L.) 104; reversing (1904) 6 F. 692 .....	2.123
Assets Co Ltd v Falla's Tr. (1894) 22 R. 178 .....	9.119
Associated Leisure Ltd (formerly Phonographic Equipment Co Ltd) v Associated Newspapers Ltd [1970] 2 Q.B. 450; [1970] 3 W.L.R. 101; [1970] 2 All E.R. 754; 114 S.J. 551, CA (Civ Div) .....	9.12
Associated Portland Cement Manufacturers Ltd v McInally, 1970 S.L.T. (Sh. Ct.) 9, Sh Ct (Lanark) .....	14.52, 14.57, 14.64, 14.65
Associated Provincial Picture Houses Ltd v Wednesbury Corp [1948] 1 K.B. 223; [1947] 2 All E.R. 680; 63 T.L.R. 623; 112 J.P. 55; 45 L.G.R. 635; [1948] L.J.R. 190; 177 L.T. 641; 92 S.J. 26, CA .....	26.08, 26.11
Atherlay v Lanark CC, 1968 S.L.T. (Sh. Ct.) 71, Sh Ct (South Strathclyde) .....	27.246
Atholl (Duke of) v Glover Incorporation of Perth (1899) 1 F. 658 .....	2.109
Atholl (Duke of) v Robertson (1869) 8 M. 299 .....	2.15, 2.125, 2.126, 2.129, 13.64
Atholl (Duke of) v Robertson (1872) 10 M. 298 .....	21.97
Atkinson & Wood v Mackintosh (1905) 7 F. 598 .....	2.92, 2.98
Atlantic Engine (1920) Co Ltd (in liquidation) v Lord Advocate, 1955 S.L.T. 17, OH	4.62
Atlantic Star (Owners of) v Owners of the Bona Spes (The Atlantic Star and The Bona Spes) [1974] A.C. 436; [1973] 2 W.L.R. 795; [1973] 2 All E.R. 175; [1973] 2 Lloyd's Rep. 197; 117 S.J. 371, HL .....	2.89, 2.98
Atlas Appointments Ltd v Tinsley (No.1), 1994 S.C. 582; 1995 S.L.T. 635; 1994 S.C.L.R. 729, IH (2 Div) .....	9.78
Att.-Gen. v BBC; sub nom Dible v BBC [1981] A.C. 303; [1980] 3 W.L.R. 109; [1980] 3 All E.R. 161; 78 L.G.R. 529; 124 S.J. 444, HL .....	2.13
Att.-Gen. v English [1983] 1 A.C. 116; [1982] 3 W.L.R. 278; [1982] 2 All E.R. 903; (1982) 75 Cr. App. R. 302; [1982] Crim. L.R. 743; (1982) 79 L.S.G. 1175; 126 S.J. 511, HL .....	2.20
Auld & MacDonald v George Wimpey & Co Ltd, 1977 S.L.T. (Notes) 23, IH (2 Div)	13.71, 14.18, 14.37
Automobile Gas Producer Syndicate Ltd v Caledonian Ry, 1909 1 S.L.T. 499 .....	19.31
Avery v Cantilever Shoe Co, 1942 S.C. 469 .....	14.38, 14.52, 16.69, 16.71
Avery v Hew Park School, 1949 S.L.T. (Notes) 6, OH .....	9.29



Ayr Burgh Council v British Transport Commission (No.2); sub nom Burgh of Ayr v British Transport Commission, 1956 S.L.T. (Sh. Ct.) 3; (1956) 72 Sh. Ct. Rep. 73, Sh Ct (South Strathclyde) .....	2.128, 5.92, 15.77
Ayr Mags v Lord Advocate. <i>See</i> Ayr Mags v Secretary of State for Scotland	
Ayr Mags v Secretary of State for Scotland; sub nom Ayr Mags v Lord Advocate, 1950 S.C. 102; 1950 S.L.T. 257, OH .....	4.57
Ayr Road Trs v Adams (1883) 11 R. 326 .....	16.58
Ayr Town Council, Petr (1891) 7 Sh.CtRep. 196 .....	27.53
Ayr Town Council v Secretary of State for Scotland, 1965 S.C. 394; 1966 S.L.T. 16, OH .....	4.57
Ayton v National Coal Board, 1965 S.L.T. (Notes) 24, OH .....	16.28, 19.11, 19.63
Azcarate v Iturrizaga, 1938 S.C. 573 .....	11.35
B v C, 1996 S.L.T. 1370; 1996 S.C.L.R. 874, IH (1 Div) .....	29.01, 29.06, 29.07, 29.119, 29.122
B v L. <i>See</i> Brixey v Lynas (No.1)	
B. Lewis (Upholstery) Ltd v Hewitt, 1987 S.C.L.R. 580, Sh Pr .....	19.60
BCP Group v Customs and Excise Commrs; Swallowfield v Customs and Excise Commrs [1994] S.T.C. 41 .....	13.69
BG v City of Edinburgh Council, IH, May 23, 2002, unreported .....	29.148, 29.162
BRAC Rent-A-Car International Inc, Re; sub nom Re BRAC Rent-A-Car Ltd [2003] EWHC 128; [2003] 1 W.L.R. 1421; [2003] 2 All E.R. 201; [2003] B.C.C. 248; [2003] 1 B.C.L.C. 470; [2003] B.P.I.R. 531; (2003) 100(14) L.S.G. 28; <i>The Times</i> , February 24, 2003, Ch D (Companies Ct) .....	3.136
Bacon v Blair, 1972 S.L.T. (Sh. Ct.) 11, Sh Ct .....	2.107
Bahai v Rashidian; sub nom Ali-Sheikh Bahai v Rashidian [1985] 1 W.L.R. 1337; [1985] 3 All E.R. 385; (1985) 82 L.S.G. 2162; (1985) 135 N.L.J. 1033; (1985) 129 S.J. 777; <i>The Times</i> , October 9, 1985, CA (Civ Div) .....	2.128
Baikie v Doull (1908) 24 Sh.Ct.Rep. 211 .....	15.65
Baikie v Glasgow Corp, 1919 S.C. (H.L.) 13 .....	9.33
Bailey's Trs v Bailey, 1954 S.L.T. 282 .....	2.13
Baillie (1872) 10 M. 414 .....	19.27
Bain v Assets Co (1905) 7 F. (H.L.) 104 .....	2.123
Bain v Lawson & Son (1899) 1 F. 576 .....	14.10
Bain v Whitehaven Ry (1850) 7 Bell's App. 79 .....	9.18
Bainbridge v Bainbridge (1879) 6 R. 541 .....	14.07
Bainbridge v Congdon [1925] 2 K.B. 261 .....	27.262
Baird (1741) Mor. 16346 .....	4.23
Baird v Baird, 1814 2 S.L.T. 260 .....	9.79
Baird v Glendinning (1874) 2 R. 25 .....	11.84, 17.22
Baird v SMT Co Ltd; sub nom Baird v Scottish Motor Traction Co, 1948 S.C. 526; 1948 S.L.T. 411, IH (1 Div) .....	12.24, 12.26, 13.66
Baird (DA) & Son v Nisbet, 1995 S.C.L.R. 1127, Sh Pr .....	8.34, 14.09
Baird's Exrx v Wylie, 1956 S.L.T. (Sh. Ct.) 10, Sh Ct (South Strathclyde) .....	14.68
Baird's Trs v Leechman (1903) 10 S.L.T. 515 .....	4.43
Baker v Glasgow Corp, 1916 S.C. 199 .....	19.12
Balfour v Baird, 1959 S.C. 64 .....	4.48
Balfour v Foreign and Commonwealth Office [1994] 1 W.L.R. 681; [1994] 2 All E.R. 588; [1994] I.C.R. 277; <i>The Times</i> , December 10, 1993; <i>Independent</i> , December 10, 1993; <i>Guardian</i> , December 11, 1993, CA (Civ Div) .....	4.74
Ballantine v Reddie (1884) 22 S.L.R. 136 .....	13.34
Balthasar v Mullan (1985) 17 H.L.R. 561; 84 L.G.R. 55; (1986) 51 P. & C.R. 107; [1985] 2 E.G.L.R. 260; [1986] J.P.L. 751, CA (Civ Div) .....	27.162
Bank of Dubai Ltd v Abbas [1997] I.L.Pr. 308, CA (Civ Div) .....	3.11
Bank of East Asia Ltd v Shepherd & Wedderburn, WS, 1995 S.C. 255; 1995 S.L.T. 1074; 1995 S.C.L.R. 598, IH (Ex Div); affirming 1994 S.C.L.R. 526, OH .....	15.58
Bank of Ireland v Dewar, Sh. Pr. Caplan, Paisley Sh. Ct, May 8, 1986, unreported .....	12.68
Bank of Scotland v Brunswick Developments (1987) Ltd, 1995 S.C. 272; 1995 S.L.T. 689; 1995 S.C.L.R. 325, IH (1 Div) .....	24.12
Bank of Scotland v Davis, 1982 S.L.T. 20, IH (2 Div) .....	9.93
Bank of Scotland v Graham's Tr., 1992 S.C. 79; 1993 S.L.T. 252; 1992 S.C.L.R. 306, IH (1 Div) .....	24.12
Bank of Scotland v Mitchell, 2002 S.L.T. (Sh Ct) 55; 2001 G.W.D. 39-1447, Sh Ct (Tayside) .....	6.08, 9.49
Bank of Scotland v SA Banque Nationale de Paris, 1996 S.L.T. 103; [1995] C.L.C. 1110; [1996] I.L.Pr. 668, OH .....	3.63, 3.64

Bank of Scotland v Seitz, 1990 S.L.T. 584; 1990 S.C.L.R. 418; [1991] I.L.Pr. 426, IH	3.33,
	3.92, 11.14, 30.21
Bank of Scotland v Shakeshaft, Sh. Pr. O'Brien, Dumbarton Sh. Ct, December 29, 1977, unreported	15.24, 15.29
Bank of Scotland v W & G Fergusson (1898) 1 F. 96	9.28, 9.41, 10.04, 10.05
Bankers' Books Evidence Act 1879, Re; R. v Bono (1913) 29 T.L.R. 635	15.99
Bankhardt's Tr. v Scottish Amicable Society (1871) 9 M. 443	21.50, 30.23
Banks v Cruden Building Ltd, 1992 S.C.L.R. 779, Sh Pr	7.30
Bannerman's Trs v Bannerman, 1915 S.C. 398	19.13, 21.72
Bannerman's Trs v Macqueen (1896) 3 S.L.T. 503	19.10
Bannon v Dunbarton CC (1934) 50 Sh.Ct.Rep. 301	27.114
Banque Indo Suez v Maritime Co Overseas Inc, 1984 S.C. 120; 1985 S.L.T. 117, IH (2 Div)	1.46, 24.11, 30.30
Banque Indo Suez v Maritime Co Overseas Inc (No.2), 1985 S.L.T. 517, IH (2 Div)	19.18
Barbour v McGruer, 1968 S.L.T. (Notes) 52, OH	14.59
Barclay v Chief Constable of the Northern Constabulary, 1986 S.L.T. 562, OH	2.115
Barclay v Hannah, 1947 S.C. 245	27.263
Barclay v Morris, 1998 S.C. 74; 1997 G.W.D. 36-1826, OH	15.54
Barclay Curle & Co Ltd v Sir James Laing & Sons Ltd, 1908 S.C. 82	30.30
Barettdji v Barettdji, 1985 S.L.T. 126, IH (1 Div)	16.39
Bargeport Ltd v Adam, Sh. Pr. Dick, Glasgow Sh. Ct, February 15, 1985	1.35
Bark v Scott, 1954 S.C. 72; 1954 S.L.T. 210, IH (1 Div)	9.122
Barnes (Flexible Packaging) Ltd v Okhai (Flexible Packaging) Ltd, 1978 S.L.T. (Notes) 72, IH (2 Div)	5.93
Barnie (G & A) v Stevenson, 1993 S.C.L.R. 318, Sh Ct (Tayside)	7.28
Barr v Bain (1896) 23 R. 1090	8.63, 9.30
Barr v British Transport Commission (No.2), 1963 S.L.T. (Notes) 59, OH	15.31
Barr v Commrs of Queensferry (1899) 1 F. 630	2.101
Barr v Neilson (1868) 6 M. 651	4.42, 4.50
Barratt International Resorts Ltd v Martin, 1994 S.L.T. 434, OH	3.27, 3.54
Barrell Enterprises, Re [1973] 1 W.L.R. 19, CA (Civ Div)	5.78
Barrie v Alex Butter Landscaping Ltd, Sh. Pr. Dunlop, Perth Sh. Ct, October 14, 2004, unreported	14.10
Barrie v Barrie's Tr., 1933 S.C. 132	19.13
Barrie v Caledonian Ry (1902) 5 F. 30	15.08, 19.12
Barrie v Hosie (1933) 49 Sh.Ct.Rep. 114	7.25
Barrie v SMT Co Ltd, 1936 S.L.T. 143	19.60
Barrow v Bryce, 1986 S.L.T. 691, OH	9.33
Barton v Caledon Shipbuilding and Engineering Co Ltd, 1947 S.L.T. (Notes) 12	5.81
Barton v William Low & Co Ltd, 1968 S.L.T. (Notes) 27, OH	9.67, 10.17, 12.42, 12.61
Basra v Cunninghame District Licensing Board, 1995 S.C. 296; 1995 S.L.T. 1013; 1995 S.C.L.R. 605, IH (1 Div)	27.242
Batchelor v Pattison and Mackersy (1876) 3 R. 914	9.12, 14.20, 16.42, 19.25
Batchelor v Reilly, Sh. Pr. Dick, Glasgow Sh. Ct, February 11, 1981, unreported	14.25,
	14.26, 14.27, 19.28, 19.37
Bathgate Storage and Distribution Co Ltd v Canada Permanent Trust Co (UK) Ltd, Linlithgow Sh. Ct, June 13, 1984, unreported	17.29
Battu v Battu, 1979 S.L.T. (Notes) 7, OH	8.60, 8.64
Baxter v Lothian Health Board, 1976 S.L.T. (Notes) 37, OH	15.87, 15.96
Bayley v Middleton, 1909 1 S.L.T. 493	15.72, 16.11
Beardmore & Co v Barry, 1928 S.C. (H.L.) 47	20.01, 20.04
Beattie v Royal Bank of Scotland Plc, 2003 S.L.T. 564; 2003 S.C.L.R. 352; 2003 G.W.D. 11-301, OH	14.24, 14.28, 14.33
Beattie & Son v Pratt (1880) 7 R. 1171	2.11
Beck v Newhold [1952] 2 All E.R. 412	27.262
Becker v Home Office [1972] 2 Q.B. 407; [1972] 2 W.L.R. 1193; [1972] 2 All E.R. 676; 116 S.J. 256, CA (Civ Div)	16.16
Beedie v Norrie, 1966 S.C. 207; 1966 S.L.T. 295, OH	12.42, 12.46, 12.49, 12.63
Begg v Begg (1887) 14 R. 497	16.81
Behrent v MacKillop, 2003 S.L.T. 1049; 2003 G.W.D. 26-731, OH	15.57
Belfrage v Blyth (1910) 24 Sh.Ct.Rep. 295	7.07
Belfrage v Davidson's Trs (1862) 24 D. 1132	2.128
Belhaven Brewery Co Ltd v Swift, 1996 S.L.T. (Sh Ct) 127, Sh Pr	7.01
Bell v Blackwood Morton & Sons Ltd, 1960 S.C. 11; 1960 S.L.T. 145; 1959 S.L.T. (Notes) 79, IH (1 Div); 1959 S.L.T. (Notes) 54, OH	16.30
Bell v Fiddes, 1996 S.L.T. 51, OH	7.21