

GLOSSARY OF THE MORE COMMON SCOTTISH LEGAL TERMS

(Further less commonly used Latin terms can be found in “Traynor’s Latin Maxims”)

Absolvitor	The judgement pronounced when a court assoilzies a party.
Accountant in Bankruptcy	The administrative supervisor of sequestrations and personal insolvency.
Accountant of Court	An officer of court who supervises the conduct of judicial factors.
Accused	A person charged with committing a crime or offence.
Act and warrant	The interlocutor in sequestration proceedings which confirms the appointment of the trustee
Action	Proceedings instituted by a person in a civil court.
Acts of Adjournal	Regulations as to court procedure made by the High Court of Justiciary in criminal law.
Acts of Sederunt	Acts passed by the Lords of Council and Session relating to civil procedure.
<i>Ad factum praestandum</i>	For the performance of a certain act.
<i>Ad fundandam jurisdictionem</i>	For the purpose of founding jurisdiction
<i>Ad hoc</i>	Referring only to a particular case or to a specified set of circumstances.
<i>Ad infinitum</i>	Without limit.
<i>Ad interim</i>	In the meantime.
Adjudication	An action used to take possession of heritable property, i.e. where a seller of land refuses to give a conveyance to the buyer, or as a means of taking a debtor’s land to satisfy his creditor’s claim for debt.
Adjust	To alter the written basis of an action or its defence in its early stages.
<i>Ad litem</i>	For the purposes of this action only.
<i>Ad longum</i>	At length

Administration Order	A court order appointing an administrator for a company in financial difficulties but not hopelessly insolvent.
Adoption	The statutory process whereby the parental rights and duties of natural parents are extinguished and vested in adopters.
<i>Ad valorem</i>	According to value.
<i>Ad vitam aut culpam</i>	For life or till fault.
Advocate	A member of the Scottish Bar.
Advocate-depute	An advocate appointed by the Lord Advocate to prosecute under his/her directions, and paid by salary.
Advocate General	A UK Government Minister and the UK Government's chief legal adviser on Scots law.
Advocate, Lord	The senior Scottish Law Officer responsible for the prosecution of crime and investigation of deaths in Scotland, and the principal legal adviser to the Scottish Government
Affidavit	A signed statement made on oath. Some cases which come before the Court can be dealt with by affidavit evidence. This is basically a sworn statement which the Court has regard to and means witnesses don't have to turn up. It saves a good deal of time but can only be used in certain types of case (where there is no real dispute) as a written statement cannot be cross-examined.
Aliment	Support or maintenance of a spouse or child enforceable by law.
Allocated to a Roll	Assigned to a particular court and Judge / Sheriff
Animus	Will or intention
Appearance	The formal act whereby the defender in an action intimates his intention to defend.
Arrestment	Legal attachment of money or moveable property in the hands of a third party.
Articles of Roup	Conditions of sale by auction.
Assignment	The transfer of a right from one party to another.

Assize	In Scotland this word is occasionally and formally used to mean a jury.
Assoilzie	Criminal - to acquit or find not guilty. Civil - to find for the defender/respondent.
Auditor of Court	A person responsible for examining legal accounts. The Auditors of the Court of Session and Sheriff Courts respectively examine and are said to “tax” accounts of expenses incurred by parties in civil actions in the respective courts.
Aver	To state or allege.
Avizandum	Judgement deferred (verbal or written decision to be given later).
Bail	(i) In Admiralty proceedings the security given to obtain the release of a ship. (ii) In criminal proceedings an arrangement for the conditional release of an accused person pending trial or sentence subject to penalties.
Bond and Disposition in Security	Mortgage secured over heritable property.
Bond of Caution	Where the Court appoints someone to act on behalf of another (judicial factors etc.) it may require that they find caution in a specified amount. This may be done by depositing cash, or by arranging a bond with an insurance company. It ensures that compensation is available in the event that the judicial factor etc acts improperly. Note - ‘Caution’ is pronounced to rhyme with <i>station</i> .
Books of Adjournal	The books or records of the Judiciary Office.
Books of Council and Session	A popular title for the Registers of Deeds and Probative Writs in which, according to the directions they contain, deeds, etc., may be registered for preservation or preservation and execution.
Books of Sederunt	Records of the Acts of Sederunt in the Court of Session.
Brevitatis causa	For the sake of brevity
Caution	Security (pronounced ‘Kayshun’)

Caveat	“Warning”. A legal document lodged in court by a party so that no order or ruling affecting him or her passes in his or her absence or without receiving prior notice.
Circuit Court	The court held by the judges of the High Court of Justiciary when they sit outside Edinburgh.
Cite / Citation	(i) To summon to court a party, witness or juror. (ii) To refer in argument to some authority such as a statute or decided case.
<i>Cognitionis causa tantum</i>	An action raised by creditor of a deceased debtor for purpose of constituting his or her debt against the estate.
College of Justice	A formal name of the Court of Session. The College of Justice includes advocates, solicitors, court staff and others, as well as the judges.
Commissary	Relating to establishing the succession rights and disposal of a deceased persons estate.
Commissary Court	The Court which grants a title to Executors or Administrators.
Complaint	A document instituting summary (minor) criminal proceedings in a sheriff or district court setting out the offence charged.
Compearance	The appearance of a Defender.
Conclusion	The conclusion in a Court of Session summons is the statement of the precise order sought. To conclude for is to claim in this fashion.
Condescence	A written statement in an action setting out the grounds of action of the Pursuer.
Confirmation nominate	The title of the Executor of a deceased’s estate where there the deceased has left a will
Confirmation dative	The title of the Executor of a deceased’s estate where there the deceased has not left a will
Consignation	The deposit in court or with a third party under court authority of money or an article in dispute.
Consistorial	Relating to family matters, including actions between husband and wife / civil partners, or parent and child which involve status.

Counsel	In Scotland a member of the Faculty of Advocates practising at the Bar.
Courtesy	The estate which the husband has for life in the real estate left by his wife.
Creditor	A person to whom another person (or debtor) is obliged in some monetary or other obligation.
Curator	A person either entitled by law or appointed by the court or an individual to administer the estate of another, as of a young or insane person. Commonly mispronounced curator.
Criminal Appeals / Justiciary Appeals	Criminal appeals result from summary (less serious) work. Justiciary appeals result from solemn work.
Curator <i>ad litem</i>	A person appointed by the court to look after the interests of a party to proceedings who is under legal disability but has no guardian.
Curator <i>bonis</i>	The person appointed by the court to manage the estate of a young person in place of his legal guardian or to manage the estate of an adult suffering from mental or, less commonly, bodily infirmity.
Curatory / Judicial Factor Accounts	Where people are too young, or infirm, to look after their own (financial) affairs they have someone appointed to do so (a curator or judicial factor). These appointments are made by the Court and those appointed have to account for their intermission on the estate of the 'incapax'
Custody Order	now known as a "Residence Order"
<i>Cy Pres</i>	Approximation; as near as possible.
Debate	Intermediate step in procedure when legal points are considered, and which can result in the conclusion of a civil case prior to evidence being led.
Debtor	A person obliged to pay some monetary or other obligation to another (the creditor).
Decern	A formal verb meaning to give final decree or judgement.
Decree	The common term for a final judgement. (The word as is accented on the first syllable). Thus decree arbitral,

the decision of an arbiter; decree conform, a decree given by the Court of Session in aid of a lower court to enable diligence to be done.

Decrees in Absence

Applications to the court dealt with by the Sheriff in his chambers in the "absence" of opposition thereto,

De facto

According to the fact; in point of fact.

Defences

The statement by way of defence lodged by the defender, being the party against whom a civil action is brought. The plural signifies, presumably, that the defender may rely on more legal answers than one.

Defender

A person who disputes the claim of the pursuer and lodges defences.

De fideli administratione

Of faithful administration (This phrase is used to describe an oath perhaps to a translator for a witness).

De jure

According to law, or in point of law.

De novo

Of new

De plano

Immediately, summarily, without attention to forms.

Diet

The date fixed by the court for hearing a case for any one of a variety of purposes.

Diligence

Procedure for enforcing decree against debtors;
Process for procuring the recovery of writings from an opponent or third party; or
Process for obtaining the evidence of witnesses before a commissioner.

Discharge

Release

Dispone

To grant transfer, applied usually to heritage.

District Court

The court in each district or island area dealing with the most minor criminal offences, which replaced the burgh or magistrates courts existing before the local government reorganisation in 1975.

Eik to confirmation

Title of Executor to additional estate

Eodem die (eo die)

The same day.

Et sequentes paginae (Et seq)

And following pages.

Evidence Led	When a trial (either summary or solemn) calls in Court it will either – (a) proceed (evidence will be led by the Crown and the Defence); (b) Evidence will be partly led and the trial continued to another date; (c) The trial may be adjourned to another date for some reason (with no evidence led); or (d) it may be disposed of - either the Crown no longer proceeds, or a plea to the charge is accepted.
Executor dative	Executor appointed by the Court.
Executor nominate	Executor named in a Will.
<i>Ex facie</i>	On the face of it; evidently
<i>Ex officio</i>	As holder of a particular office or appointment.
Exoner	To discharge of liability. Thus a judicial factor may seek exoneration and discharge at the hands of the court.
<i>Ex parte</i>	Proceedings are <i>ex parte</i> when the party against whom they are brought is not heard, e.g. in interdict proceedings an <i>interim</i> interdict may be granted <i>ex parte</i> .
Expede Confirmation	To lodge the necessary documents in court and to obtain a Grant of Confirmation in favour of an Executor
<i>Ex post facto</i>	From something done afterwards.
<i>Ex proprio motu</i>	On the court's or judge's own initiative.
<i>Ex tempore</i>	At the time. e.g. an <i>ex tempore</i> judgement - given there and then.
Extract	A written instrument signed by the officer of court, containing a statement of a decree and if necessary, a warrant to charge the debtor and to execute all competent diligence against person or property.
Extract Decree / Copy Interlocutor	Each step of an Ordinary Action (one other than a summary cause or small claim) is recorded in an interlocutor. It is a short summary of what has happened to the case each time it comes before the Sheriff. A copy of the interlocutor is enough in some instances to carry out the order of the Court (what the Sheriff had decided). An extract decree is required

where a copy interlocutor would not do and a more formal document is required.

Extra-judicial	The word today occurs perhaps most often in the expression extra-judicial expenses, meaning expenses incurred outwith the normal course of judicial proceedings and as such not normally recoverable by a successful party from his opponent.
Feu duty	Perpetual ground rent.
Fiar	The person entitled to the fee of say Land or Securities which may be liferented by another.
<i>Fiat ut petitur</i>	Let it be done as prayed for.
First Deliverance	First order in proceedings. Term normally used for liquidations, sequestrations and other civil matters
<i>Forum non conveniens</i>	As applied to a court which although having jurisdiction is not the appropriate court for the matter in issue.
<i>Fund in medio</i>	The property or money in the hands of the holder of the fund in an action of multiplepinding.
<i>Germane</i>	Of full blood; born or deceased of the same father and mother.
<i>Habili modo</i>	In the manner competent.
Heirs in <i>mobilibus</i>	Nearest heirs including representatives of predeceasers entitled to succeed to moveable estate as opposed to heritage.
Heritable Estate/Property	The term for property in the form of land and houses.
Holograph Writ	A deed or writing handwritten entirely by the grantor. Where printed or otherwise mechanically produced or written by another the grantor may “adopt as Holograph” which has the same effect as if wholly written by the grantor. Applies only to wills made before 1 August 1995.
<i>Ibidem (Ibid)</i>	In the same place
Incapax	As applied to a person, signifies legal, mental, or physical incapacity.
Indictment	An accusation of crime running in the name of the Lord Advocate, tried by a jury, in serious cases in the High

Court, or in sheriff court. A document setting out the charge(s) against the accused in more serious crimes (known as – Solemn Crime). For less serious crimes, see – Summary Crime.

In foro

As applied to a decree of the court signifies that it has been granted against a party for whom defences or answers have been lodged, as opposed to decree in absence.

Inhibition

A writ which prohibits a debtor from burdening his heritage or parting with it to the detriment of the inhibiting creditor.

In hoc statu

For the time being, at this stage.

Initial Writ

The document by which ordinary civil proceedings in the sheriff court are normally initiated the corresponding document in the Court of Session being the summons.

In litem

In the case or action.

In meditatione fugae

About to leave the country.

Inner House

The two appellate divisions of the Court of Session, so-called originally on the simple topographical ground that their courts lay further from the entrance to the courthouse than did the Outer House.

In perpetuum

Forever

In praesentia dominorum (IPD)

In the presence of the Lords (usually seen as the abbreviation I.P.D. after the signature of the chairman of the Appeal Court).

In retentis

Evidence taken to lie *in retentis* – to be laid aside until the proper time arrives for adducing it

Insolvency

The state of being unable to pay one's debts.

Insolvency practitioner

A person, usually an accountant or solicitor, qualified in terms of the Insolvency Act 1986 to act as liquidator or supervisor in relation to a company or as trustee or supervisor in relation to an individual.

Instance

The part of a summons or writ in which the parties to the action are identified.

Interlocutor	An injunction or order of court made during the course of an action.
Interlocutor (final)	Final decision of the action.
Intermediate diet	Mandatory step in criminal proceedings which allows the court to check whether the case is likely to proceed on the date assigned for trial. Minimises inconvenience to witnesses etc.
Inter alia	among other things.
Interdict	The judicial prohibition issued by the Court of Session or Sheriff Court comparable with the English injunction In an emergency, interim interdict can be obtained <i>ex parte</i> . A court order sought to prevent a particular action being carried out.
Interim	As applied to the ruling of a court, temporary or partial, e.g. in matters of interdict.
Interrogatories	Written questions adjusted by the court, to be put to witnesses examined under a commission.
<i>Inter vivos</i>	Between living persons.
Inventory of Deceased's Estate	List of deceased estate.
Inventory of Process	A list of the documents in a court process
<i>Ipsa facto</i>	By that very fact
<i>Ipsa jure</i>	By the law itself
Judicial Factor	Usually a solicitor or accountant appointed by the court in specific matters.
Judicial Review	A remedy whereby the Court of Session may review and if necessary rectify the decision of inferior courts, tribunals and other public officers and authorities where no other form of appeal is available.
Jurisdiction	(i) In international law the power of the state to enact and enforce legislation. (ii) In national systems the power of a court to entertain particular cases as determined by factors such as location or district or the value or type of the case.

Jury	A group of lay persons chosen to decide upon issues of fact in legal proceedings.
<i>Jus relictæ</i>	The right of a widow / civil partner (one half or one third as the case may be) in her deceased husband's / civil partner's personal estate.
<i>Jus relictî</i>	The right of a widower / civil partner (one half or one third as the case may be) in his deceased wife's / civil partner's personal estate.
Justice-Clerk, Lord	The second in dignity of the Scottish judges, who presides over the Second Division of the Court of Session.
Justice-General, Lord	The highest criminal judge in Scotland. The position is, in modern times, held by the Lord President.
Lack of Time Adjournment	This occurs when a case is down for trial or proof etc. but cannot proceed because other business takes priority on the day. Witnesses etc. inconvenienced, waiting periods affected.
<i>Legitim</i>	The legal share (one half or one third as the case may be) of a parent's free moveable estate due on death to the children.
Life rent	An estate for life as opposed to the fee. Legal liferents are Terce (dower) and Courtesy.
Liquidation	The procedure for winding up and dissolving a corporate body such as a limited company, the person appointed to ingather assets and adjust and settle claims being called the liquidator.
<i>Loco parentis</i>	In place of a parent.
<i>Loco tutoris</i>	In the place of a tutor.
<i>Locus</i>	Place
Mace	An ornamental staff of authority borne by a macer before a judge of the Court of Session or High Court of Justiciary and displayed in his/her court while it is sitting.
Matrimonial home	Any structure provided by one or both spouses / civil partners and forming a family residence.
<i>Mens rea</i>	Guilty purpose.

Messengers-at-Arms	Formerly called Officers-at-Arms, are officers appointed by the Lord Lyon King of Arms, whose function is to execute civil and criminal process of the Court of Session and High Court of Justiciary.
Missive of Sale	Agreement setting forth terms of sale.
<i>Mora</i>	Undue delay
<i>Mortis causa</i>	Deeds made in contemplation of death.
Motion	An application made in court for some subsidiary purpose during the course of an action.
Moveable Estate	Personal estate
Multiplepounding	An action to determine the rights of parties to a fund in dispute and to release the holder of the fund from any claim for repetition.
<i>Mutatis mutandis</i>	With the necessary alterations, e.g in a document or clause applying to various circumstances.
Next of Kin	Survivors of a class nearest in degree including representatives or predeceasers in that class.
<i>Nobile officium</i>	The noble office or duty of the Court of Session; an equitable jurisdiction in virtue of which the court may, within limits, mitigate the strictness of the common law and provide a legal remedy where none exists.
Notes of Appeal / Stated Case	When someone wishes to appeal from the Sheriff Court to the High Court, they do so by either method. If they wish to appeal against sentence only (i.e. the severity) they appeal by note of appeal. If they wish to appeal against conviction and/or sentence they appeal by stated case.
Nullity	Non existent or lacking legal force as applied to acts or writings which are null and void: also applies to a marriage / civil partnership affected by an inherent defect such as existence of a prior marriage / civil partnership or relationship within a prohibited degree.
Oath	In court proceedings the undertaking by a witness to give truthful evidence, the alternative for a witness having no religious belief being affirmation.
<i>Ob contingentiam</i>	On account of connection or similarity

<i>Obiter dictum</i>	Opinion given incidentally
Obtemper	To obey, usually of the decree or order of a court.
Opinion	A statement by a court or judge of reasons for the decision in a case.
Ordinary Action	All sheriff court civil actions which because of their value or complexity are started as this. The case is detailed in an ordinary writ.
Ordinary Civil	Civil proceedings as above (wider ranging, including divorce etc.). Monetary claim £5000 and above.
Ordinary, Lords	The judges who try cases at first instance in the Court of Session.
Outer House	The part of the Court of Session which exercises a first instance jurisdiction. <i>Cf.</i> Inner House. The Supreme Court is split into these two Houses. The Judges in the Outer House deal with 'first instance' (new work) which has not been before a 'Court' but may have been before a tribunal or panel. See also - Inner House.
<i>Pari passu</i>	To share and share alike or ranking equally, e.g. in the case of claims or security rights.
Parole evidence	Oral evidence of witnesses, as contrasted with documentary evidence.
<i>Per incuriam</i>	Through negligence, mistake or error.
Perjury	The crime committed by a witness in court proceedings involving the affirmation of a deliberate falsehood on oath or on an affirmation equivalent to oath.
<i>Per stirpes</i>	By descent, i.e. through parent and not in own right. (Where <i>per stirpes</i> the share which would have fallen to the predeceasing parent if alive is divided equally among his children).
Petition	A document by which court proceedings are initiated - like a summons but used for specific types of case. Can have various meanings. An indictment originally calls as a petition until the Crown are in a position to indict the accused on the charges. In civil business the term also relates to certain types of applications to the court.

Petition and Complaint	The procedure in the Court of Session where the remedy sought is a punishment for failure to obtemper a decree.
Pleading Diet	Date assigned for case to call and for plea to be given i.e. guilty, not guilty, insane etc.
Plea-in-law	A short proposition at the end of a written case showing exactly the remedy sought and why.
Precedent	(i) The decision of a court regarded as a source of law or authority in the decision of a later case. (ii) A form of deed or writ regarded as basically satisfactory and accordingly suitable for use or adoption in legal practice.
Precognition	Preliminary statement by a witness.
Precognosce	To take a precognition.
President, Lord	The highest civil Judge in Scotland who presides over the First Division of the Court of Session.
Proceeded to Evidence	Similar to evidence led but in a civil proof.
Procurator-fiscal	Literally, the procurator for the fiscal or treasury; now the style of the public prosecutor in the sheriff court.
Production	An article produced as evidence in court.
<i>Pro forma</i>	A document used as a form or style.
<i>Pro indiviso</i>	In an undivided state, usually in relation to property held by several persons.
<i>Pro loco et tempore</i>	Without place and time.
<i>Pro non scripto</i>	As not written.
Proof	In addition to its general meaning, this word has the formal sense of the determination of a case by a judge alone after hearing the facts (the evidence). Where evidence is heard on the facts before questions of law are determined, there is said to be a proof before answer.
Prorogate	Continue or extend
<i>Pro tanto</i>	For so much

Pursuer	The person suing in an action. The English equivalent is plaintiff.
<i>Quam primum</i>	Forthwith or as soon as possible.
<i>Quantum</i>	An amount fixed or specified in money as in a claim for damages.
<i>Quantum valeat</i>	For as much as it is worth.
<i>Quasi</i>	As if, as though.
<i>Quoad ultra</i>	As regards everything else.
Receiver	A person appointed to enforce the rights and remedies of the holders of a floating charge over the assets of a company which is in default in relation to the claim or debt which the charge secures.
Record	The statements of their respective claims and answers by parties to an action, lodged in court; when finally adjusted it is closed by order of the court and becomes the Closed Record; Up to then it is the open record. When used in this sense the words bears the accent on the second syllable.
Recoveries under Specification	Where documents etc. (productions) are likely to be used to prove a case, they sometimes require the Court to grant authority to receive them from a third party e.g. x-rays from a hospital.
Reduce	To annul or set aside by legal process.
Register of Inhibitions and Adjudications	The Register of Notices of personal diligence which affect the voluntary conveyance of real property.
Register of Sasines	The Register of Titles to land and heritable property in Scotland.
Remit	The transfer of some matter by one judge to another, but more often by a judge to a person named as, e.g. to an expert "a man of skill", in order that the latter may inquire and report.
Repel	A Scottish court does not overrule a plea or an objection, it repels it. The opposite is to sustain (or uphold).
Repone	To repone a defender is to restore him to his position as a litigant when decree in absence has been given

against him. Also competent in, e.g. case of failure to lodge documents in appeal to Court of Session.

Reporter

A person appointed to hold a public inquiry; also applied to professional persons, lawyers or others, to whom the court may remit some aspect of a case for investigation or advice; to the officers responsible for bringing cases before children's hearings; also to those who prepare and compile the published reports of cases decided by the courts.

Residence Order

A formal order by a court in relation to whom the child of a relationship should be with.

Resident Sheriff

The Sheriff who holds the commission to sit at a particular Court, as opposed to a Sheriff sitting temporarily - i.e. a part-time Sheriff arranged by the Shrieval Booking Unit.

Res ipsa loquitur

The thing done or the transaction speaks for itself.

Res judicata

A question decided by competent legal proceedings, which cannot again be raised.

Respondent

The party in a civil action defending on appeal.

Retrocession

Reconveyance of a right to him who gave it

Review

Revision by a higher court on appeal.

Rolls

Official lists of cases as set down for hearing. Thus, in the Outer House of the Court of Session there is a motion roll; a procedure roll, of cases in which preliminary pleas are to be decided; and the summar roll of cases in the inner house which call for hearing. The single bills is also a roll of the Inner House, being that in which motions are entered for hearing.

Roup

Public auction.

Rubric

A chapter heading.

Seised

See Vest.

Separatim

Apart from anything already advanced or pleaded.

Sequestration

To render bankrupt. Strictly, it is a person's estate which is sequestered or set aside for the use of his creditors. To sequester for rent is to take the furniture, etc., on leased premises to satisfy a claim for

rent. Sequestration therefore means a process of bankruptcy, except where qualified by the words “for rent”.

Service of heir	The Court process by which an heir proves and acquires a right or title to real estate of an ancestor.
Sheriff	A qualified person who sits in judgement. In the sheriff court (there are 49 sheriff courts) in Scotland.
Signet	The Seal of the Court of Session and a sign of its authority. It is applied to a summons as authority to serve the summons on the defender.
<i>Sine die</i>	No day fixed.
<i>Sine qua non</i>	Without whom nothing can be effectually done.
Sist	(i) To stay or stop process; (ii) To summon or call as a party.
Small Claim	Civil proceedings for payment, delivery, repossession, implement of obligation (monetary claim not exceeding £3000). This type of simplified action was devised to allow the layman to conduct the case without the need for employing a solicitor.
<i>Solatium</i>	Extra damages allowed in certain cases in addition to actual loss – for injury to feelings.
Solemn Crime	Serious criminal offence(s). Proceedings commence by way of a petition and may proceed to an indictment. Maximum penalties on indictment in the sheriff court is 5 years imprisonment, unlimited fine. (Common law). Statute may direct higher penalties for certain statutory offences. There is no maximum on the penalty which may be imposed in the High Court. For less serious crimes, see – Summary Crime.
Solemn Procedure	The procedure under which a person charged on indictment is tried by a judge of the High Court of Justiciary or a sheriff with a jury of 15, the votes of eight being sufficient for a conviction.
Statute	An Act of Parliament.
Statutory Instrument (S.I.)	The form in which UK orders, rules and regulations or other subordinate legislation are now made superseding, since 1947, statutory rules and orders (S.R.& O.).

Scottish Statutory Instrument (S.S.I.)	The form in which Scottish orders, rules and regulations or other subordinate legislation are now made superseding, since 1947, statutory rules and orders (S.R. & O.).
Summary	Criminal – see under Summary Crime below; Civil (sheriff court) - summary cause is the form of simplified procedure applicable to cases with a limit of £5000 in the case of monetary claims. Summary application is a comprehensive name for applications which can be disposed of in a summary manner. Summary diligence denotes diligence proceeding on a deed or document registered for execution or on certain bills of exchange, in each case without an action constituting the debt. A summary warrant is a warrant issued by the sheriff to a local authority authorising diligence for the recovery of arrears of council tax.
Summary Cause	Civil proceedings as above (perhaps wider ranging). Monetary claim above £3000 but not exceeding £5000.
Summary Crime	Less serious criminal offence(s). Proceeds by way of a complaint. Maximum penalties - 3 months imprisonment, 6 months for 2nd/subsequent offence of dishonest appropriation or violence; fine not exceeding £5000. (Common law) Statute may direct higher penalty. For more serious crime, see - Solemn Crime.
Summons	Form of writ in the Court of Session issued in name of the sovereign, containing a royal mandate to messengers-at-arms to cite the defender to the Court.
Superior	The grantor of a feudal right.
<i>Supra citatum (Sup cit)</i>	Above cited.
Surrogatum	A thing substituted for another.
Taxation	As applied to legal expenses including solicitors' or advocates' fees incurred in court proceedings or otherwise means the scrutiny of the account by the Auditor of Court to exclude or amend items unjustifiably included or excessively charged.
Teinds	Tithes – the tenth part of the annual produce of land out of which a minister's wage was originally payable.

Terce	The widow's legal right of Dower in real estate.
Tithe	The tenth part of the increase annually arising from the profits of land and stock, allotted to the clergy.
Trial	Criminal proceedings (when an accused person has pled not guilty) where the court hears the evidence of witnesses to the alleged crime(s).
Tribunal	A person or body of persons other than a court of law, having power to determine claims or disputes of some particular nature.
Trustee in Sequestration	Trustee in Bankruptcy.
Tutor or Tutrix	The guardian of an infant.
Ultimus haeres	Last heir. The crown.
Ultra vires	Authority.
Vitious intromission	The meddling with the moveable estate of a deceased without probate of the Will of other Title.
Verdict	The decision of a jury on the matter or matters submitted to it by the court.
Vest (seised)	One is seised or vest in heritable estate when the title is recorded in the appropriate Register or Sasines.
Vexatious litigant	A person who takes proceedings primarily for the annoyance or embarrassment of the defender and whose activities in raising actions may be restrained by the Court of Session.
Volenti non fit injuria	Accepting the risk of injury.
Waiting Period	The length of time between fixing a trial, proof etc. and the case calling for that purpose.
Warrantice	Absolute warrantice is a warranting or assuring of property against all claims whatever.
Warrant	A written authority, e.g. from court, authorising certain actions such as a search of premises or an eviction of occupiers. Also used to signify a document evidencing a right of some kind, e.g. in a title to heritable property. Formal permission bt the Court to cite.
Writs	Documents of title.