

**Subject:** Access to Court of Session case decision, 1946 (CS258/26521).

**FOI reference:** FOI/19/01482

**Date received:** 13 June 2019

**Date responded:** 20 June 2019

**Information requested:**

Access for sight of the decision made by Lord Patrick on the 5 February 1946 in connection with the Court of Session case Prestwick Cinema Co Ltd v James C Gardiner (CS258/26521).

**NRS Response:**

A sensitivity review has been undertaken on this record by the Scottish Courts and Tribunals Service (SCTS). They have given permission for Lord Patrick's decision to be made available in full, by way of transcription.

Please find below an accurate transcription from the Interlocutor sheets of the Court of Session papers, in the action Prestwick Cinema Co Ltd v James C Gardiner (NRS Ref.: CS258/26521):

*5<sup>th</sup> February 1946*

*Lord Patrick*

*Act. Cameron K.C.A            et. Shewan*

*Alt. Morrison K.C.A         Shaw C.J.D*

*The Lord Ordinary having considered the cause finds that the defender is entitled to have his business described as that of "Baker and Confectioner" in the disposition to be granted by the Defender in implement of the missives of Sale of the subjects known as Albert Cottage, 82 Main Street, Prestwick: Repels the sixth plea-in-law for the pursuers: and decerns: Finds the pursuers jointly and severally liable to the defender in expenses, in so far as not already dealt with, and remits the account thereof to the Auditor to tax and to report.*

*[signed] W.D.Patrick*

\*\*End of transcript. Original grammar, spelling and punctuation presented.