

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 8.01-273 of the Code of Virginia, relating to demurrers; amended
3 pleadings.

4 [H 1816]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That § 8.01-273 of the Code of Virginia is amended and reenacted as follows:**
8 **§ 8.01-273. Demurrer; form; grounds to be stated; amendment.**

9 A. In any suit in equity or action at law, the contention that a pleading does not state a cause of
10 action or that such pleading fails to state facts upon which the relief demanded can be granted may be
11 made by demurrer. All demurrers shall be in writing and shall state specifically the grounds on which
12 the demurrant concludes that the pleading is insufficient at law. No grounds other than those stated
13 specifically in the demurrer shall be considered by the court. A demurrer may be amended as other
14 pleadings are amended.

15 B. Wherever a demurrer to any pleading has been sustained, and as a result thereof the demurree has
16 amended his pleading, he shall not be deemed to have waived his right to stand upon his pleading
17 before the amendment, provided *that (i) the order of the court shows that he objected to the ruling of*
18 *the court sustaining the demurrer and (ii) the amended pleading incorporates or refers to the earlier*
19 *pleading*. On any appeal of such a case the demurree may insist upon his ~~original~~ *earlier* pleading
20 *before the amendment*, and if the same be held to be good, he shall not be prejudiced by having made
21 the amendment.

ENROLLED

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