STATUTORY INSTRUMENTS

1971 No. 1164 (S.146)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Confirmation of Executors Amendment) 1971

Made - - -	16*th July* 1971
Coming into Operation	1*st January* 1972

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 18 of the Confirmation of Executors (Scotland) Act 1858(**a**), section 16 of the Sheriff Courts and Legal Officers (Scotland) Act 1927(**b**), section 34 of the Administration of Justice (Scotland) Act 1933(**c**), section 22 of the Succession (Scotland) Act 1964(**d**), and of all other powers competent to them in that behalf, do hereby enact and declare as follows :—

The Act of Sederunt anent certain Forms of Procedure in the Sheriff's Ordinary and Small Debt Courts and for the Confirmation of Executors, dated 3rd February 1933(**e**), is hereby amended as follows :—

(1) The last paragraph of Section 5 of the said Act of Sederunt, being the paragraph commencing "Where" and ending "is.", is hereby deleted.

(2) The Schedule appended hereto is substituted for Schedule D appended to the said Act of Sederunt.

(3) This Act of Sederunt may be cited as the Act of Sederunt (Confirmation of Executors Amendment) 1971, and shall come into operation on 1st January 1972.

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

William Grant,
I. P. D.

Edinburgh,
16th July 1971.

(a) 21 & 22 Vict. c. 56.
(b) 17 & 18 Geo. 5 c. 35.
(c) 23 & 24 Geo. 5 c. 41.
(d) 1964 c. 41.
(e) S.R. & O. 1933/48 (Rev. XX, p. 829:1933 p. 1784).

SCHEDULE D

SHERIFF COURT OF.....

at.....

Confirmation was issued from the Commissariot of
on 19 in favour of (*here describe executors*) as Executors

(NOTE.—*Insert any qualification in the appointment of Executors, e.g. executor-nominate, executor-dative,* sine qua non *or that a majority is a quorum.*)

of A. B.

(*here describe deceased*)

who died on .....19 , DOMICILED IN SCOTLAND

It is hereby certified that the said Confirmation contained, *inter alia,* the following item of estate situated in (*insert Scotland, England and Wales, or Northern Ireland as appropriate*)

(*Here state in each Certificate such item as may be desired by the person requesting the Certificate.*)

Given under the Seal of Office of the Commissariot of
and signed by the Clerk of Court at
the day of Nineteen hundred
and

Sheriff Clerk of

NOTE.—*Where issued from the Commissariot of Edinburgh the form may be varied or adapted as required.*

EXPLANATORY NOTE

(*This Note is not part of the Act of Sederunt.*)

This Act of Sederunt makes provision for the form of certificates of Confirmation issued, when the domicile of the deceased is in Scotland, for items of estate in England and Wales or Northern Ireland. It also deletes from the Act of Sederunt of 1933 the clause authorising the certification of an English extract or Act of Record.