3. UNOPPOSED EXECUTRY PETITIONS

Act of Sederunt (Unopposed Executry Petitions) 1948

1948 No. 621 (S. 44)

Made - - - -	19*th March*, 1948
Coming into Operation	19*th March*, 1948

The Lords of Council and Session, by virtue of the powers conferred on them by Section 34 of the Administration of Justice (Scotland) Act, 1933, and of all other powers competent to them in that behalf, do hereby enact and declare that in all Petitions for the appointment of an Executor or Executors to a deceased person where intimation and publication have been duly made and a certificate of intimation and publication has been duly endorsed upon the petition by the Sheriff Clerk or Commissary Clerk, and nine clear days have expired from the date of such certification without any answers to the petition, and no competing petition or caveat has been lodged, and in unopposed applications for the recall of appointment of an executor or executors to a deceased person, it shall not be necessary for the petition or application to be called in Court or for the Petitioner or Applicant or his solicitor to attend (or for a formal motion for Decree or recall to be made), but the petition or application may be laid by the Sheriff Clerk or Commissary Clerk before the Sheriff in Chambers, who, if satisfied that the petition of application is in proper form and that the proceedings have been regular, may, without hearing any party, decern the Petitioner or Petitioners executor or executors or recall the appointment as craved, or may, in his discretion, direct the petition or application to be called and heard in Court *quam primum*. 23 & 24 Geo. 5. c. 41.

This Act may be cited as the Act of Sederunt (Unopposed Executry Petitions) 1948.

And the Lords appoint this Act to be inserted in the Books of Sederunt, and to be printed and published in common form.

T. M. Cooper,
I.P.D.

Edinburgh.
19th March, 1948.