



Confirmation of Executors (Scotland) Act 1858

CHAPTER 56

CONFIRMATION OF EXECUTORS (SCOTLAND) ACT 1858

- 1
- 2 Petition to Commissary to be substituted. †Form of petition as in Schedule A.
- 3 To whom petition to be presented.
- 4 Mode of intimating petition.
- 5 Certificate of intimation of petition. Additional intimation of petition in certain cases.
- 6 Procedure on petition.
- 7 Not to affect present procedure.
- 8 Where inventories, &c. may be recorded. Confirmations may be granted.
- 9 Inventory may include personal estate in any part of United Kingdom.
- 10 Form and effect of confirmations.
- 11 Oaths, before whom to be taken.
- 12
- 13, 14
- 15 For securing the stamp duties, probates, &c. to be deemed granted for all the property in the United Kingdom.
- 16 Provisions of former Acts to apply to the probates, letters of administration, and inventories mentioned in this Act.
- 17 Affidavit as to domicile to be made on applying for probate or administration.
- 18 Acts of sederunt to be passed for following out the purposes of this Act.
- 19 Former Acts of Sederunt repealed if inconsistent with this Act.
- 20 Interpretation of terms.

Changes to legislation: Confirmation of Executors (Scotland) Act 1858 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES to which the foregoing Act refers

SCHEDULE (A.) —

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SCHEDULE (B.) —

Roll of Petitions for the Appointment of Executors in Commissary Courts in Scotland

SCHEDULE (C.) —

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SCHEDULE (D.) —

*Form of a Testament Dative or Confirmation of the
Executor of a Person who has died without naming one.*

I, A.B., commissary of the county of [specify county], considering...
Given under the seal of office of the commissariot [specify...]
and signed by the clerk of court at [specify place],...
To be signed by the commissary clerk or his depute,...
seal of office.

SCHEDULE (E.) —

Form of a Testament Testamentar or Confirmation of an Executor Nominate.

I, A.B., commissary of the county of [specify county], considering...
Given under the seal of office of the commissariot of...
and signed by the clerk of court at [specify place],...
To be signed by the commissary clerk or his depute,...
seal of office.

SCHEDULE (F.) —

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Changes and effects yet to be applied to :

- s. 2 words inserted by [2010 asp 16 s. 118\(1\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6A inserted by [2024 asp 2 s. 80](#)