
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 291

Act of Sederunt (Commissary Business) 2013

Citation, commencement and effect

- 1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Commissary Business) 2013.
- (2) Subject to subparagraphs (3) and (4), it comes into force on 30th November 2013.
- (3) Paragraph 3(2) and Schedule 2 come into force, and paragraph 3(1) and Schedule 1 cease to have effect, on 31st May 2014.
- (4) Paragraph 3(3) and Schedule 3 come into force, and paragraph 3(2) and Schedule 2 cease to have effect, on 31st January 2015.
- (5) A certified copy of this Act of Sederunt is to be inserted in the Books of Sederunt.

Interpretation

2. In this Act of Sederunt—

“commissary business” means the business conducted prior to the Sheriff Courts (Scotland) Act 1876 in the commissary courts and transferred by that Act to the sheriff court, other than the presentation of petitions for appointment of executors dative;

“presentation of petitions for appointment of executors dative” includes the conduct of proceedings in respect of such petitions;

“sheriff clerk” includes sheriff clerk depute.

Places where commissary business may be conducted

- 3.—(1) With effect from 30th November 2013, commissary business may be conducted in the commissariot of each sheriffdom listed in column 1 of Schedule 1 at the places specified in column 2.
- (2) With effect from 31st May 2014, commissary business may be conducted in the commissariot of each sheriffdom listed in column 1 of Schedule 2 at the places specified in column 2.
- (3) With effect from 31st January 2015, commissary business may be conducted in the commissariot of each sheriffdom listed in column 1 of Schedule 3 at the places specified in column 2.

Presentation of petitions for the appointment of executors dative

4. The presentation of petitions for appointment of executors dative may occur at any place in each sheriffdom where sheriff courts are held.

Caveats

- 5.—(1) This paragraph applies where commissary business, including the presentation of petitions for appointment of executors dative, may be conducted at more than one place in a sheriffdom.
- (2) A caveat against the disposal of a commissary application lodged with the sheriff clerk at any such place applies to the whole sheriffdom.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) The sheriff clerk must transmit a copy of such a caveat to the sheriff clerk at every other place in the sheriffdom where the application against which the caveat is lodged might competently be made.

(4) In this paragraph, “commissary application” has the meaning given by rule 2(2)(b) of the Act of Sederunt (Sheriff Court Caveat Rules) 2006(1).

Transitional, savings and revocation provisions

6.—(1) Commissary business, including the presentation of petitions for appointment of executors dative, commenced but not disposed of by the relevant date specified in column 3 of Part 1 of Schedule 4 at a place mentioned in column 1 of Part 1 is to continue at the place mentioned in column 2 of Part 1 as if commenced there.

(2) Petitions for appointment of executors dative presented but not disposed of by the relevant date specified in column 3 of Part 2 of Schedule 4 at a place mentioned in column 1 of Part 2 are to continue at the place mentioned in column 2 of Part 2 as if presented there.

(3) The Acts of Sederunt specified in Schedule 5 are revoked.

(4) Notwithstanding the revocation of the Act of Sederunt (Commissary Business) 1975(2), Banff continues to be a place where commissary business may be conducted in the commissariat of the sheriffdom of Grampian, Highland and Islands in respect of any commissary business commenced there and not disposed of by 30th November 2013.

Edinburgh
11th October 2013

BRIAN GILL
Lord President
I.P.D.

(1) S.S.I. 2006/198.

(2) S.I. 1975/539, as amended by S.I. 1978/1509, 1979/1405, 1984/969, 1986/267 and S.S.I. 2009/292.