



Small Testate Estates (Scotland) 1876

1876 CHAPTER 24 39 and 40 Vict

3 Where estate does not exceed [^{F1}£36,000] executor may apply to the commissary clerk to fill up inventory and expedite confirmation.

Where [^{F2}the whole estate of a testate is of a value not exceeding [^{F1}£36,000] an applicant for confirmation thereto] may apply to the commissary clerk of the county within which such testate was domiciled at the time of death; and the said commissary clerk, on production of the will or other writing of the testate containing the nomination of an executor, shall prepare and fill up an inventory and relative [^{F3}declaration] , as nearly as may be in the form of Schedule A. appended to this Act, and, upon such an inventory [^{F4}and declaration being duly signed] by the executor, shall proceed to record said will or other writing and inventory and expedite confirmation in the form as nearly as may be of Schedule B. annexed to this Act, and shall deliver the same to the executor [^{F2}on payment of the requisite fee] ; and such confirmation shall have the same force and effect as that prescribed in Schedule E. annexed to the ^{M1}Confirmation of Executors (Scotland) Act 1858; . . . ^{F5}

Textual Amendments

- F1** Word in s. 3 substituted (1.2.2012) by The Confirmation to Small Estates (Scotland) Order 2011 (S.S.I. 2011/435), arts. 1, **3(a)**
- F2** Words in s. 3 substituted by Confirmation to Small Estates (Scotland) Act 1979 (c. 22, SIF 116:2), s. **1(1)(a)**
- F3** Word in s. 3 substituted (1.3.1997) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 25(1)(a)**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)
- F4** Words in s. 3 substituted (1.3.1997) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 25(1)(b)**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)
- F5** Words in s. 3 repealed by Administration of Estates Act 1971 (c. 25, SIF 116:1, 2), s. 12, **Sch. 2 Pt. 1**

Marginal Citations

- M1** 1858 c.56 (116:2).

Changes to legislation:

There are currently no known outstanding effects for the Small Testate Estates (Scotland) 1876, Section 3.