



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 1

SHERIFF COURT

Execution of deeds relating to heritage

87 Power of sheriff to order sheriff clerk to execute deed relating to heritage

- (1) This section applies where—
 - (a) an action relating to heritable property is before a sheriff, or
 - (b) it appears to a sheriff that an order under this section is necessary to implement a decree of a sheriff relating to heritable property.
- (2) The sheriff may make an order such as is mentioned in subsection (4)—
 - (a) on an application by the grantee of any deed relating to the heritable property, and
 - (b) if satisfied as to the matters mentioned in subsection (3).
- (3) The matters are that the grantor of any deed relating to the heritable property—
 - (a) cannot be found,
 - (b) refuses to execute the deed,
 - (c) is unable, or otherwise fails, to execute the deed.
- (4) The order is one—
 - (a) dispensing with the execution of the deed by the grantor, and
 - (b) directing the sheriff clerk to execute the deed.
- (5) A deed executed by the sheriff clerk in accordance with a direction in an order under this section has the same force and effect as if it had been executed by the grantor.

Status: This is the original version (as it was originally enacted).

(6) In this section—

“grantor”, in relation to a deed relating to the heritable property, means a person who is under an obligation to execute the deed,

“grantee” means the person to whom that obligation is owed.