



Succession (Scotland) Act 2016

2016 asp 7

Forfeiture

14 Power of sheriff to order sheriff clerk to execute document

- (1) This section applies where a relevant sheriff is satisfied, on an application, that—
 - (a) execution by a person of a particular document is reasonably necessary to give effect to a forfeiture under the forfeiture rule, and
 - (b) the person—
 - (i) is refusing to execute the document, or
 - (ii) is unable, or otherwise failing, to execute the document.
- (2) The sheriff may make an order—
 - (a) dispensing with the execution of the document by the person, and
 - (b) directing the sheriff clerk to execute the document.
- (3) A document executed by the sheriff clerk in accordance with an order under subsection (2) has the same force and effect as if it had been executed by the person.
- (4) In subsection (1), “a relevant sheriff” means—
 - (a) if the deceased died domiciled in Scotland, a sheriff—
 - (i) of the sheriffdom in which the deceased was habitually resident at the date of death, or
 - (ii) if subsection (5) applies, of the sheriffdom of Lothian and Borders sitting at Edinburgh,
 - (b) if the deceased died domiciled other than in Scotland but at the date of death owned immovable property situated in Scotland, a sheriff of the sheriffdom in which the immovable property is situated,
 - (c) in any case, a sheriff of the sheriffdom in which the deceased's executor obtains confirmation.
- (5) This subsection applies if at the date of death—
 - (a) the deceased was not habitually resident in a particular part of Scotland, or
 - (b) the particular part of Scotland in which the deceased was habitually resident is not known or is uncertain.

Changes to legislation: There are currently no known outstanding effects for the Succession (Scotland) Act 2016, Section 14. (See end of Document for details)

(6) In this section, “the deceased” means the person as a result of whose death the forfeiture arose.

Commencement Information

II S. 14 in force at 1.11.2016 in relation to the estate of any person who dies on or after 1.11.2016 by S.S.I. 2016/210, reg. 2(1)(a)(2)

Changes to legislation:

There are currently no known outstanding effects for the Succession (Scotland) Act 2016, Section 14.