



Presumption of Death (Scotland) Act 1977

1977 CHAPTER 27

11 Appointment or confirmation of executor.

- (1) Where, in proceedings for the appointment or confirmation of an executor of any person, a document to which subsection (2) below refers is produced, an oath or affirmation that to the best of the deponent's knowledge and belief that person is dead shall, for the purposes of those proceedings, be equivalent to an oath or affirmation that that person has died or died at any place or on any date appearing in such document as the place or date at or on which he died or was presumed to have died or was lost or missing.
- (2) This subsection refers to the following documents, that is to say—
 - (a) a duly certified copy of a decree or judgment such as is referred to in section 10 of this Act;
 - (b) a certificate or intimation issued by or on behalf of a competent authority within the United Kingdom that the person—
 - (i) has died,
 - (ii) is presumed to have died, or
 - (iii) is lost or missing in circumstances affording reasonable ground for the belief that he has died as a result of an incident in or in connection with a ship, aircraft, hovercraft or off-shore installation.
- (3) Notwithstanding any provision in or under any enactment, it shall not be necessary, in any petition for appointment as executor of any person in regard to whom a duly certified copy of such a decree or judgment as aforesaid or such a certificate or intimation as aforesaid is produced with the petition, to aver that the person died at any specified place or on any specified date, but it shall be sufficient to aver that the duly certified copy of the decree or judgment or (as the case may be) the certificate or intimation is produced and that to the best of the petitioner's knowledge and belief the person is dead.

Changes to legislation:

There are currently no known outstanding effects for the Presumption of Death (Scotland) Act 1977, Section 11.