



Judicial Factors Act 1849

1849 CHAPTER 51 12 and 13 Vict

[^{F1}26 Bonds of caution for tutors and curators.

In every service of a person as tutor of law [^{F2}to a pupil], or as curator to [^{F3}a person suffering from mental disorder within the meaning of the Mental Health (Scotland) Act 1960] there shall, besides the obligations usually inserted therein, be inserted in the bond of caution taken by the clerk in such service an obligation to observe and perform every duty incumbent on such person, in terms of the rules prescribed or to be prescribed for the discharge of his office in all respects, together with a consent to registration in the books of council and session for execution; and such bond of caution shall be transmitted, with the other steps of procedure, to the Director of Chancery, who shall forthwith transmit the same to the accountant; and no extract of the retour in such service shall be given out, nor any letters of tutory or curatory be issued thereon, until such bond of caution shall have been received by the Director of Chancery; and in bonds of caution to be taken in the Court of Exchequer from tutors-dative to [^{F2}pupils or][^{F3}persons suffering from mental disorder within the meaning of the Mental Health (Scotland) Act 1960] there shall, besides the usual obligations, be inserted an obligation to the effect aforesaid; and such bonds of caution shall remain in the Court of Exchequer, according to the rules of that court.]

Textual Amendments

- F1** S. 26 repealed (S.) (1.4.2002) by 2000 asp 4, s. 88(3), **Sch. 6**; S.S.I. 2001/81, art. 3, **Sch. 2**
- F2** Words in s. 26 repealed (S.) (25.9.1991) by Age of Legal Capacity (Scotland) Act 1991 (c. 50, SIF 49:8), ss. 10(2), 11(2), **Sch. 2** (with s. 1(3))
- F3** Words substituted by Mental Health (Scotland) Act 1960 (c. 61), **Sch. 4**

Modifications etc. (not altering text)

- C1** Functions of Director of Chancery now exercisable by Keeper of the Registers of Scotland: Reorganisation of Offices (Scotland) Act 1928 (c. 34), s. 7, S.R. & O. 1932/148 (Rev. III, p. 655; 1932, p. 140), Public Records (Scotland) Act 1937 (c. 43), s. 13 and Public Registers and Records (Scotland) Act 1948 (c. 57), s. 1(2)

Changes to legislation:

There are currently no known outstanding effects for the Judicial Factors Act 1849, Section 26.