



Judicial Factors Act 1849

1849 CHAPTER 51 12 and 13 Vict

34 Discharge of factors, tutors, and curators.

[^{F1}Subject to section 34A of this Act,] it shall be competent for any factor ^{F2}. . . [^{F3}tutor, or curator], at the termination of his office, to present a petition to the court for his discharge, calling all persons interested in the estate, so far as known to him, as parties to such petition, and the court shall order such intimation and service as they may think fit; and it shall be competent to any persons so called, or to any other persons showing right and interest, to appear as parties, and upon cause shown to open up the audit of the factor's accounts, and thereafter, and after receiving the report of the accountant, and making any further inquiry which may be necessary, the court shall pronounce judgment thereon; and such judgment, if it shall discharge such factor ^{F2}. . . [^{F3}tutor, or curator], shall be final and conclusive against all parties concerned, though pronounced in absence, provided the same shall not be opened up as a decree in absence in the Court of Session within the time limited for appealing to the House of Lords, or shall not be appealed from within that time.

Textual Amendments

- F1** Words inserted (S.) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74(1), [Sch. 8 para. 21\(3\)](#)
- F2** Words in s. 34 repealed (1.11.1996) by [1995 c. 36, s. 105\(4\)\(5\)](#), [Sch. 4 para 2\(9\)](#), [Sch. 5](#); [S.I. 1996/2203](#), art. 3(3), [Sch.](#)
- F3** Words in s. 34 repealed (S.) (1.4.2002) by [2000 asp 4, s. 88\(3\)](#), [Sch. 6](#); [S.S.I. 2001/81](#), art. 3, [Sch. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Judicial Factors Act 1849, Section 34.