



Confirmation of Executors (Scotland) Act 1858

1858 CHAPTER 56 21 and 22 Vict

2 Petition to Commissary to be substituted. †Form of petition as in Schedule A.

Every person desirous of being decerned executor of a deceased person as disponee, next of kin, creditor, or in any other character whatsoever now competent, or of having some other person, possessed of such character, decerned executor to a deceased person, shall^{F1} present a petition to the commissary for the appointment of an executor; which petition^{F2} shall be subscribed by the petitioner or by his agent [^{F3} or by an executry practitioner [^{F4} or a recognised financial institution providing executry services] within the meaning of section 23 of the Law Reform (Miscellaneous Provisions)(Scotland) Act 1990].

Textual Amendments

- F1** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)
- F2** Word repealed by [S. I. 1964/1143](#)
- F3** Words added (1.3.1997 except in relation to a recognised financial institution, as to which *prosp.*) by [Law Reform \(Miscellaneous Provisions\)\(Scotland\) Act 1990 \(c. 40, SIF 76:2\)](#), s. 74(1), Sch. 8 para. 22(1); [S.I. 1996/2894, art. 3, Sch.](#) (as amended by [S.I. 1996/2966, art. 2](#))
- F4** Words in s. 2 repealed (S.) (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003 \(asp 4\)](#), s. 21(2), [Sch. 4 para. 1](#); [S.S.I. 2003/384, art. 2\(d\)](#)

Modifications etc. (not altering text)

- C1** A dagger appended to a marginal note means that it is no longer accurate

Changes to legislation:

Confirmation of Executors (Scotland) Act 1858, Section 2 is up to date with all changes known to be in force on or before 17 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 2 words inserted by [2010 asp 16 s. 118\(1\)](#)