



Judicial Factors (Scotland) Act 1889

1889 CHAPTER 39 52 and 53 Vict

[^{F1}11A Application for judicial factor on estate of person deceased.

- (1) It shall be competent to one or more creditors of parties deceased, or to persons having an interest in the succession of such parties, in the event of the deceased having left no settlement appointing trustees or other parties having power to manage his estate or part thereof, or in the event of such parties not accepting or acting, to apply by summary [^{F2}application] to the sheriff of the sheriffdom within which the deceased resided or carried on business during the year immediately preceding the date of the [^{F3}application], or within which heritage belonging to the deceased at the time of his death is situated, for the appointment of a judicial factor.
- (2) After such intimation of the [^{F4}application] to the creditors of the deceased, and other persons interested, as may be considered necessary, and after hearing parties, the ^{F5}. . . sheriff may appoint such factor, who shall administer the estate subject to the supervision of the accountant in accordance with this Act and the Judicial Factors (Scotland) Act 1880 and relative acts of sederunt; and, if the deceased's estate is absolutely insolvent within the meaning of section [^{F6}228(5) of the Bankruptcy (Scotland) Act 2016, section 129] of, and Schedule 1 to, that Act shall apply as if for references to—
 - (a) the interim trustee or ^{F7}. . . trustee there were substituted references to the judicial factor; and
 - (b) the date of sequestration there were substituted references to the date of the judicial factor's appointment.]

Textual Amendments

- F1** Ss. 11A, 11B inserted (S.) by [Bankruptcy \(Scotland\) Act 1985 \(c. 66, SIF 66\)](#), s. 75(1), [Sch. 7 para. 4](#)
- F2** Words in s. 11A(1) substituted (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227, [sch. 5 para. 5\(a\)\(i\)](#) (with s. 223); S.S.I 2009/67, {art. 3(2)(3)} sch. 1 (with arts. 4-6 (as amended (with effect from 31.1.2011) by [S.S.I. 2011/31](#), art. 5))
- F3** Words in s. 11A(1) substituted (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227, [sch. 5 para. 5\(a\)\(ii\)](#) (with s. 223); S.S.I 2009/67, {art. 3(2)(3)} sch. 1 (with arts. 4-6 (as amended (with effect from 31.1.2011) by [S.S.I. 2011/31](#), art. 5))

Changes to legislation: There are currently no known outstanding effects for the Judicial Factors (Scotland) Act 1889, Section 11A. (See end of Document for details)

- F4** Words in s. 11A(1) substituted (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227, **sch. 5 para. 5(b)** (with s. 223); S.S.I 2009/67, {art. 3(2)(3)} sch. 1 (with arts. 4-6 (as amended (with effect from 31.1.2011) by [S.S.I. 2011/31](#), art. 5))
- F5** Words in s. 11A(2) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227, **sch. 6** (with s. 223); S.S.I 2008/115, {art. 3(2)(3)} sch. 2 (with arts. 4-6 (as amended (with effect from 31.1.2011) by [S.S.I. 2011/31](#), art. 5))
- F6** Words in s. 11A(2) substituted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 8 para. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F7** Word in s. 11A(2)(a) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 226, 227, **sch. 6** (with s. 223); S.S.I 2008/115, {art. 3(2)(3)} sch. 2 (with arts. 4-6 (as amended (with effect from 31.1.2011) by [S.S.I. 2011/31](#), art. 5))

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