



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 3

#### CIVIL PROCEDURE

#### CHAPTER 1

#### SHERIFF COURT

##### *Execution of deeds relating to heritage*

#### **87 Power of sheriff to order sheriff clerk to execute deed relating to heritage**

- (1) This section applies where—
  - (a) an action relating to heritable property is before a sheriff, or
  - (b) it appears to a sheriff that an order under this section is necessary to implement a decree of a sheriff relating to heritable property.
- (2) The sheriff may make an order such as is mentioned in subsection (4)—
  - (a) on an application by the grantee of any deed relating to the heritable property, and
  - (b) if satisfied as to the matters mentioned in subsection (3).
- (3) The matters are that the grantor of any deed relating to the heritable property—
  - (a) cannot be found,
  - (b) refuses to execute the deed,
  - (c) is unable, or otherwise fails, to execute the deed.
- (4) The order is one—
  - (a) dispensing with the execution of the deed by the grantor, and
  - (b) directing the sheriff clerk to execute the deed.
- (5) A deed executed by the sheriff clerk in accordance with a direction in an order under this section has the same force and effect as if it had been executed by the grantor.

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*Changes to legislation: Courts Reform (Scotland) Act 2014, Cross Heading: Execution of deeds relating to heritage is up to date with all changes known to be in force on or before 25 May 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. (See end of Document for details) View outstanding changes*

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(6) In this section—

“grantor”, in relation to a deed relating to the heritable property, means a person who is under an obligation to execute the deed,

“grantee” means the person to whom that obligation is owed.

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**Commencement Information**

**II** S. 87 in force at 1.4.2015 by S.S.I. 2015/77, art. 2(2)(3), Sch.

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)