



Succession (Scotland) Act 2016

2016 asp 7

Estate administration

18 Confirmation of executors: no requirement to find caution in relation to small intestate estate

- (1) The Small Intestate Estates Act is amended as follows—
 - (a) in section 3, for “on caution being found by the applicant according to the practice of the commissary court” substitute “without requiring the applicant to find caution”,
 - (b) in the form of confirmation in Schedule B, the words “, and that has [or have] likewise found caution for acts and intromissions as executor [or executors]” are repealed.
- (2) As well as in relation to applications under section 3 of the Small Intestate Estates Act made after this section comes into force, the amendments made by subsection (1) apply in relation to applications under that section of that Act made before this section comes into force which are not by then determined.
- (3) In this section, “the Small Intestate Estates Act” means the Intestates Widows and Children (Scotland) Act 1875.
- (4) In section 2 of the Confirmation of Executors (Scotland) Act 1823—
 - (a) after paragraph (b), insert—

“See also section 3 of the Intestates Widows and Children (Scotland) Act 1875.”,
 - (b) for “all other cases” substitute “cases where caution is required to be found”.