



# Succession (Scotland) Act 2016

## 2016 asp 7

### *Estate administration*

- 21 Power of Ministers to make provision requiring conditions to be met before courts appoint persons as executors dative**
- (1) The Scottish Ministers may by regulations make provision to the effect that courts are not to appoint persons as executors dative unless particular conditions are met.
  - (2) Such conditions may, in particular, include—
    - (a) the court being satisfied that the person is suitable for appointment,
    - (b) the court being provided with particular information about—
      - (i) the person seeking appointment,
      - (ii) the estate in respect of which the appointment is to be made.
  - (3) Regulations under this section may make provision in relation to—
    - (a) all appointments of persons as executors dative, or
    - (b) appointments of persons of particular descriptions as executors dative.
  - (4) Regulations under this section making provision to the effect that the courts are not to appoint persons as executors dative unless satisfied that they are suitable for appointment may include provision enabling or requiring a court—
    - (a) to have regard to particular factors, or consider particular information, in determining whether a person is suitable for appointment,
    - (b) to be satisfied that a person is suitable for appointment if particular conditions are met,
    - (c) to impose particular conditions which must be satisfied before the court may be satisfied that a person is suitable for appointment.
  - (5) Regulations under this section may make different provision in relation to appointments of persons of different descriptions as executors dative.