



Law Reform (Miscellaneous Provisions) (Scotland) Act 1980

1980 CHAPTER 55

Sheriff Court

14 Power of sheriff to appoint judicial factor.

(1) In the ^{M1} Judicial Factors (Scotland) Act 1880—

(a) in section 3 (interpretation), for the words “mean factor loco tutoris and curator bonis” there shall be substituted the words “include a *curator bonis*, a factor *loco tutoris*, a factor *loco absentis*, a factor on trust or other estates, and a guardian where caution is required, but does not include a judicial factor appointed under section 14 or 163 of the Bankruptcy (Scotland) Act 1913”;

(b) in section 4 (sheriff’s appointment of judicial factor)—

(i) for the words from “It shall” to “respectively” where it first occurs there shall be substituted the words “The sheriff shall have the same powers to appoint judicial factors as have the Court of Session and he”;

(ii) for paragraph 1 there shall be substituted the following paragraphs—

“1

Proceedings for appointment of judicial factors in the sheriff court shall commence by petition to be presented in an appropriate sheriff court as nearly as may be in the form in use in ordinary actions in that court:

1A

In paragraph 1 above, the expression “appropriate sheriff court”—

(a) in the case of a petition for the appointment of a judicial factor on a trust estate, shall have the same meaning as in sections 22 to 24 of the Trusts (Scotland) Act 1921; and

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Section 14. (See end of Document for details)

- (b) in any other case shall mean—
- (i) where the petition is for the appointment of a judicial factor (other than a factor *loco absentis* to an individual, a sheriff court of the sheriffdom in which the individual is resident;
 - (ii) where the petition is for the appointment of a factor *loco absentis* to an individual, a sheriff court of the sheriffdom in which the individual was last known to the petitioner to be resident; or
 - (iii) where the petition is not as mentioned in either of the foregoing provisions of this subparagraph, the sheriff court at Edinburgh;”;

(iii) paragraphs 2 and 3 shall cease to have effect.

- (2) In section 163 of the ^{M2} Bankruptcy (Scotland) Act 1913 (application for judicial factor on estate of person deceased), the words “where the assets of the deceased are estimated not to exceed five hundred pounds” shall cease to have effect.

Modifications etc. (not altering text)

- C1** The text of ss. 2(3), 4, 5, 7–10, 13–16, 17(4), 19, 21, 22(1)(a)(b)(d), 24, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
-

Marginal Citations

- M1** 1880 c. 4.
M2 1913 c. 20.

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, Section 14.