

Changes to legislation: There are currently no known outstanding effects for the Intestates Widows and Children (Scotland) Act 1875. (See end of Document for details)

SCHEDULE A

FORM OF INVENTORY AND RELATIVE [F¹DECLARATION]

Textual Amendments

- F1** Words in Sch. A substituted (1.3.1997) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 24(2)(a)**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)

Inventory of the Personal Estate, wheresoever situated, of [*name and description of deceased*] who died at on the day of 18.

Scotland.	£	s.	d.
1.	Cash in the house		
2.	Household furniture and other effects in the deceased's house		
3.	Stock in trade and other effects belonging to deceased		
4.	Sum in bank; viz., [<i>specify it with interest thereon to date of [F¹ declaration] to Inventory.</i>]*		
	*[<i>Add any other estate in the usual form.</i>]		

At , the day of one thousand eight hundred and, [F²[*name and address of applicant*] (hereinafter referred to “the applicant”) hereby declares], that the said died at upon the day of , and had at the time of his [*or her*] death his [*or her*] ordinary or principal domicile in the county of : That the [F³applicant] is the [*widow or son or daughter of the said deceased* , and is desirous to enter upon the possession and management of the deceased's estate as his [*or her*] executor: That the [F³applicant] does not know of any testamentary settlement or writing relative to the disposal of the deceased's personal estate or effects, or any part thereof: That the foregoing inventory, signed by the [F³applicant] and the said as relative hereto, is a full and complete inventory of the personal estate and effects of the said deceased wheresoever situated and belonging or due to him [*or her*] beneficially at the time of his [*or her*] death, in so far as the same has come to the [F³applicant's] knowledge: That the value at this date of the said personal estate and effects, including the proceeds accrued thereon down to this date, does not exceed [F⁴£36,000] sterling: That confirmation of the said personal estate in Scotland [*England and Ireland as the case may be*] is required in favour of the [F³applicant]. F⁵. . .

Textual Amendments

- F2** Words in Sch. A substituted (1.3.1997) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 24(2)(b)**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)
- F3** Words in Sch. A substituted (1.3.1997) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 24(2)(c)**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)
- F4** Sum in Sch. A substituted (1.2.2012) by The Confirmation to Small Estates (Scotland) Order 2011 (S.S.I. 2011/435), arts. 1, **2(b)**

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- F5** Words in Sch. A repealed (1.3.1997) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990](#) (c. 40, SIF 76:2), s. 74, Sch. 8 para. 24(2)(d), **Sch. 9**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)

SCHEDULE B

FORM OF CONFIRMATION

Modifications etc. (not altering text)

- C1** Forms prescribed by [S.I. 1967/789](#) are to be used by Sheriff Clerks and may be used with modifications by Commissary Clerk of Edinburgh in lieu of form prescribed by Sch. B

Confirmation issued under the Act 38 & 39 Vict. cap. 41

Confirmation Dative of *A.B.*, who resided at *[name and description of deceased]*

The said *A.B.* had pertaining and resting owing to at the time of his *[or her]* decease.

[Take in inventory of estate to be confirmed.]

I, , Esquire, Commissary of the county of , considering that the said *A.B.* died at on , and had at the time of death his *[or her]* ordinary or principal domicile in the county of . And seeing that *C.D.*, his *[widow or son or daughter, or her son or daughter]* has given up, on ^{F6}declaration] , an inventory of the personal estate and effects of the said *A.B.*, at the time of death, including the proceeds accrued thereon to date of ^{F6}declaration] , situated in Scotland *[England and Ireland as the case may be]*, amounting in value to , and has ^{F7}declared] that the whole personal estate and effects of the said *A.B.* does not exceed in value ^{F8}£36,000], which inventory, as before written, has been recorded in my court books, of date ^{F9}... . Therefore I, in Her Majesty's name and authority, decern, make, constitute, ordain, and confirm the said *C.D.* executor, *[or executors]* dative qua *[relict or next of kin]* to the deceased, with full power to to uplift, receive, administer, and dispose of the said personal estate and effects, and grant discharges thereof, if needful to pursue therefor, and generally every other thing concerning the same to do that to the office of executor dative qua is known to belong: Providing always, that shall render just count and reckoning for intromissions therewith, when and where the same shall be legally required. Given under the seal of office of the commissariat of and signed by the clerk of court at , the day of one thousand eight hundred and

Textual Amendments

- F6** Words in Sch. B substituted (1.3.1997) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990](#) (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 24(3)(a)**; S.I. 1996/2894, art.3, **Sch.** (as amended by S.I. 1996/2966, **art.2**)
- F7** Word in Sch. B substituted (1.3.1997) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990](#) (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 24(3)(b)**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)
- F8** Sum in Sch. B substituted (1.2.2012) by [The Confirmation to Small Estates \(Scotland\) Order 2011](#) (S.S.I. 2011/435), arts. 1, **2(c)**

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F9 Words in Sch. B repealed (4.3.2016) by [Succession \(Scotland\) Act 2016 \(asp 7\)](#), **ss. 18(1)(b), 31(1)** (with [s. 18\(2\)](#))

Commissary Clerk.

F10F10SCHEDULE C

Textual Amendments

F10 [Sch. C](#) repealed by Confirmation to [Small Estates \(Scotland\) Act 1979 \(c. 22, SIF 116:2\)](#), **s. 1(1)(f)**, [Sch.](#)

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