



# Executors (Scotland) Act 1900

1900 CHAPTER 55 63 and 64 Vict

## 6 Transmission of trust funds by executors of sole or last surviving trustee.

When any sole or last surviving trustee or executor . . . <sup>F1</sup> has died with any [<sup>F2</sup>property (whether heritable or moveable) in Scotland vested in him] as trustee or executor, confirmation by his executors . . . <sup>F1</sup> (if any) to the proper . . . <sup>F1</sup> estate of such trustee or executor . . . <sup>F1</sup>, or the probate granted in England [<sup>F3</sup>and Wales or Northern Ireland to his executors and noting his domicile in England and Wales or in Northern Ireland, as the case may be] shall, whether granted before or after the passing of this Act, be valid, and available to such executors for recovering such [<sup>F2</sup>property], and for assigning and transferring the same to such person or persons as may be legally authorised to continue the administration thereof, or, where no other act of administration remains to be performed, directly to the beneficiaries entitled thereto, or to any person or persons whom the beneficiaries may appoint to receive and discharge, realise and distribute the same, provided always that a note or statement of such [<sup>F2</sup>property] shall have been appended to any inventory or additional inventory of the personal estate of such deceased trustee or executor . . . <sup>F1</sup> given up by his executors . . . <sup>F1</sup> in Scotland, and duly confirmed; and provided further that nothing herein contained shall bind executors of a deceased trustee or executor . . . <sup>F1</sup> to make up title to such [<sup>F2</sup>property], nor prejudice or exclude the right of any other person to complete a title to such [<sup>F2</sup>property] by any proceedings otherwise competent.

### Textual Amendments

- F1** Words repealed with savings by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), ss. 14(1), 34(1), [Sch. 2 para. 13](#)
- F2** Words substituted with savings by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), ss. 14(1), 34(1), [Sch. 2 para. 13](#)
- F3** Words substituted by [Administration of Estates Act 1971 \(c. 25\)](#), [Sch. 1 para. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Executors (Scotland) Act 1900, Section 6.