
STATUTORY INSTRUMENTS

1992 No. 272

Act of Sederunt (Judicial Factors Rules) 1992

PART II

ADDITIONAL RULES APPLYING TO FACTORS APPOINTED
UNDER SECTION 11A OF THE JUDICIAL FACTORS
(SCOTLAND) ACT 1889 ON ESTATES OF DECEASED PERSONS

Partial division on first scheme of division

33.—(1) Where, in the opinion of the factor, a partial division of funds among the creditors who have claimed may be made with safety to the interests of all concerned, the factor may, with the approval of the Accountant, prepare a state of funds and first scheme of division as soon as may be after the time for lodging claims has expired.

(2) The provisions of rules 29(2) and (3), 30 and, subject to paragraph (3) of this rule, 31, shall apply to a state of funds and first scheme of division prepared under paragraph (1) above as they apply to a state of funds and scheme of division prepared under rule 29(1)(a).

(3) The sheriff may, not earlier than 6 months after the death of the deceased, approve the first scheme of division and, where he so approves, the factor shall pay, deliver or convey accordingly provided always that there shall be retained and deposited in an appropriate bank or institution a sufficient sum to meet—

- (a) the amount of the claims of creditors whose debts have not at that period been admitted by the factor, or whose debts are future or contingent; and
- (b) the full amount of such debts as are claimed as preferable but the priority of which is not admitted by the factor.