



# Judicial Factors Act 1849

## CHAPTER 51

### JUDICIAL FACTORS ACT 1849

- [1.] Interpretation of terms in this Act.
- 2 Judicial factor to find caution for duly performing his duties.
- 3 Judicial factor to lodge with the accountant a distinct rental of lands committed to his management, a list of funds, and an inventory of moveables, etc.
- 4 Factor to close his accounts once a year, and lodge the same with accountant.
- 5 Factor to lodge monies in one of the banks of Scotland.
- 6 Penalties on factor for misconduct.
- 7 Factor may apply for special powers.
- 8 Before special powers, &c. are granted, court to order intimation, &c.
- 9 .....
- 10 General nature of accountant's duty;
- 11 to assign a day for closing first account;
- 12 to adjust the rental, list, and inventory;
- 13 and to audit the accounts.
- 14 Rules of exact diligence may be dispensed with.
- 15 Accountant's report conclusive against factor, if not objected to, and if objections, how to be disposed of.
- 16 Cautioner may be heard before the accountant.
- 17 Parties interested may, upon cause shown, open up audit of accounts.
- 18 Accountant to make an annual report of all judicial factories, which shall be printed.
- 19 Accountant to make requisitions and orders on the factor;
- 20 and to report to the lord ordinary or the court the factor's failure in duty.
- 21 When malversation suspected, a case to be submitted to Her Majesty's Advocate.
- 22 .....

*Changes to legislation: There are currently no known outstanding effects for the Judicial Factors Act 1849. (See end of Document for details)*

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23	Provision as to past factories informally settled or desperate.
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25	Act made applicable to tutors of law, tutor's-dative, and curators to insane persons.
26	Bonds of caution for tutors and curators.
27	Amount of caution for factors, &c. limited, and bonds of caution, &c. taken.
28	Certified copy of letters of tutory or curatory to form the basis of a summary process.
29	.....
30	Rental, list, and inventory, to be equivalent to tutorial or curatorial inventory Scots Act 1672 c. 2.
31	Resignation, &c. of tutors and curators.
32	Remuneration and responsibility of factors, &c. not altered.
33	Accountant may require information from banks.
34	Discharge of factors, tutors, and curators.
34A	Further provision as to discharge of factors, tutors and curators.
35	Accountant to be custodier of bank receipts.
36	Records in the accountant's office to be open for inspection.
37	Banks to accumulate principal and interest on accounts and deposits.
38	Provision for accountant's illness or temporary absence.
39	.....
40	Power to pass acts of sederunt.
41	.....

**Changes to legislation:**

There are currently no known outstanding effects for the Judicial Factors Act 1849.