



Succession (Scotland) Act 1964

1964 CHAPTER 41

PART III

ADMINISTRATION AND WINDING UP OF ESTATES

22 Court of Session may regulate procedure in commissary proceedings.

(1) The powers exercisable by the Court of Session by act of sederunt under section 18 of the ^{M1}Confirmation of Executors (Scotland) Act 1858, section 16 of the ^{M2}Sheriff Courts and Legal Officers (Scotland) Act 1927 and section 34 of the ^{M3}Administration of Justice (Scotland) Act 1933 (which empower the court to regulate *inter alia* procedure in proceedings in the sheriff court and in proceedings for the confirmation of executors) shall include power to regulate the procedure to be followed, and to prescribe the form and content of any petition, writ or other document to be used, in connection with the confirmation of executors in cases where, by virtue of this Act, heritable property devolves upon the executor.

(2) Without prejudice to the generality of the powers conferred on the court by the said sections and by this section, the power conferred by the said section 34 to modify, amend or repeal by act of sederunt enactments relating to certain matters shall include power so to modify, amend or repeal any enactment relating to the procedure to be followed in proceedings for the confirmation of executors in such cases as aforesaid.

(3) ^{F1}

[^{F2}(4) Nothing in the foregoing provisions of this section shall affect the power conferred by section 8(14) of the Finance Act 1894 or otherwise on the Commissioners of Inland Revenue to prescribe the form of, or the particulars to be contained in, affidavits and other documents used for the purposes of Part I of that Act.]

Textual Amendments

F1 S. 22(3) repealed by Law Reform (Miscellaneous Provisions)(Scotland) Act 1966 (c. 19), Sch. Pt. I

F2 Ss. 19, 22(4) repealed in relation to deaths occurring after 13.4.1975 and, so far as regards certain duties in relation to any death, by Finance Act 1975 (c. 7, SIF 99:3), ss. 52(2), 59, Sch. 13 Pt. I, note

Changes to legislation: Succession (Scotland) Act 1964, Section 22 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(with a saving in s. 52(3) in relation to repayment or allowance in respect of certain sums paid before 13.3.1975 on account)

Marginal Citations

- M1** 1858 c. 56.
M2 1927 c. 35.
M3 1933 c. 41.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(1)(ab) inserted by [2024 asp 2 s. 77\(1\)\(a\)](#)