



# Confirmation to Small Estates (Scotland) Act 1979

## 1979 CHAPTER 22

An Act to amend the law relating to confirmation to small estates in Scotland; and for connected purposes. [29th March 1979]

### **1 Confirmation to small estate.**

- (1) In the <sup>M1</sup> Intestates Widows and Children (Scotland) Act 1875—
- (a) in section 3 (confirmation to small intestate estate)—
    - (i) for the words “the net estate of an intestate is of a value less than one thousand pounds, and his gross estate is of a value less than three thousand pounds, his widow or any one or more of his children, or in the case of an intestate widow any one or more of her children,” there shall be substituted the words “ the whole estate of an intestate is of a value not exceeding £10,000 an applicant for confirmation thereto ”; and
    - (ii) for the words “without the payment of any fee therefor save as is provided in Schedule C annexed to this Act” there shall be substituted the words “ on payment of the requisite fee ”;
  - (b) in section 5 (commissary clerk to be satisfied as to value of estate), for the words “either of the values” there shall be substituted the words “ the value ”;
  - (c) in section 7 (acts of sederunt), the words “; but the total amount to be charged to applicants shall not in any case exceed the sums mentioned in Schedule C annexed to this Act” shall cease to have effect;
  - (d) in Schedule A (form of inventory and relative oath) for the words “150/.” there shall be substituted the words “ £10,000 ”;
  - (e) in Schedule B (form of confirmation) for the words “150/.” there shall be substituted the words “ £10,000 ”; and
  - (f) Schedule C (fees) shall cease to have effect.
- (2) In the <sup>M2</sup> Small Testate Estates (Scotland) Act 1876—
- (a) in section 3 (confirmation to small testate estate)—

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**Changes to legislation:** There are currently no known outstanding effects for the Confirmation to Small Estates (Scotland) Act 1979. (See end of Document for details)

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- (i) for the words “the net estate of a testate is of a value less than one thousand pounds, and his gross estate is of a value less than three thousand pounds the executor of such testate” there shall be substituted the words “ the whole estate of a testate is of a value not exceeding £10,000 an applicant for confirmation thereto ”; and
  - (ii) for the words “without the payment of any fee therefor save as is provided in Schedule C annexed to this Act” there shall be substituted the words “ on payment of the requisite fee ”;
  - (b) in section 5 (commissary clerk to be satisfied as to value of estate) for the words “either of the values” there shall be substituted the words “ the value ”;
  - (c) in section 7 (procedure and fees) the words “; but the total amount to be charged to executors shall not in any case exceed the sums mentioned in Schedule C annexed to this Act” shall cease to have effect;
  - (d) in Schedule A (form of inventory and relative oath) for the words “150/.” there shall be substituted the words “ £10,000 ”; and
  - (e) Schedule C (fees) shall cease to have effect.
- (3) The Secretary of State may by order made by statutory instrument amend the provisions mentioned in subsections (1)(a), (d) and (e) or (2)(a) and (d) above to alter the limit of value at or below which confirmation may be expedited under the said Act of 1875 or 1876 (as the case may be).
- (4) An order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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**Modifications etc. (not altering text)**

- C1** The text of ss. 1(1)(a)–(f), (2)(a)–(e), 2 and the Schedule is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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**Marginal Citations**

- M1** 1875 c. 41.  
**M2** 1876 c. 24.

## 2 Repeals.

The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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**Modifications etc. (not altering text)**

- C2** The text of ss. 1(1)(a)–(f), (2)(a)–(e), 2 and the Schedule is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

## 3 Short title, extent, construction and commencement.

- (1) This Act may be cited as the Confirmation to Small Estates (Scotland) Act 1979 and extends to Scotland only.

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**Changes to legislation:** There are currently no known outstanding effects for the Confirmation to Small Estates (Scotland) Act 1979. (See end of Document for details)

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(2) This Act, except this section, shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint.

(3) ..... <sup>F1</sup>

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**Textual Amendments**

**F1** S. 3(3) repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1(1), **Sch. 1 Pt. IV**

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**Modifications etc. (not altering text)**

**C3** Power of appointment conferred by s. 3(2) fully exercised: 1.7.1980 appointed by S.I. 1980/734

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**Changes to legislation:** There are currently no known outstanding effects for the Confirmation to Small Estates (Scotland) Act 1979. (See end of Document for details)

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## SCHEDULE

Section 2.

## REPEALS

**Modifications etc. (not altering text)**

- C4** The text of ss. 1(1)(a)–(f), (2)(a)–(e), 2 and the Schedule is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
38 & 39 Vict. c. 41.	The Intestates Widows and Children (Scotland) Act 1875.	In section 7 the words “; but the total amount to be charged to applicants shall not in any case exceed the sums mentioned in Schedule C annexed to this Act”. Schedule C.
39 & 40 Vict. c. 24.	The Small Testate Estates (Scotland) Act 1876.	In section 7, the words “; but the total amount to be charged to executors shall not in any case exceed the sums mentioned in Schedule C annexed to this Act”. Schedule C.
44 & 45 Vict. c. 12.	The Customs and Inland Revenue Act 1881.	Section 34.
9 & Eliz. 2. c. 37.	The Small Estates (Representation) Act 1961.	The whole Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Confirmation to Small Estates (Scotland) Act 1979.