



Confirmation of Executors (Scotland) Act 1823

1823 CHAPTER 98 4 Geo 4

2 Court to regulate caution to be found.

Caution shall not be required to be found by

[^{F1}(a) an executor–nominate; or

(b) an intestate’s spouse [^{F2}or civil partner] who shall be executor–dative and has right, by virtue of sections 8 and 9(2) of the Succession (Scotland) Act 1964, to the whole estate.

[^{F3}See also section 3 of the Intestates Widows and Children (Scotland) Act 1875.]

In][^{F4}cases where caution is required to be found] the court granting confirmation shall fix the amount of the sum for which caution shall be found by the person or persons to whom confirmation shall be granted, not exceeding the amount confirmed.

Textual Amendments

- F1** Words substituted by Law Reform (Miscellaneous Provisions)(Scotland) Act 1980 (c. 55, SIF 36:3), s. 5
- F2** Words in s. 2(b) inserted (4.3.2016) by [Succession \(Scotland\) Act 2016 \(asp 7\)](#), **ss. 19(1)**, 31(1)
- F3** Words in s. 2 inserted (4.3.2016) by [Succession \(Scotland\) Act 2016 \(asp 7\)](#), **ss. 18(4)(a)**, 31(1)
- F4** Words in s. 2 substituted (4.3.2016) by [Succession \(Scotland\) Act 2016 \(asp 7\)](#), **ss. 18(4)(b)**, 31(1)

Modifications etc. (not altering text)

- C1** S. 2 power to modify conferred (4.3.2016) by [Succession \(Scotland\) Act 2016 \(asp 7\)](#), **ss. 19(2)**, 31(1)

Changes to legislation:

There are currently no known outstanding effects for the Confirmation of Executors (Scotland) Act 1823, Section 2.