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**Changes to legislation:** There are currently no known outstanding effects for the Small Testate Estates (Scotland) 1876, Cross Heading: Confirmation issued under the Act 39 & 40. (See end of Document for details)

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## SCHEDULES

### SCHEDULE B

#### FORM OF CONFIRMATION

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

- C1** Forms prescribed by [S.I. 1967/789](#) are to be used by Sheriff Clerks and may be used with modifications by Commissary Clerk of Edinburgh in lieu of form prescribed by Sch. B

*Confirmation issued under the Act 39 & 40*

*Vict. c. 24 Confirmation in favour of*

*C.D.*, residing at , executor nominate of *A.B.* (design deceased), who died testate, on the day of 18 , at , and had at the time of death his (*or her*) ordinary or principal domicile in the county of *A.*

The said deceased *A.B.* had pertaining and resting owing to him (*or her*) at the time of his (*or her*) death the following personal estate and effects, viz.:

[*Take in particulars of estate as specified in the inventory*]

I, *E.F.*, Esq., Commissary of the said county of *A.*, considering that the said *A.B.* died, testate, on the day of , 18 , at , and had at the time of death his (*or her*) ordinary or principle domicile in the said county of *A.*; and farther considering that the said *A.B.* by his (*or her*) will (*or other* writing containing the nomination of executor) dated the day of 18 , and recorded in my court books upon the day of 18 , nominated and appointed the said *C.D.* to be his (*or her*) executor; and now seeing that the said *C.D.* as executor nominate foresaid, has given up on [<sup>F1</sup>declaration] an inventory of the whole personal estate and effects of the said *A.B.* at the time of his (*or her*) death, situated in Scotland (and England and Ireland, as the case may be), amounting in value to £ , as therein and herein-before set forth, and that the said inventory has likewise been recorded in my court books on the said day of 18 : Therefore I, in Her Majesty's name and authority, ratify, approve, and confirm the nomination of executor contained in the foresaid will (*or other* writing containing the nomination of executor), and I give and commit to the said *C.D.* full power to uplift, receive, administer, and dispose of the said personal estate and effects, grant discharges thereof, if needful to pursue therefor, and generally everything concerning the same to do that to the office of an executor nominate is known to belong: Providing always, that he shall render just count and reckoning for his intromissions therewith, when and where the same shall be legally required.

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**Textual Amendments**

- F1** Word in Sch. B substituted (1.3.1997) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990](#) (c. 40, SIF 76:2), s. 74(1), [Sch. 8 para. 25\(3\)](#); [S.I. 1996/2894](#), art. 3, [Sch.](#) (as amended by [S.I. 1996/2966](#), [art. 2](#))

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Given under the seal of office of the commissariat of the county of *A.*, and signed by the clerk of court at on the day of , 18 .

*Commissary Clerk.*

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