

Changes to legislation: There are currently no known outstanding effects for the Small Testate Estates (Scotland) 1876. (See end of Document for details)

SCHEDULES

SCHEDULE A

FORM OF INVENTORY AND RELATIVE [F¹DECLARATION]

Textual Amendments

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

Inventory of the Personal Estate and Effects wheresoever situated of *A.B.* (*design deceased*), who died, testate, on the day of 18, at, and had at the time of his (or her) ordinary or principal domicile in the county of *A.*

I. SCOTLAND

- | | | |
|----|--|---|
| 1. | Cash in the house | £ |
| 2. | Household furniture and other effects in the house | |
| 3. | Stock-in-trade and other effects belonging to deceased | |
| 4. | Money in bank | £ |

Interest thereon to date of [F¹declaration] to inventory ———

Amount of personal estate in £———
Scotland

II. ENGLAND

- | | | |
|----|--|---|
| 1. | Principal sum in policy of insurance on life of deceased by the <i>A.B.</i> Insurance Co., numbered and dated 18 | £ |
|----|--|---|

Vested bonuses

Amount of personal estate in England £———

Total amount of personal estate in Scotland and England £———

(Add under Scotland or England any other estate in usual)

At on the day of 18 . [F²[name and address of applicant] (hereinafter referred to “the applicant”) hereby declares]: That the said *A.B.* (*repeat designation*, died, testate, on the day of 18, at, and had at the time of death his (or her) ordinary or principal domicile in the said county of *A.*: That the [F³applicant] is the executor of the said *A.B.*, and has entered upon the possession and

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management of his or her estate as executor nominated by him or her (*along with*) in his or her will (*or other testamentary settlement or writing*) dated the day of 18, and now exhibited and signed by the [F³applicant], and as relative hereto: That the [F³applicant] does not know of any other will or testamentary settlement or writing relative to the disposal of the deceased's personal estate or effects, or any part thereof: That the foregoing inventory signed by the [F³applicant], and the said as relative hereto is a full and complete inventory of the personal estate and effects of the said deceased *A.B.* wheresoever situated and belonging or due to him (*or her*) beneficially at the time of death in so far as the same has come to the knowledge of the [F³applicant]: That the value at this date of the whole real and personal estate and effects, including the proceeds accrued thereon down to this date, does not exceed [F⁴£36,000] sterling: That confirmation of the said personal estate and effects in Scotland (England and Ireland, *as the case may be*) is required in favour of the [F³applicant] (*and the said*). F⁵. . .

Textual Amendments

- F2** Words in Sch. A substituted (1.3.1997) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 25(2)(b)**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)
- F3** Words in Sch. A substituted (1.3.1997) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74(1), **Sch. 8 para. 25(2)(c)**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)
- F4** Word in Sch. A substituted (1.2.2012) by The Confirmation to Small Estates (Scotland) Order 2011 (S.S.I. 2011/435), arts. 1, **3(b)**
- F5** Words in Sch. A repealed (1.3.1997) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, **Sch. 8 para. 25(2)(a)**, **Sch. 9**; S.I. 1996/2894, art. 3, **Sch.** (as amended by S.I. 1996/2966, **art. 2**)

SCHEDULE B

FORM OF CONFIRMATION

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

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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 [^{F6}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.

Textual Amendments

F6 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)

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.

^{F7F7}SCHEDULE C

Textual Amendments

F7 Sch. C repealed by Confirmation to Small Estates (Scotland) Act 1979 (c. 22, SIF 116:2), s. 1(2)(e), Sch.

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 F7

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