

2011 No. 435

SHERIFF COURT

The Confirmation to Small Estates (Scotland) Order 2011

Made - - - - *7th December 2011*

Laid before the Scottish Parliament *9th December 2011*

Coming into force - - *1st February 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1(3) of the Confirmation to Small Estates (Scotland) Act 1979(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Confirmation to Small Estates (Scotland) Order 2011 and comes into force on 1st February 2012.

Amendment of legislation

2. In each of the following provisions of the Intestates Widows and Children (Scotland) Act 1875(b), namely:—

- (a) section 3 (confirmation to small intestate estate);
- (b) Schedule A (form of inventory and relative declarations); and
- (c) Schedule B (form of confirmation),

for “£30,000” substitute “£36,000”.

3. In each of the following provisions of the Small Testate Estates (Scotland) Act 1876(c), namely:—

- (a) section 3 (confirmation to small testate estate); and
- (b) Schedule A (form of inventory and relative declaration),

for “30,000” substitute “£36,000”.

(a) 1979 c.22. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (c.46), section 53.

(b) 1875 c.41; section 3 was amended by the Administration of Estates Act 1971 (c.25), section 12(1) and Schedule 2, Part 1 and by the Finance Act 1975 (c.7), sections 52(2), 59(5) and Schedule 13, Part 1; section 3 was further amended and Schedules A and B were amended by the Confirmation to Small Estates (Scotland) Act 1979 (c.22), section 1(1), and by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74(1) and Schedule 8, paragraph 24; Schedule A was further amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), Schedule 9. The previous figure specified in section 3 and Schedules A and B was inserted by S.S.I. 2005/251.

(c) 1876 c.24; section 3 was amended by the Administration of Estates Act 1971 (c.25), section 12(1) and Schedule 2, Part 1; section 3 was further amended and Schedule A was amended by the Confirmation to Small Estates (Scotland) Act 1979 (c.22), section 1(2), and by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), section 74(1) and Schedule 8, paragraphs 25(1) and (2) and Schedule 9. The previous figure specified in section 3 and Schedule A was inserted by S.S.I. 2005/251.

Revocation

4. The Confirmation to Small Estates (Scotland) Order 2005(a) is revoked.

St Andrew's House,
Edinburgh
7th December 2011

R CUNNINGHAM
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2005/251.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases from £30,000 to £36,000 the limit of value of a deceased person's estate at or below which confirmation of executors may be obtained by the simplified procedures prescribed by the Intestates Widows and Children (Scotland) Act 1975 (for small intestate estates) and by the Small Testate Estates (Scotland) Act 1876 (for small testate estates). The Confirmation to Small Estates (Scotland) Order 2005, which specified the previous limit, is revoked.

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