



Succession (Scotland) Act 2016

2016 asp 7

SUCCESSION (SCOTLAND) ACT 2016

Testamentary documents and special destinations

- 1 Effect of divorce, dissolution or annulment on will
- 2 Effect of divorce, dissolution or annulment on special destination
- 3 Rectification of will
- 4 Rectification of will: supplementary
- 5 Revocation of will not to revive earlier revoked will
- 6 Death before legacy vests: entitlement of issue
- 7 Liferent: vesting of fee other than on death
- 8 Destinations in wills and certain trusts: conditional institution

Survivorship

- 9 Uncertainty of survivorship treated as failure to survive
- 10 Equal division of property if order of beneficiaries' deaths uncertain
- 11 Testamentary requirement of survival for a particular period

Forfeiture

- 12 Person forfeiting to be treated as having failed to survive victim
- 13 Protection for persons acquiring in good faith and for value
- 14 Power of sheriff to order sheriff clerk to execute document
- 15 Total relief from forfeiture rule
- 16 Time limit for applying for relief from forfeiture rule
- 17 Repeal of the Parricide Act

Estate administration

- 18 Confirmation of executors: no requirement to find caution in relation to small intestate estate
- 19 Confirmation of executors: general exceptions to requirement to find caution
- 20 Confirmation of executors: power of Ministers to abolish requirement for executors dative to find caution

Changes to legislation: Succession (Scotland) Act 2016 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 21 Power of Ministers to make provision requiring conditions to be met before courts appoint persons as executors dative
- 22 Sections 19, 20 and 21: regulations
- 23 Errors in distribution: protection of trustees and executors in certain circumstances
- 24 Protection of persons acquiring title

Other reforms

- 25 Gifts made in contemplation of death
- 26 Abolition of right to claim in respect of expense of mournings
- 27 Additional ground of jurisdiction: executor confirmed in Scotland

General

- 28 Interpretation
- 29 Consequential provision
- 30 Ancillary provision
- 31 Commencement
- 32 Short title

SCHEDULE — MODIFICATIONS OF ENACTMENTS

The Succession (Scotland) Act 1964

- 1 (1) The Succession (Scotland) Act 1964 is modified as follows....

The Law Reform (Miscellaneous Provisions) (Scotland) Act 1968

- 2 Section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act...

Civil Partnership Act 2004

- 3 Section 124A of the Civil Partnership Act 2004 is repealed....

Family Law (Scotland) Act 2006

- 4 Section 19 of the Family Law (Scotland) Act 2006 is...

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 23 repealed by [2024 asp 2 Sch. 2](#)