

*These notes relate to the Succession (Scotland) Act 2016
(asp 7) which received Royal Assent on 3 March 2016*

SUCCESSION (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Forfeiture

Section 15 – total relief from forfeiture rule

51. The Forfeiture Act 1982 enables a person to apply to the court for “relief” from the forfeiture rule. Relief means that the effect of forfeiture rule is modified and the killer is enabled to inherit a proportion of the victim’s estate. This section reverses the decision in *Cross, Petr* 1987 SLT 384 in which it was held that the court could not go so far as to disapply the effect of the rule in a given case entirely. So the court granted relief in respect of all of the heritable property and 99% of the moveable property. As relief is entirely at the discretion of the court, the Commission recommended that the court should be able to grant total relief in the rare case where they deem it appropriate. This section therefore amends section 2 of the Forfeiture Act 1982 to provide courts with the power to grant total relief.