



Succession (Scotland) Act 1964

1964 CHAPTER 41

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

37 Exclusion of certain matters from operation of Act.

(1) Save as otherwise expressly provided, [^{F1}nothing in this Act or (as respects paragraph (a) of this subsection) in the Children Act 1975 or the Adoption (Scotland) Act 1978 [^{F2}or the Adoption and Children (Scotland) Act 2007 (asp 4)] shall]—

- (a) apply to any title, coat of arms, honour or dignity transmissible on the death of the holder thereof or affect the succession thereto or the devolution thereof;
- (b)^{F3}
- (c) affect any right on the part of a surviving spouse to claim from the representatives of his or her deceased spouse payment of aliment out of the estate of that spouse;
- (d) affect the administration, winding up or distribution of or the making up of title to any part of the estate of any person who died before the commencement of this Act or the rights of succession to such an estate or any claim for legal rights or terce or courtesy or any rights arising under the Intestate Husband's Estate (Scotland) Acts 1911 to 1959 out of such an estate or the right to take any legal proceedings with respect to any such matters;
- (e) affect any claim for legal rights arising out of an action of divorce commenced before the commencement of this Act;

and in relation to the matters aforesaid the law in force immediately before the commencement of this Act shall continue to have effect as if this Act had not passed.

(2) Nothing in this Act shall be construed as affecting the operation of any rule of law applicable immediately before the commencement of this Act to the choice of the system of law governing the administration, winding up or distribution of the estate, or any part of the estate, of any deceased person.

Changes to legislation: Succession (Scotland) Act 1964, Section 37 is up to date with all changes known to be in force on or before 18 April 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

Textual Amendments

- F1** Words substituted by the Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66, **Sch. 3 para. 5**
- F2** Words in s. 37(1) inserted (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), ss. 120(1), 121(2), **Sch. 2 para. 1(3)**; S.S.I. 2009/267, **art. 2** (with arts. 3-21) (as amended by S.S.I. 2012/99, **art. 2**)
- F3** S. 37(1)(b) repealed by Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70), ss. 8, 22(3), Sch. 2 Pt. I para. 28, **Sch. 3**

Modifications etc. (not altering text)

- C1** S. 37(1) modified (1.11.1994) by S.I. 1994/2804, reg. 3, **Sch. 2 para. 1**
- C2** S. 37(1) modified (6.4.2010) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), reg. 5, **Sch. 4 para. 2**
- C3** S. 37(1) modified (21.12.2018) by The Human Fertilisation and Embryology (Parental Orders) Regulations 2018 (S.I. 2018/1412), reg. 1(2), **Sch. 4 para. 2**

Changes to legislation:

Succession (Scotland) Act 1964, Section 37 is up to date with all changes known to be in force on or before 18 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(1)(ab) inserted by [2024 asp 2 s. 77\(1\)\(a\)](#)