



Succession (Scotland) Act 1964

1964 CHAPTER 41

PART I

INTESTATE SUCCESSION

6 Division of intestate estate among those having right thereto.

If, by virtue of the foregoing provisions of this Part of this Act, there are two or more persons having right among them to the whole, or, in a case to which section 2(1)(b) of this Act relates, to a half, of an intestate estate, then the said estate, or, as the case may be, that half thereof, shall—

- (a) if all of those persons are in the same degree of relationship to the intestate, be divided among them equally, and
- (b) in any other case, be divided equally into a number of parts equal to the aggregate of—

- (i) those of the said persons who are nearest in degree of relationship to the intestate (in this section referred to as “the nearest surviving relatives”) and

- (ii) any other persons who were related to the intestate in that degree, but who have [^{F1}failed to survive] him leaving issue who survive him;

and, of those parts, one shall be taken by each of the nearest surviving relatives, and one shall be taken *per stirpes* by the issue of each of the said [^{F2}persons who have failed to survive the deceased].

^{F3}
.....

Textual Amendments

F1 Words in s. 6(b) substituted (1.11.2016) by [Succession \(Scotland\) Act 2016 \(asp 7\), s. 31\(2\), sch. para. 1\(3\)\(a\)](#); S.S.I. 2016/210, reg. 2(1)(a)(2)

F2 Words in s. 6(b) substituted (1.11.2016) by [Succession \(Scotland\) Act 2016 \(asp 7\), s. 31\(2\), sch. para. 1\(3\)\(b\)](#); S.S.I. 2016/210, reg. 2(1)(a)(2)

Changes to legislation: Succession (Scotland) Act 1964, Section 6 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](#)

F3 Words (which were added by Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70) Sch. 1) repealed by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(2), **Sch. 2**

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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\(1\)\(a\)](#)