

SCHEDULES

SCHEDULE 28

CONSEQUENTIAL AMENDMENTS: SCOTLAND

PART 1

AMENDMENTS OF THE SUCCESSION (SCOTLAND) ACT 1964 (C. 41)

- 1 In section 1(2) (intestacy: saving for legal rights or prior rights), after “spouse” insert “or civil partner”.
- 2 In section 2(1)(e) (intestacy: succession rights of surviving spouse)—
 - (a) for “or a wife” substitute “, wife or civil partner”, and
 - (b) after “spouse” insert “or civil partner”.
- 3 In section 5(1) (representation on intestacy), for “or spouse” substitute “, spouse or civil partner”.
- 4 In section 8 (prior rights on intestacy in dwelling house and furniture), in subsections (1), (3) and (4), after “spouse” (in each place, including the provisos to subsections (1) and (3)) insert “or civil partner”.
- 5 In section 9 (prior right to financial provision on intestacy)—
 - (a) in subsection (1), for “or wife, the surviving spouse” substitute “, wife or civil partner the survivor”, and
 - (b) in the proviso to that subsection and in subsections (2), (3), (4) and (6), after “spouse”, (in each place) insert “or civil partner”.
- 6 In section 10(2) (calculation of legal rights), for “jus relictii, jus relictæ or legitim” substitute “legal rights”.
- 7 In section 15(2)(a) (transfer of heritage in satisfaction of claim to legal rights or prior rights), after “spouse” insert “or civil partner”.
- 8 In section 16(2) (transfer of interest of tenant notwithstanding condition prohibiting assignation), after “spouse” insert “or civil partner”.
- 9 In section 31(1) (presumption of survivorship in respect of claims to property)—
 - (a) after “spouse” insert “or civil partner”, and
 - (b) in paragraph (a), after “wife” insert “or civil partners to each other”.
- 10 In section 36(1) (interpretation), in the definition of “prior rights”, after “spouse” insert “or civil partner”.