



Succession (Scotland) Act 2016

2016 asp 7

Testamentary documents and special destinations

2 Effect of divorce, dissolution or annulment on special destination

- (1) This section applies where—
 - (a) property is held in the name of—
 - (i) a person (“A”) and A’s spouse or civil partner (“B”) and the survivor of them,
 - (ii) A, B and another person or other persons and the survivor or survivors of them,
 - (iii) A with a special destination, on A’s death, in favour of B,
 - (b) A and B’s marriage or civil partnership is terminated, and
 - (c) A then dies.
- (2) In relation to the succession to the property mentioned in subsection (1)(a) on A’s death, B is to be treated as having died before A.
- (3) Subsection (2) does not apply if the document under which the property is held expressly provides that succession to the property is to be unaffected by A and B’s marriage or civil partnership being terminated.
- (4) If a person has in good faith and for value (whether by purchase or otherwise) acquired title to the property, that title is not to be challengeable on the ground that, by virtue of subsection (2), the property falls to A’s estate.
- (5) For the purposes of this section, a marriage is terminated in the event of divorce or annulment and a civil partnership is terminated in the event of dissolution or annulment.
- (6) In this section, references to “divorce”, “dissolution” and “annulment” are to divorce, dissolution or annulment—
 - (a) obtained from a court of civil jurisdiction in the United Kingdom, the Channel Islands or the Isle of Man, or
 - (b) if not so obtained, the validity of which is recognised in Scotland.