



# Trusts and Succession (Scotland) Act 2024

## 2024 asp 2

### PART 2

#### SUCCESSION

##### *Rights of succession to intestate estate*

#### 77 Rights of succession to intestate estate

(1) In section 2(1) of the Succession (Scotland) Act 1964 (rights of succession to intestate estate)—

(a) after paragraph (a) insert—

“(ab) where an intestate is survived by a husband, wife or civil partner, but is not survived by any prior relative, the surviving spouse or civil partner shall have right to the whole of the intestate estate;”

(b) paragraph (e) is repealed.

(2) This section does not apply as respects a death that occurred before the section comes into force.

#### Commencement Information

II [S. 77](#) in force at 30.4.2024, see [s. 88\(2\)](#)

PROSPECTIVE

#### 78 Application to court by survivor for provision on intestacy

In section 29(6) of the Family Law (Scotland) Act 2006 (application to court by survivor for provision on intestacy), for “6” substitute “12”.

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**Status:** Point in time view as at 30/04/2024. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Trusts and Succession (Scotland) Act 2024, Cross Heading: Rights of succession to intestate estate. (See end of Document for details)

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### Commencement Information

**I2** S. 78 not in force at Royal Assent, see [s. 88\(3\)](#)

**Status:**

Point in time view as at 30/04/2024. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Trusts and Succession (Scotland) Act 2024, Cross Heading: Rights of succession to intestate estate.