
Changes to legislation: Civil Partnership Act 2004, Part 1 is up to date with all changes known to be in force on or before 03 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

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 ”.

Changes to legislation:

Civil Partnership Act 2004, Part 1 is up to date with all changes known to be in force on or before 03 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. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)