



Law Reform (Miscellaneous Provisions) (Scotland) Act 1968

1968 CHAPTER 70

PART IV

MISCELLANEOUS AMENDMENTS OF THE LAW

18 Restriction on duration of liferents

- (1) Where by any deed executed after the commencement of this Act there is created a liferent interest in any property and a person who was not living or in utero at the date of the coming into operation of the said deed becomes entitled to that interest, then—
- (a) if that person is of full age at the date on which he becomes entitled to the liferent interest, as from that date, or
 - (b) if that person is not of full age at that date, as from the date on which, being still entitled to the liferent interest, he becomes of full age,
- the said property shall, subject to subsection (2) of this section, belong absolutely to that person, and, if the property is vested in trustees, those trustees shall, subject as aforesaid, be bound to convey, deliver or make over the property to that person.
- (2) The fact that, by virtue of subsection (1) of this section, any property has come to belong absolutely to any person shall not affect—
- (a) the rights in the property of any person holding a security over the property;
 - (b) any rights in the property created independently of the deed by which the liferent interest in question was created;
 - (c) in the case of heritable property, the rights therein of the superior of the property.
- (3) The expenses of the conveyance, delivery or making over of any property to any person in pursuance of subsection (1) of this section shall be borne by that person.

Status: This is the original version (as it was originally enacted).

- (4) Section 48 of the Entail Amendment Act 1848 and section 9 of the Trusts (Scotland) Act 1921 shall not have effect in relation to any deed executed after the commencement of this Act.
- (5) For the purposes of this section—
- (a) the date of the coming into operation of any testamentary or other mortis causa deed shall, subject to paragraph (c) below, be taken to be the date of the death of the granter thereof;
 - (b) the date of the coming into operation of any marriage contract shall, subject as aforesaid, be taken to be the date of the dissolution of the marriage;
 - (c) the date of the execution, or of the coming into operation, of any deed made in the exercise of a special power of appointment shall be taken to be the date of the execution, or as the case may be of the coming into operation, of the deed creating that power.

19 Amendment of s. 15(1) of Succession (Scotland) Act 1964

Section 15(1) of the Succession (Scotland) Act 1964 (which makes provision for the use of a confirmation of an executor as a link in title to heritable property) shall have effect, and be deemed always to have had effect, as if after the words ' Provided that a confirmation' there were inserted the words (other than an implied confirmation within the meaning of the said section 5(2))'.

20 Agreement to prorogate jurisdiction of particular sheriff court in certain moneylenders' contracts to be void

Section 4 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 (which makes void any provision or agreement in or in relation to a contract to which that section applies, whereby any party to such contract prorogates the jurisdiction of a particular sheriff court) shall have effect as if at the end of subsection (2) thereof (wherein are specified the contracts to which the section applies) there were added the following words:—

“and

- (c) any contract entered into by a moneylender within the meaning of the Moneylenders Acts 1900 to 1927 in the course of his business as a moneylender, being a contract which contains an agreement with respect to the advance or repayment of money, or in respect of money lent, or as to the taking or release of any security in respect of money lent.”.

21 Removal of restriction on purchase, etc., of land by trade unions

Section 7 of the Trade Union Act 1871 (which empowers trade unions to purchase or take upon lease, and to deal otherwise with, land not exceeding one acre in extent) shall have effect as if the words " not exceeding one acre " were omitted.