

SCHEDULES

SCHEDULE 1

Section 3.

MODIFICATION OF SUCCESSION (SCOTLAND) ACT 1964 CONSEQUENTIAL ON SECTIONS 1 AND 2 OF THIS ACT

- 1 In section 6, at the end there shall be inserted the following paragraph:—
- “For the purposes of this section an illegitimate person shall be deemed to be in the same degree of relationship to the intestate as that person would have been in if he had been born legitimate ; and where the intestate was an illegitimate person, each of his parents shall be deemed to be in the same degree of relationship to him as the other.”
- 2 In section 9(1), after the word " issue ", in both places where it occurs, there shall be inserted the words " or by any illegitimate children or by the issue of any illegitimate child who has predeceased the intestate ".
- 3 In section 11(1)—
- (a) for the words " under any rule of law " there shall be substituted the words " by virtue of section 10A of this Act or of any other enactment or of any rule of law "; and
- (b) at the end there shall be inserted the following paragraph:—
- “In this subsection the expression ' child ' shall include an illegitimate child.”.
- 4 In section 11(2), at the end there shall be inserted the following paragraph:—
- “For the purposes of this subsection an illegitimate person shall be deemed to be in the same degree of relationship to the deceased as that person would have been in if he had been born legitimate.”.
- 5 In section 11(4), after the words "by virtue of" there shall be inserted the words " section 10A of this Act or of ".
- 6 In section 13, at the end there shall be inserted the following paragraph:—
- “In this section references to the issue of the testator shall include references to any illegitimate children of the testator and to the issue of any such children.”.
- 7 In section 33(1)—
- (a) after the words " Part II of this Act" there shall be inserted the words " (other than section 10A thereof), and any reference in any deed taking effect after the commencement of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 to legitim shall be construed as a reference to the right to legitim as modified by the said section 10A ; "; and
- (b) for the words " such deed" there shall be substituted the words " deed taking effect after the commencement of this Act ".