



# Law Reform (Miscellaneous Provisions) (Scotland) Act 1968

## 1968 CHAPTER 70

### PART IV

#### MISCELLANEOUS AMENDMENTS OF 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) <sup>F1</sup> .....
- (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.
- (4) Section 48 of the <sup>M1</sup>Entail Amendment Act 1848 and section 9 of the <sup>M2</sup>Trusts (Scotland) Act 1921 shall not have effect in relation to any deed executed after the commencement of this Act.

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**Changes to legislation:** There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, Section 18. (See end of Document for details)

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(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.

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#### Textual Amendments

- F1** S. 18(2)(c) repealed (28.11.2004) by 2000 asp 5, ss. 76(2), 77(2), Sch. 13 Pt. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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#### Marginal Citations

- M1** 1848 c. 36.  
**M2** 1921 c. 58.

**Changes to legislation:**

There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968, Section 18.