



# Family Law (Scotland) Act 2006

## 2006 asp 2

*Special destinations: revocation on divorce or annulment*

### **19 Special destinations: revocation on divorce or annulment**

- (1) Subsections (2) and (3) apply where—
  - (a) heritable property is held in the name of—
    - (i) a person (“A”) and A’s spouse (“B”) and the survivor of them;
    - (ii) A, B and another person and the survivor or survivors of them;
    - (iii) A with a special destination on A’s death, in favour of B;
  - (b) A and B’s marriage is terminated by divorce or annulment; and
  - (c) after the divorce or annulment A dies.
- (2) In relation to the succession to A’s heritable property (or part of it) under the destination, B shall be deemed to have failed to survive A.
- (3) If a person has in good faith and for value (whether by purchase or otherwise) acquired title to the heritable property, the title so acquired shall not be challengeable on the ground that, by virtue of subsection (2), the property falls to the estate of A.
- (4) Subsection (2) shall not apply if the destination specifies that B is to take under the destination despite the termination of A and B’s marriage by divorce or annulment.