



Succession (Scotland) Act 1964

CHAPTER 41

SUCCESSION (SCOTLAND) ACT 1964

PART I

INTESTATE SUCCESSION

- 1 Assimilation of heritage to moveables for purpose of devolution on intestacy.
- 2 Rights of succession to intestate estate.
- 3 Succession of collaterals.
- 4 Intestate Succession
- 5 Representation.
- 6 Division of intestate estate among those having right thereto.
- 7 Saving of right of Crown *asultimus haeres*.

PART II

LEGAL AND OTHER PRIOR RIGHTS IN ESTATES OF DECEASED PERSONS

- 8 Prior rights of surviving spouse or civil partner, on intestacy, in dwelling house and furniture.
- 9 Prior right of surviving spouse or civil partner to financial provision on intestacy.
- 9A.— Provisions supplementary to ss. 8 and 9.
- 10 Abolition of terce and courtesy, and calculation of legal rights.
- 10A
- 11 Representation in, and division of, legitim.
- 12 Legitim not to be discharged by ante-nuptial marriage contract.
- 13 Equitable compensation.

Changes to legislation: Succession (Scotland) Act 1964 is up to date with all changes known to be in force on or before 13 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

PART III

ADMINISTRATION AND WINDING UP OF ESTATES

- 14 Assimilation for purposes of administration, etc., of heritage to moveables.
- 15 Provisions as to transfer of heritage.
- 16 Provisions relating to leases.
- 16A Leases of crofts: special provision relating to the Crofters (Scotland) Act 1993
- 17 Protection of persons acquiring title.
- 18 Provisions as to entails and special destinations.
- 19 Estate Duty.
- 20 Executor dative to have powers of a trustee.
- 21 Evidence as to holograph wills in commissary proceedings.
- 21A Evidence as to testamentary documents in commissary proceedings.
- 22 Court of Session may regulate procedure in commissary proceedings.

PART IV

ADOPTED PERSONS

- 23 Adopted person to be treated for purposes of succession etc. as child of adopter.
- 24 Provisions supplementary to s. 23.

PART V

FINANCIAL PROVISION ON DIVORCE

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PART VI

MISCELLANEOUS AND SUPPLEMENTARY

- 28 Power of minor to test on heritage.
- 29 Right of tenant to bequeath interest under lease.
- 30 Effect of testamentary dispositions on special destinations.
- 31 Presumption of survivorship in respect of claims to property.
- 32 Certain testamentary dispositions to be formally valid.
- 33 Construction of existing deeds.
- 34 Modification of enactments and repeals.
- 35 Transfer of certain jurisdiction to Sheriff of Chancery.
- 36 Interpretation.
- 37 Exclusion of certain matters from operation of Act.
- 38 Citation, extent and commencement.

SCHEDULES

SCHEDULE 1 — Form of Docket

SCHEDULE 2 — Modification of Enactments

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General modifications

- 1 Subject to the specific modifications made by the following provisions...
- 2 Subject as aforesaid references in general terms in any enactment...
- 3 References in any enactment relating to the confirmation of executors...
- 4 References in any enactment (other than in this Act) to...

Specific modifications

- 5 In sections 8 and 9, and Schedules (C) and (F),...
- 6 In Schedule (C), for the words from “court before which”...
- 7 In Schedule (F), for the words “court before which the...”

The Titles to Land Consolidation (Scotland) Act 1868.

- 8 In section 20, for the words from “equivalent to a...”

The Crofters Holdings (Scotland) Act 1886.

- 9 In section 16, for the words from “a member” to...
- 10 In section 16, at end of paragraph (e) there shall...
- 11 In section 16, in paragraph (f), after the word “legatee”,...
- 12 In section 16, for paragraph (h) there shall be substituted...

The Executors (Scotland) Act 1900.

- 13 In section 6— (a)
- 14 In section 7, after the words “estate contained therein”, there...

The Small Landholders (Scotland) Act 1911.

- 15 In section 21, for the words from “a member” to...
- 16 In section 31, after the words “whether as” there shall...

The Conveyancing (Scotland) Act 1924.

- 17 In section 32, after the words “person be dead, the”...
- 18 In section 33, after the words “then to the” insert...

The Agricultural Holdings (Scotland) Act 1949.

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- 21
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The Agriculture Act 1958.

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SCHEDULE 3 —

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Changes and effects yet to be applied to :

- s. 2(1)(e) repealed by [2024 asp 2 s. 77\(1\)\(b\)](#)
- s. 20 words repealed by [2024 asp 2 Sch. 2](#)

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. 2(1)(ab) inserted by [2024 asp 2 s. 77\(1\)\(a\)](#)