



Succession (Scotland) Act 1964

1964 CHAPTER 41

PART II

LEGAL AND OTHER PRIOR RIGHTS IN ESTATES OF DECEASED PERSONS

10 Abolition of terce and courtesy, and calculation of legal rights.

- (1) The right of courtesy of a surviving husband in his deceased wife's estate and the right of terce of a surviving wife in her deceased husband's estate shall not be exigible out of the estate of a person dying after the commencement of this Act.
- (2) The amount of any claim to ^[F1]legal rights] out of an estate shall be calculated by reference to so much of the net moveable estate as remains after the satisfaction of any claims thereon under the two last foregoing sections.

Textual Amendments

- F1** Words in s. 10(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(2), 263(10)(c), [Sch. 28 para. 6](#); [S.S.I. 2005/604](#), {art. (2(c))}

Changes to legislation:

Succession (Scotland) Act 1964, Section 10 is up to date with all changes known to be in force on or before 16 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.

[View outstanding changes](#)

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\(1\)\(a\)](#)