



Presumption of Death (Scotland) Act 1977

1977 CHAPTER 27

3 Effect of decree.

- (1) Subject to the provisions of this section and sections 4 and 5 of this Act, where no appeal is made against decree in an action of declarator within the time allowed for appeal, or where an appeal against such a decree has been made and refused or withdrawn, the decree shall be conclusive of the matters contained in the decree and shall, without any special form of words, be effective against any person and for all purposes including the dissolution of a marriage^{F1} or of a civil partnership] to which the missing person is a party and the acquisition of rights to or in property belonging to any person.
- (2) A decree under section 2(1)(b) of this Act or a determination as mentioned in section 2(3) of this Act shall not determine a substantive question which is properly referable to a foreign law otherwise than in accordance with that law.
- (3) Where a marriage^{F2} or civil partnership] to which the missing person is a party has been dissolved by virtue of decree in an action of declarator, [^{F3}its dissolution] shall not be invalidated by the circumstance that the missing person was in fact alive at the date specified in the decree as the date of death.
- (4) Where the missing person or any other person has committed any crime or offence, the responsibility of that person therefor shall not be affected by the circumstance that decree in an action of declarator has been granted if the missing person was in fact alive at the date specified in the decree as the date of death.

Textual Amendments

- F1** Words in s. 3(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(c\), Sch. 28 para. 46\(2\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F2** Words in s. 3(3) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(c\), Sch. 28 para. 46\(3\)\(a\)](#); S.S.I. 2005/604, arts. 2(c), 4
- F3** Words in s. 3(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(c\), Sch. 28 para. 46\(3\)\(b\)](#); S.S.I. 2005/604, arts. 2(c), 4

Changes to legislation:

There are currently no known outstanding effects for the Presumption of Death (Scotland) Act 1977, Section 3.