

Status: Point in time view as at 25/09/1991.

Changes to legislation: Age of Legal Capacity (Scotland) Act 1991, SCHEDULE 1 is up to date with all changes known to be in force on or before 02 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)

SCHEDULES

SCHEDULE 1

Section 10.

AMENDMENT OF ENACTMENTS

Defence Act 1842 (c.94)

- 1 In section 15, for the words “persons within the age of twenty-one years” substitute the words “or, being persons under legal disability by reason of nonage”; and for the words “come and be at the age of twenty-one years” substitute the words “cease to be under legal disability by reason of nonage or come and be”.
- 2 In section 27, for the words “infancy or” substitute the words “persons under legal disability by reason of nonage or of”.

Lands Clauses Consolidation (Scotland) Act 1845 (c.19)

- 3 In section 7, for the words “infants, minors,” wherever they occur substitute the words “persons under legal disability by reason of nonage”.
- 4 In section 67, for the words “infant, minor,” substitute the words “persons under legal disability by reason of nonage”.
- 5 In section 69, for the word “infancy” substitute the words “legal disability by reason of nonage”.
- 6 In section 70, for the word “infancy” substitute the words “legal disability by reason of nonage”.

Judicial Factors Act 1849 (c.51)

- 7 In section 1, before the definition of the word “tutor” insert the words “ the word “guardian” shall mean any person appointed to be the guardian of a person who is under the age of 16 years ”.
- 8 In section 10, after the word “factors” insert the word “guardians”.
- 9 In section 25(2), for the words from “person” where first occurring to “person” where second occurring substitute the words “guardian who shall, by virtue of his office, administer the estate of any person under the age of 16 years shall be subject to the provisions of this Act, but”.

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- 10 In section 27, after the word “factors” insert the word “guardians”.
- 11 In sections 31 and 32, before the word “tutor” insert the word “guardian,”.
- 12 In sections 33 and 34, after the word “factor” wherever it occurs insert the word “guardian”.
- 13 In section 36, before the word “tutories” insert the word “guardianships,”.
- 14 In section 37, before the word “tutor” insert the word “guardian,”.
- 15 In section 40, before the word “tutors” wherever it occurs insert the word “guardians,”.

Improvement of Land Act 1864 (c.114)

- 16 In section 18, for the words “an infant or infants, or a minor or minors” substitute the words “a person under legal disability by reason of nonage”.
- 17 In section 24, for the words “infants, minors” substitute the words “persons under legal disability by reason of nonage”.
- 18 In section 68, for the word “infant” substitute the words “person under legal disability by reason of nonage”.

Titles to Land Consolidation (Scotland) Act 1868 (c.101)

- 19 In section 24, for the words “pupil, minor” wherever they occur substitute the words “person under legal disability by reason of nonage”.
- 20 In section 62, for the words “in nonage” substitute the words “under legal disability by reason of nonage”.
- 21 In section 119, for the words “of full age, or in pupillarity or minority, or although he should be subject to any legal incapacity” substitute the words “subject to any legal incapacity or not”.

Colonial Stock Act 1877 (c.59)

- 22 In section 26 (definitions) after the definition of “colony” there shall be inserted—
 “The expression “infant”, in relation to Scotland, means a person under legal disability by reason of nonage, and the expression “infancy” shall be construed accordingly.”

Heritable Securities (Scotland) Act 1894 (c.44)

- 23 In section 13, for the words “in pupillarity or minority, or subject to any legal incapacity” substitute the words “subject to any legal disability by reason of nonage or otherwise”; and after the word “curators,” insert the word “guardians”.

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Merchant Shipping Act 1894 (c.60)

- 24 In section 55(1), for the word “infancy” substitute the words “legal disability by reason of nonage”.

Trusts (Scotland) Act 1921 (c.58)

- 25 In section 2, in the definitions of “trust” and “trust deed”, after the word “curator” insert the word “guardian”, and, in the definition of “trustee”, for the words from “tutor” to “curator” substitute the words “tutor, curator, guardian (including a father or mother acting as guardian of a child under the age of 16 years)”.

Conveyancing (Scotland) Act 1924 (c.27)

- 26 In section 41(1), for the words from “in pupillarity” to “incapacity” substitute the words “subject to any legal disability by reason of nonage or otherwise”.

Trusts (Scotland) Act 1961 (c.57)

- 27 In section 1, in subsection (1)(a) after the word “who” insert the words “because of any legal disability”, and, in subsection (2), for the words “over the age of pupillarity” substitute the words “of or over the age of 16 years”.

Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c.49)

- 28 In section 20(3)(c), for “18” substitute “16”.
- 29 In section 43(10), for the words “tutor or curator” substitute the word “guardian”.

National Loans Act 1968 (c.13)

- 30 In section 14(5)(a), for the words from “of unsound” to “disability” substitute the words “under legal disability by reason of nonage or otherwise”.

Social Work (Scotland) Act 1968 (c.49)

- 31 In section 16(11)(c), for the words “tutor or curator” substitute the word “guardian”.
- 32 In section 18(4), for the words “tutor or curator of an infant” substitute the words “guardian of a child”.

Taxes Management Act 1970 (c.9)

- 33 In section 73, for the words “parent, guardian or tutor” substitute the words “parent or guardian”.
- 34 In section 118(1), in the appropriate alphabetical position, insert the following definition—
- ““infant”, in relation to Scotland, except in section 73 of this Act, means a person under legal disability by reason of nonage, and, in the said section 73, means a person under the age of 18 years.”

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Sheriff Courts (Scotland) Act 1971 (c.58)

- 35 In section 37(2A), for the words “tutory, curatory” substitute the word “guardianship”.

Adoption (Scotland) Act 1978 (c.28)

- 36 In section 65(1), in paragraph (b) of the definition of “guardian” for the words “tutory, curatory” substitute the word “guardianship”.

Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)

- 37 In section 7(1)(d), for the words “a minor” substitute the words “under legal disability by reason of nonage”.

Civil Jurisdiction and Judgments Act 1982 (c.27)

- 38 In Schedule 9, in paragraph 3 for the words “tutory and curatory” substitute the words “guardianship of children”.

Companies Act 1985 (c.6)

- 39 In sections 203(1), 327(2)(b) and 328(8), for the words “pupil or minor” substitute the words “person under the age of 18 years”.

Family Law (Scotland) Act 1985 (c.37)

- 40 In section 2(4)(c)(i), for the words “father or mother” substitute the words “parent or guardian”.

Law Reform (Parent and Child) (Scotland) Act 1986 (c.9)

- 41 For section 4 substitute the following section—

“4 Power of parent to appoint guardian.

The parent of a child may appoint any person to be guardian of the child after his death, but any such appointment shall be of no effect unless—

- (a) the appointment is in writing and signed by the parent; and
- (b) the parent at the time of his death was guardian of the child or would have been such guardian if he had survived until after the birth of the child.”

- 42 In section 6(2), for the words “pupil child” substitute the words “child under the age of 16 years”; and for the word “tutor” substitute the word “guardian”.

- 43 In section 8, in paragraph (a) of the definition of “child” after the words “in relation to” insert the word “guardianship,” and in paragraph (d) for the words from “custody” to “curatory” substitute the words “guardianship, custody or access”; and in the definition of “parental rights” for the words “tutory, curatory” substitute the word “guardianship”.

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Family Law Act 1986 (c.55)

- 44 In section 1(1)(b)(ix), for the words “tutary or curatory” substitute the word “guardianship”.
- 45 In section 16, in subsections (1) and (4) for the words “tutary or curatory” substitute the word “guardianship” and for the words “pupil or minor” substitute the word “child”; and in subsection (2) for the words “factor loco tutoris” substitute the words “judicial factor”.
- 46 In section 18(2), for the words “tutary or curatory of a pupil or minor” substitute the words “guardianship of a child”.
- 47 In section 35(4)(b), for the words “tutor or curator” substitute the word “guardian”.

Income and Corporation Taxes Act 1988 (c.1)

- 48 In section 663(2), for the words “pupil or minor” substitute the words “person under the age of 18 years”.

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