

**Changes to legislation:** There are currently no known outstanding effects for the Age of Legal Capacity (Scotland) Act 1991, SCHEDULE 1. (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)*

F13 .....

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**Textual Amendments**

F1    Sch. 1 para. 3 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F24 .....

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**Textual Amendments**

F2    Sch. 1 para. 4 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F35 .....

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**Textual Amendments**

F3    Sch. 1 para. 5 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

- 6
- In section 70, for the word “infancy” substitute the words “legal disability by reason of nonage”.

*Judicial Factors Act 1849 (c.51)*

F47 .....

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Textual Amendments

F4 Sch. 1 para. 7 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F58 .....

Textual Amendments

F5 Sch. 1 para. 8 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F69 .....

Textual Amendments

F6 Sch. 1 para. 9 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F710 .....

Textual Amendments

F7 Sch. 1 para. 10 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F811 .....

Textual Amendments

F8 Sch. 1 para. 11 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F912 .....

Textual Amendments

F9 Sch. 1 para. 12 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F1013 .....

Textual Amendments

F10 Sch. 1 para. 13 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

F1114 .....

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#### Textual Amendments

- F11** Sch. 1 para. 14 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

<sup>F12</sup>15 .....

#### Textual Amendments

- F12** Sch. 1 para. 15 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch. Table

#### *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”.

#### *Merchant Shipping Act 1894 (c.60)*

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

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*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)*

<sup>F13</sup>28 .....

**Textual Amendments**

- F13** Sch. 1 para. 28 repealed (1.1.2007) by [Registration Services \(Consequential Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/596\)](#), arts. 1, 6

- 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)*

<sup>F14</sup>33 .....

**Textual Amendments**

- F14** Sch. 1 para. 33 omitted (with effect in accordance with s. 222(5) of the commencing Act) by virtue of [Finance Act 2012 \(c. 14\)](#), s. 222(4)(b)

<sup>F15</sup>34 .....

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#### Textual Amendments

- F15** Sch. 1 para. 34 omitted (with effect in accordance with s. 222(5) of the commencing Act) by virtue of Finance Act 2012 (c. 14), s. 222(4)(b)

#### *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)*

- <sup>F16</sup>36 .....

#### Textual Amendments

- F16** Sch. 1 para. 36 repealed (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), Sch. 3; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2)

#### *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)*

- <sup>F17</sup>39 .....

#### Textual Amendments

- F17** Sch. 1 para. 39 repealed (6.4.2007) by Companies Act 2006 (c. 46), s. 1300(2), Sch. 16; S.I. 2006/3428, art. 7(c), Sch. 4 Pt. 1 (with arts. 68(2))

#### *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—

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#### “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”.

#### *Family Law Act 1986 (c.55)*

44 In section 1(1)(b)(ix), for the words “tutory or curatory” substitute the word “guardianship”.

45 In section 16, in subsections (1) and (4) for the words “tutory 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 “tutory 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)*

F18 48 . . . . .

#### **Textual Amendments**

**F18** [Sch. 1 para. 48](#) repealed (1.5.1995 with effect for the year 1995-96 and subsequent years of assessment) by 1995 c. 4, s. 162, [Sch. 29 Pt. VIII\(8\)](#)

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