

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

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- F1 Sch. 1 para. 3 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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

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- F2 Sch. 1 para. 4 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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

###### 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- F3 Sch. 1 para. 5 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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**F4** Sch. 1 para. 7 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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

**F5**<sub>8</sub> .....

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**F5** Sch. 1 para. 8 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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

**F6**<sub>9</sub> .....

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**F6** Sch. 1 para. 9 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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

**F7**<sub>10</sub> .....

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**F7** Sch. 1 para. 10 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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

**F8**<sub>11</sub> .....

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**F8** Sch. 1 para. 11 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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

**F9**<sub>12</sub> .....

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**F9** Sch. 1 para. 12 repealed (1.11.1996) by 1995 c. 36, s. 105(5), Sch. 5 (with s. 103(1)); S.I. 1996/2203, art. 3(3), Sch.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

**F10**<sub>13</sub> .....

**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

**F11**<sub>14</sub> .....

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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)*

F1328 .....

**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)*

F1433 .....

**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)

F1534 .....

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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)

## SCHEDULE 2

Section 10.

## REPEALS

Chapter	Short title	Extent of repeal
1474 c. 6.	The Tutors Act 1474.	The whole Act.

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1672 c. 2.	The Tutors and Curators Act 1672.	The whole Act.
1681 c. 85.	The Oaths of Minors Act 1681.	The whole Act.
1696 c. 8.	The Tutors and Curators Act 1696.	The whole Act.
12 & 13 Vict. c. 51.	The Judicial Factors Act 1849.	In section 1, the words “factor loco tutoris”, “to any pupil” where first occurring and “pupil or” where second occurring. In section 25(1), the words “to any pupil” where first occurring and “pupil or” where second occurring. In section 26, the words “to a pupil” and “pupils or”. Section 30. In section 31, the words “loco tutoris”.
31 & 32 Vict. c.101.	The Titles to Land Consolidation (Scotland) Act 1868.	In section 3, the words “factors loco tutoris”. In section 119, the words “whether of full age or in pupillarity or minority, or”. In section 121, the words “in pupillarity or minority or”. Section 139.
43 & 44 Vict. c. 4.	The Judicial Factors (Scotland) Act 1880.	In section 3, the words “a factor loco tutoris”.
52 & 53 Vict. c. 39.	The Judicial Factors (Scotland) Act 1889.	Section 11.
55 & 56 Vict. c. 4.	The Betting and Loans (Infants) Act 1892.	The whole Act.
23 & 24 Geo.5 c. 41.	The Administration of Justice (Scotland) Act 1933.	Section 12.
12, 13 & 14 Geo.6 c.75.	The Agricultural Holdings (Scotland) Act 1949.	In section 84, the words “a pupil or a minor or is”.
9 & 10 Eliz.2 c. 57.	The Trusts (Scotland) Act 1961.	In section 1, in subsection (2) the words “(whether acting with the concurrence of a curator, administrator-at-law, or other guardian or not)” and subsection (3).
1964 c. 41.	The Succession (Scotland) Act 1964.	Section 28.

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1965 c. 49.	The Registration of Births, Deaths and Marriages (Scotland) Act 1965.	In section 20(3), paragraph (b). In section 43, in subsections (5), (6) and (7) the words from “and under” to “over eighteen years of age”. In section 56(1), the definitions of “guardian” and “tutor or curator”.
1968 c. 49.	The Social Work (Scotland) Act 1968.	In section 94(1), in the definition of “guardian” the words “tutor, curator or”.
1973 c. 29.	The Guardianship Act 1973.	In section 13(1), the definition of “guardian”.
1974 c. 39.	The Consumer Credit Act 1974.	In section 189(1), the definition of “minor”.
1974 c. 53.	The Rehabilitation of Offenders Act 1974.	In section 7(2), the words “including a pupil child”.
1975 c. 45.	The Finance (No. 2) Act 1975.	In section 73(5), the words “pupil or”.
1975 c. 72.	The Children Act 1975.	In section 47(2), the words “tutor, curator” in each place where they occur.
1978 c. 28.	The Adoption (Scotland) Act 1978.	In section 12(3)(a)(ii), the words “tutor, curator or other”.
1979 c. 54.	The Sale of Goods Act 1979.	In section 3, in subsection (2) the words “to a minor or” and in subsection (3) the words “minor or other”.
1982 c. 50.	The Insurance Companies Act 1982.	In section 7(8), the definition of “minor” in relation to Scotland. In section 31(7), the definition of “minor” in relation to Scotland.
1984 c. 37.	The Child Abduction Act 1984.	In section 6(7), the words from “a tutor” to “1986 or”.
1985 c. 37.	The Family Law (Scotland) Act 1985.	In section 2(4), in paragraph (b) the words “or the curator of a minor who is an incapax” and in paragraph (c) head (ii).
1986 c. 9.	The Law Reform (Parent and Child) (Scotland) Act 1986.	Section 3(3). In section 8, in the definition of “child” paragraphs (b) and (c), and the definitions of “curator” and “tutor”. In Schedule 1, in paragraph 9 in sub-



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1986 c. 33.	The Disabled Persons (Services, Consultation and Representation) Act 1986.	paragraph (2) the words from “and for” to the end, and in sub-paragraph (6) the words from “for the words” where first occurring to “and”; and paragraphs 11, 12, 14(1)(b) and 20(b).  In section 16, in paragraph (b) of the definition of “guardian” the words “tutor, curator or”.
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