



# Succession (Scotland) Act 2016

## 2016 asp 7

### *Survivorship*

#### **9 Uncertainty of survivorship treated as failure to survive**

- (1) Where two persons die simultaneously or in circumstances in which it is uncertain who survived whom, each is to be treated as having failed to survive the other for all purposes affecting title or succession to property.
- (2) Where a person mentioned in subsection (1) (“the testator”) by a will confers a benefit on a person on the condition that the other person mentioned in subsection (1) dies before the testator, the condition that the person dies before the testator (however it is expressed) is to be read as a condition that the person fails to survive the testator.
- (3) This section is subject to section 10.

#### **Commencement Information**

- II** [S. 9](#) in force at 1.11.2016 in relation to the estate of any person who dies on or after 1.11.2016 by [S.S.I. 2016/210, reg. 2\(1\)\(a\)\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Succession (Scotland) Act 2016, Section 9.