

Status: Point in time view as at 30/04/2024. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Trusts and Succession (Scotland) Act 2024, Schedule 1. (See end of Document for details)

VALID FROM 26/06/2024

PROSPECTIVE

SCHEDULE 1

(introduced by [section 85](#))

MODIFICATION OF ENACTMENTS

Titles to Land Consolidation (Scotland) Act 1868

- 1 In section 24 of the Titles to Land Consolidation (Scotland) Act 1868 (mode of completing title by a judicial factor on a trust estate etc.), for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”.

Commencement Information

- I1** Sch. 1 para. 1 not in force at Royal Assent, see [s. 88\(3\)](#)

Judicial Factors (Scotland) Act 1880

- 2 In section 4 of the Judicial Factors (Scotland) Act 1880 (sheriff empowered to appoint judicial factors in small estates), in paragraph (1A)(a), for “have the same meaning as in sections 22 to 24 of the Trusts (Scotland) Act 1921” substitute “be construed in accordance with [section 81\(3\)](#) of the Trusts and Succession (Scotland) Act 2024 (taking any reference in [section 81\(3\)](#) to a trustee to include a reference to a judicial factor)”.

Commencement Information

- I2** Sch. 1 para. 2 not in force at Royal Assent, see [s. 88\(3\)](#)

National Parks and Access to the Countryside Act 1949

- 3 In section 16(5)(b) of the National Parks and Access to the Countryside Act 1949 (agreements for management of nature reserves in Scotland and Wales)—
- (a) for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”, and
 - (b) for “section 4 thereof (which relates to the general powers of trustees)” substitute “[Chapter 3](#) of [Part 1](#) of that Act (which relates to the powers and duties of trustees)”.

Commencement Information

- I3** Sch. 1 para. 3 not in force at Royal Assent, see [s. 88\(3\)](#)

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Historic Buildings and Ancient Monuments Act 1953

- 4 In section 8(6) of the Historic Buildings and Ancient Monuments Act 1953 (power of Minister to accept endowments of historic buildings), for “(Scotland) Act, 1921” substitute “and Succession (Scotland) Act 2024”.

Commencement Information

- I4** Sch. 1 para. 4 not in force at Royal Assent, see [s. 88\(3\)](#)

Town and Country Planning (Scotland) Act 1959

- 5 In section 54(6) of the Town and Country Planning (Scotland) Act 1959 (interpretation), for “(Scotland) Act, 1921” substitute “and Succession (Scotland) Act 2024”.

Commencement Information

- I5** Sch. 1 para. 5 not in force at Royal Assent, see [s. 88\(3\)](#)

Trusts (Scotland) Act 1961

- 6 (1) The Trusts (Scotland) Act 1961 is amended as follows.
- (2) In section 2 (validity of certain transactions by trustees), after subsection (6) insert—
- “(7) In this section, “judicial factor” means any person holding a judicial appointment as a factor on another person’s estate.”.
- (3) In section 6(1) (interpretation), for “in the Act of 1921” substitute “they had in the Act of 1921 immediately before the repeal, by the Trusts and Succession (Scotland) Act 2024, of the Act of 1921.”.

Commencement Information

- I6** Sch. 1 para. 6 not in force at Royal Assent, see [s. 88\(3\)](#)

Trustee Investments Act 1961

- 7 (1) The Trustee Investments Act 1961 is amended as follows.
- (2) In section 3(3)(a)(i) (as it applies by virtue of paragraph 4(3) of schedule 3 of the Charities and Trustee Investment (Scotland) Act 2005), for “(Scotland) Act, 1921” substitute “and Succession (Scotland) Act 2024”.
- (3) In section 6(7) (as it applies by virtue of paragraph 4(2) of schedule 3 of the Charities and Trustee Investment (Scotland) Act 2005), omit “Without prejudice to section eight of the Trustee Act, 1925, or section thirty of the Trusts (Scotland) Act 1921 (which relate to valuation, and the proportion of the value to be lent, where a trustee lends on the security of property)”.

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- (4) In section 17(5) (short title, extent and construction), for “(Scotland) Act, 1921” substitute “and Succession (Scotland) Act 2024”.

Commencement Information

I7 Sch. 1 para. 7 not in force at Royal Assent, see [s. 88\(3\)](#)

Land Compensation (Scotland) Act 1963

- 8 (1) The Land Compensation (Scotland) Act 1963 is amended as follows.
- (2) In section 45(5) (interpretation), for “has the same meaning as in the Trusts (Scotland) Act 1921” substitute “and “trust” have the same meanings as in the Trusts and Succession (Scotland) Act 2024 except that in this subsection “trustee” includes a judicial factor and “trust” includes a judicial factory.”.
- (3) In paragraph 7 of schedule 3 (as it applies by virtue of section 77 and paragraph 2 of schedule 16 of the Planning and Compensation Act 1991), for sub-paragraph (4) substitute—

“(4) In this paragraph, “trustee” and “trust” have the same meanings as in the Trusts and Succession (Scotland) Act 2024 except that in this paragraph “trustee” includes a judicial factor and “trust” includes a judicial factory.”.

Commencement Information

I8 Sch. 1 para. 8 not in force at Royal Assent, see [s. 88\(3\)](#)

Countryside (Scotland) Act 1967

- 9 In section 49A(6) of the Countryside (Scotland) Act 1967 (management agreements in relation to natural heritage)—
- (a) for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”, and
- (b) for “section 4 thereof (which relates to the general power of trustees)” substitute “[Chapter 3](#) of [Part 1](#) of that Act (which relates to the powers and duties of trustees)”.

Commencement Information

I9 Sch. 1 para. 9 not in force at Royal Assent, see [s. 88\(3\)](#)

Agriculture Act 1970

- 10 In section 33(3) of the Agriculture Act 1970 (miscellaneous amendments relating to amalgamations)—
- (a) for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”, and

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- (b) for “section 4 thereof (which relates to the general powers of trustees)” substitute “[Chapter 3 of Part 1](#) of that Act (which relates to the powers and duties of trustees)”.

Commencement Information

I10 Sch. 1 para. 10 not in force at Royal Assent, see [s. 88\(3\)](#)

Prescription and Limitation (Scotland) Act 1973

- 11 In section 15(1) of the Prescription and Limitation (Scotland) Act 1973 (interpretation of Part 1 of the Act), in the definition of “trustee”, for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”.

Commencement Information

I11 Sch. 1 para. 11 not in force at Royal Assent, see [s. 88\(3\)](#)

National Health Service (Scotland) Act 1978

- 12 In paragraph 5 of schedule 7 of the National Health Service (Scotland) Act 1978 (the Research Trust), for “subsection (1) of section 4 of the Trusts (Scotland) Act 1921” substitute “[Chapter 3 of Part 1](#) of the Trusts and Succession (Scotland) Act 2024”.

Commencement Information

I12 Sch. 1 para. 12 not in force at Royal Assent, see [s. 88\(3\)](#)

Ancient Monuments and Archaeological Areas Act 1979

- 13 In section 18(5) of the Ancient Monuments and Archaeological Areas Act 1979 (powers of limited owners for purposes of sections 12, 16 and 17 of that Act)—
- (a) for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”, and
 - (b) for “section 4 of that Act (general powers of trustees)” substitute “[Chapter 3 of Part 1](#) of that Act (powers and duties of trustees)”.

Commencement Information

I13 Sch. 1 para. 13 not in force at Royal Assent, see [s. 88\(3\)](#)

Married Women’s Policies of Assurance (Scotland) (Amendment) Act 1980

- 14 (1) The Married Women’s Policies of Assurance (Scotland) (Amendment) Act 1980 is amended as follows.
- (2) In section 2(1)(a) (powers of trustee under policy), for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”.

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- (3) In section 4 (application of Trusts (Scotland) Act 1961)—
- (a) for “1 of the Trusts (Scotland) Act 1961” substitute “59 of the Trusts and Succession (Scotland) Act 2024”, and
 - (b) for “the said section 1” substitute “section 59 of that Act of 2024”.

Commencement Information

I14 Sch. 1 para. 14 not in force at Royal Assent, see [s. 88\(3\)](#)

Civil Jurisdiction and Judgments Act 1982

- 15 In schedule 8 of the Civil Jurisdiction and Judgments Act 1982 (rules as to jurisdiction in Scotland), in rule 2(g), for “within the meaning of section 24A of the Trusts (Scotland) Act 1921” substitute “as defined in [section 81\(3\)](#) of the Trusts and Succession (Scotland) Act 2024”.

Commencement Information

I15 Sch. 1 para. 15 not in force at Royal Assent, see [s. 88\(3\)](#)

Coal Mining Subsidence Act 1991

- 16 In schedule 2 of the Coal Mining Subsidence Act 1991 (recipients of depreciation payments: special cases), in paragraph 4(2)(a), for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”.

Commencement Information

I16 Sch. 1 para. 16 not in force at Royal Assent, see [s. 88\(3\)](#)

Age of Legal Capacity (Scotland) Act 1991

- 17 In section 1(3) of the Age of Legal Capacity (Scotland) Act 1991 (age of legal capacity)—
- (a) after paragraph (d) insert—
 - “(da) confer on any person under the age of 18 years the legal capacity to give agreement to an arrangement mentioned in [section 58\(1\)](#) of the Trusts and Succession (Scotland) Act 2024;”, and
 - (b) in paragraph (f)(iii), for “1 of the Trusts (Scotland) Act 1961” substitute “59(5) of the Trusts and Succession (Scotland) Act 2024”.

Commencement Information

I17 Sch. 1 para. 17 not in force at Royal Assent, see [s. 88\(3\)](#)

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Children (Scotland) Act 1995

- 18 In section 10 of the Children (Scotland) Act 1995 (obligations and rights of person administering child’s property)—
- (a) in subsection (1)(b), after “Act” insert “and to subsection (1A)”, and
 - (b) after subsection (1) insert—

“(1A) Subsection (1)(b) confers no entitlement to give approval on a child’s behalf to an arrangement to which [section 59](#) of the Trusts and Succession (Scotland) Act 2024 applies.”.

Commencement Information

I18 Sch. 1 para. 18 not in force at Royal Assent, see [s. 88\(3\)](#)

National Parks (Scotland) Act 2000

- 19 In section 15(4) of the National Parks (Scotland) Act 2000 (management agreements in relation to National Parks)—
- (a) for “(Scotland) Act [1921 \(c.58\)](#)” substitute “and Succession (Scotland) Act 2024”, and
 - (b) for “section 4 of that Act (general powers of trustees)” substitute “[Chapter 3](#) of [Part 1](#) of that Act (powers and duties of trustees)”.

Commencement Information

I19 Sch. 1 para. 19 not in force at Royal Assent, see [s. 88\(3\)](#)

Christmas Day and New Year’s Day Trading (Scotland) Act 2007

- 20 In section 7 of the Christmas Day and New Year’s Day Trading (Scotland) Act 2007 (interpretation), in the definition of “trustee”, for “section 2 of the Trusts (Scotland) Act [1921 \(c.58\)](#)” substitute “[section 81\(1\)](#) of the Trusts and Succession (Scotland) Act 2024 but includes a judicial factor”.

Commencement Information

I20 Sch. 1 para. 20 not in force at Royal Assent, see [s. 88\(3\)](#)

Public Appointments and Public Bodies etc. (Scotland) Act 2003

- 21 In section 7(1) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (investment and borrowing)—
- (a) in paragraph (a), for “section 4(1) of the Trusts (Scotland) Act [1921 \(c.58\)](#)” substitute “[Chapter 3](#) of [Part 1](#) of the Trusts and Succession (Scotland) Act 2024”, and
 - (b) in paragraph (b)—
 - (i) for “(Scotland) Act 1921” substitute “and Succession (Scotland) Act 2024”,

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- (ii) after “the Trustee Investments Act 1961 (c.62)” insert “(as read with paragraph 4(2) of schedule 3 of the Charities and Trustee Investment (Scotland) Act 2005)”, and
- (iii) in sub-paragraph (ii), after “that Act” insert “(as read with the paragraph 4(2) mentioned above)”.

Commencement Information

I21 Sch. 1 para. 21 not in force at Royal Assent, see [s. 88\(3\)](#)

Charities and Trustee Investment (Scotland) Act 2005

- 22 In section 34(6) of the Charities and Trustee Investment (Scotland) Act 2005 (powers of Court of Session), for “section 22 of the Trusts (Scotland) Act 1921 (c.58) applies as if the trustee had been appointed under that section” substitute “the provisions of the Trusts and Succession (Scotland) Act 2024 apply as if the trustee had been appointed under [section 1\(1\)\(b\)](#) of that Act”.

Commencement Information

I22 Sch. 1 para. 22 not in force at Royal Assent, see [s. 88\(3\)](#)

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