



# Succession (Scotland) Act 1964

## 1964 CHAPTER 41

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTARY

#### 33 Construction of existing deeds.

- (1) Subject to subsection (2) of this section, any reference in any deed taking effect after the commencement of this Act to *jus relictii, jus relictæ* or legitim shall be construed as a reference to the right to *jus relictii, jus relictæ* or legitim, as the case may be, as modified by Part II of this Act . . . <sup>F1</sup>; and any reference in any [<sup>F2</sup>such deed] to courtesy or terce shall be of no effect.
- (2) Any reference to legal rights in a marriage contract made before the commencement of this Act and taking effect in consequence of a decree of divorce granted in an action commenced after the commencement of this Act shall be construed as a reference to any right which the husband or the wife, as the case may be, might obtain by virtue of the provisions of section 26 of this Act [<sup>F3</sup>or section 5 of the Divorce (Scotland) Act 1976][<sup>F4</sup>or section 29 of the Matrimonial and Family Proceedings Act 1984][<sup>F5</sup>or section 8 of the Family Law (Scotland) Act 1985].

#### Textual Amendments

- F1** Words (which were inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70), Sch. 1) repealed by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(2), **Sch. 2**
- F2** Words substituted by virtue of Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(1), **Sch. 1 para. 7(1)**
- F3** Words added by Divorce (Scotland) Act 1976 (c. 39, SIF 49:3), s. 12(1), **Sch. 1**
- F4** Words added by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), s. 46(1), **Sch. 1 para. 6**
- F5** Words added by Family Law (Scotland) Act 1985 (c. 37, SIF 49:3), s. 28(1), **Sch. 1 para. 4**

**Changes to legislation:**

There are currently no known outstanding effects for the Succession (Scotland) Act 1964, Section 33.