



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

## 1980 CHAPTER 56

An Act to amend the Married Women's Policies of Assurance (Scotland) Act 1880, and for connected purposes. [29th October 1980]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Extension of s. 2 of 1880 Act to policies effected by married women or unmarried persons.**

Subject to the provisions of this Act, section 2 of the 1880 Act (which provides that a policy of assurance effected by any married man on his own life, and expressed upon the face of it to be for the benefit of his wife, or children, or both, shall be deemed a trust for their benefit) shall have effect as if—

- (a) for the words from the beginning to " for the benefit of his wife and children " there were substituted the words " A policy of assurance effected by a man or woman on his or her own life, and expressed upon the face of it to be for the benefit of his or her spouse or children, or his or her spouse and children, or any of them, shall together with all benefit thereof, be deemed a trust for their benefit; ";
- (b) after the words " him " or " his " wherever occurring there were inserted the words " or her ";
- (c) at the end there were added the following paragraph—

“In this section—

" spouse " includes a person, named in the policy as a beneficiary, who becomes the spouse of the person effecting the policy; and

" children" includes children that the person effecting the policy has or may have, including his or her illegitimate or adopted children, but does

not include children of his or her spouse and another person, unless they have been adopted by the person effecting the policy.”.

## **2 Powers of trustee under policy.**

- (1) It is hereby declared that where a policy of assurance vests in trust by virtue of section 2 of the 1880 Act—
  - (a) that trust constitutes a trust within the meaning of the Trusts (Scotland) Act 1921, and
  - (b) any person in whom such a policy vests is a trustee within the meaning of that Act.
- (2) In addition to his other powers any such trustee may, where such acts are not at variance with the terms or purposes of the trust—
  - (a) exercise any option under the policy, or under any deed of trust or other document constituting a trust in relation to the policy;
  - (b) convert the policy to a partially or a fully paid-up assurance;
  - (c) convert the policy into any other form of assurance on the life of the person effecting the policy;
  - (d) increase or reduce the amount of the annual premiums payable under the policy;
  - (e) alter the period during which the premiums under the policy are payable;
  - (f) surrender the policy.
- (3) A policy of assurance is not prevented from vesting in any such trustee, by reason only that it contains a provision to the effect that a trustee may in his professional capacity charge such remuneration for his professional services as is reasonable.

## **3 Power of beneficiary to assign or renounce interest under policy.**

- (1) A beneficiary under the terms of a policy of assurance to which section 2 of the 1880 Act applies (whether the policy is dated before or after the commencement of this Act), being of full age and not suffering from any legal disability, may, subject to those terms—
  - (a) assign his or her interest under the policy whether in security or otherwise; or
  - (b) renounce that interest.
- (2) Subsection (1) above has effect whether or not the effect of so assigning or, as the case may be, renouncing the interest, is to make the policy or any of the benefits under the policy—
  - (a) subject to the control of the person effecting the policy; or
  - (b) part of that person's estate; or
  - (c) liable to the diligence of that person's creditors.
- (3) In this section the expression " interest" in relation to a policy of assurance, includes any interest, direct or indirect, vested or contingent, under the policy.

## **4 Application of Trusts (Scotland) Act 1961.**

The powers conferred on the Court of Session by section 1 of the Trusts (Scotland) Act 1961 in relation to any trust taking effect under any will, settlement, or other

disposition, are exercisable in relation to any trust constituted by virtue of section 2 of the 1880 Act, and for the purposes of the exercise of those powers the said section 1 has effect in relation to any trust so constituted, as it has effect in relation to any trust taking effect under any will, settlement or other disposition.

**5 Repeal of section 19 of Family Law Reform Act 1969.**

Section 19 of the Family Law Reform Act 1969 (policies of assurance), so far as it relates to section 2 of the 1880 Act, is hereby repealed.

**6 Short title, interpretation and extent.**

- (1) This Act may be cited as the Married Women's Policies of Assurance (Scotland) (Amendment) Act 1980.
- (2) In this Act " the 1880 Act " means the Married Women's Policies of Assurance (Scotland) Act 1880.
- (3) This Act extends to Scotland only.