
STATUTORY INSTRUMENTS

1993 No. 2690 (S.252)

SUCCESSION, SCOTLAND

The Prior Rights of Surviving Spouse (Scotland) Order 1993

Made - - - - *26th October 1993*
Laid before Parliament *5th November 1993*
Coming into force - - *26th November 1993*

The Secretary of State, in exercise of the powers conferred upon him by sections 8(1) and (3) and 9(1) of the Succession (Scotland) Act 1964⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Prior Rights of Surviving Spouse (Scotland) Order 1993 and shall come into force on 26th November 1993.
2. For the purposes of each of the provisions of the Succession (Scotland) Act 1964 specified in column 1 of the Schedule to this Order, there is hereby fixed, in place of the amount specified opposite thereto in column 2, the amount specified opposite thereto in column 3 of that Schedule.
3. The Prior Rights of Surviving Spouse (Scotland) Order 1988⁽²⁾ is hereby revoked.

St Andrew's House,
Edinburgh
26th October 1993

Fraser of Carmyllie
Minister of State, Scottish Office

(1) 1964 c. 41; sections 8 and 9 were amended by the Succession (Scotland) Act 1973 (c. 25), section 1(1); section 9 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70), section 3 and Schedule 1, paragraph 2, the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), section 4 and the Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9), Schedule 2.
(2) S.I.1988/633.

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SCHEDULE

Article 2

<i>1</i>	<i>2</i>	<i>3</i>
<i>Provision of the Succession (Scotland) Act 1964</i>	<i>Old Amount</i>	<i>New Amount</i>
Section 8(1)(a)	£65,000	£110,000
Section 8(1)(b)	£65,000	£110,000
Section 8(3)(a)	£12,000	£ 20,000
Section 8(3)(b)	£12,000	£ 20,000
Section 9(1)(a)	£21,000	£ 30,000
Section 9(1)(b)	£35,000	£ 50,000

EXPLANATORY NOTE

(This note is not part of the Order)

Where a person dies intestate leaving a spouse, the surviving spouse's prior rights in terms of sections 8 and 9 of the Succession (Scotland) Act 1964 are at present as follows:—

(1) Where the deceased had an interest as owner or tenant in a dwellinghouse in which the surviving spouse was ordinarily resident, the surviving spouse has a prior right—

- (a) where the value of the interest does not exceed £65,000, to the interest (or in certain cases to a sum equal to its value); or
- (b) in any other case, to the sum of £65,000.

(2) Where the deceased owned the furniture and plenishings of a dwellinghouse in which the surviving spouse was ordinarily resident, the surviving spouse has a prior right—

- (a) where the value of the furniture and plenishings does not exceed £12,000, to the whole furniture and plenishings; or
- (b) in any other case, to such part of the furniture and plenishings, to a value not exceeding £12,000, as the surviving spouse may choose.

(3) The surviving spouse has a prior right—

- (a) where the deceased left issue, to the sum of £21,000; or
- (b) where the deceased left no issue, to the sum of £35,000.

This Order increases the two amounts of £65,000 mentioned at (1) above to £110,000. It increases the two amounts of £12,000 mentioned at (2) above to £20,000. It increases the amounts of £21,000 and £35,000 mentioned at (3) above to £30,000 and £50,000 respectively.

This Order takes effect only in relation to the estate of any person dying after the coming into force of the Order, in accordance with section 9A of the Succession (Scotland) Act 1964 (as inserted by section 4 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 c. 55).

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