STATUTORY INSTRUMENTS

1977 No. 2110 (S 162)

SUCCESSION, SCOTLAND

The Prior Rights of Surviving Spouse (Scotland) Order 1977

Laid before Parliament in draft

Made - - - 14*th December* 1977

Coming into Operation 31*st December* 1977

In exercise of the powers conferred upon me by section 9(1) of the Succession (Scotland) Act 1964(**a**) as amended by section 1(1)(*b*) of the Succession (Scotland) Act 1973(**b**) and as read with section 1(3) of the said Act of 1973, and of all other powers enabling me in that behalf, I hereby make the following order:—

1.—(1) This order may be cited as the Prior Rights of Surviving Spouse (Scotland) Order 1977 and shall come into operation on 31st December 1977.

(2) This order shall extend to Scotland only.

(3) The Interpretation Act 1889(**c**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. For the purposes of paragraphs (*a*) and (*b*) of section 9(1) of the Succession (Scotland) Act 1964, as amended as aforesaid (prior rights of surviving spouse to financial provision on intestacy), there is hereby fixed:—

(*a*) in the case of the said paragraph (*a*), the sum of £8,000; and

(*b*) in the case of the said paragraph (*b*), the sum of £16,000.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
14th Decmber 1977.

(a) 1964 c. 41. (b) 1973 c. 25. (c) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order.)

In terms of section 9(1) of the Succession (Scotland) Act 1964, as amended by section 1(1)(*b*) of the Succession (Scotland) Act 1973, where a person dies intestate after 23rd May 1973 leaving a spouse, the surviving spouse is entitled to receive out of the intestate estate:—

(*a*) under paragraph (*a*) of the said section 9(1), where the intestate is survived by children, £4,000 or such larger amount as may from time to time be fixed by order of the Secretary of State; or

(*b*) under paragraph (*b*) of the said section 9(1), where the intestate is not survived by children, £8,000 or such larger amount as may from time to time be fixed by order of the Secretary of State.

This Order fixes the sums payable under paragraphs (*a*) and (*b*) as £8,000 and £16,000 respectively and, in terms of section 1(2) of the Succession (Scotland) Act 1973, the amounts fixed by the Secretary of State have effect in relation to the estate of any person dying after the date of coming into force of the Order.

SI 1977/2110
ISBN 0-11-072110-1

