STATUTORY INSTRUMENTS

1981 No. 806 (S.83)

SUCCESSION, SCOTLAND

The Prior Rights of Surviving Spouse (Scotland) Order 1981

Made - - - -	*29th May* 1981
Laid before Parliament	*16th June* 1981
Coming into Operation	*1st August* 1981

In exercise of the powers conferred on me by sections 8, 9 and 9A of the Succession (Scotland) Act 1964**(a)**, 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 1981 and shall come into operation on 1st August 1981.

(2) This order shall extend to Scotland only.

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 the amount specified opposite thereto in column 2 of the said Schedule.

3. The Prior Rights of Surviving Spouse (Scotland) Order 1977**(b)** is hereby revoked.

George Younger,
One of Her Majesty's
Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
29th May 1981.

(a) 1964 c. 41; section 9 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968 (c. 70), section 3 and Schedule I, paragraph 2; sections 8 and 9 were amended by the Succession (Scotland) Act 1973 (c. 25), section 1(1); section 9 was also amended by, and section 9A was inserted by, the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), section 4.

(b) S.I. 1977/2110.

Article 2 SCHEDULE

1 Provision of the Succession (Scotland) Act 1964	2 Amount
Section 8(1)(*a*)	£50,000
Section 8(1)(*b*)	£50,000
Section 8(3)(*a*)	£10,000
Section 8(3)(*b*)	£10,000
Section 9(1)(*a*)	£15,000
Section 9(1)(*b*)	£25,000

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 dwelling-house 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 £30,000, to the interest (or in certain cases to a sum equal to its value); or

(*b*) in any other case, to the sum of £30,000.

(2) Where the deceased owned the furniture and plenishings of a dwelling-house 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 £8,000, 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 £8,000, as the surviving spouse may choose.

(3) The surviving spouse has a prior right—

(*a*) where the deceased left issue, to the sum of £8,000; or

(*b*) where the deceased left no issue, to the sum of £16,000.

This Order increases the two amounts of £30,000 mentioned at (1) above to £50,000. It increases the two amounts of £8,000 mentioned at (2) above to £10,000. It increases the amounts of £8,000 and £16,000 mentioned at (3) above to £15,000 and £25,000 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.

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