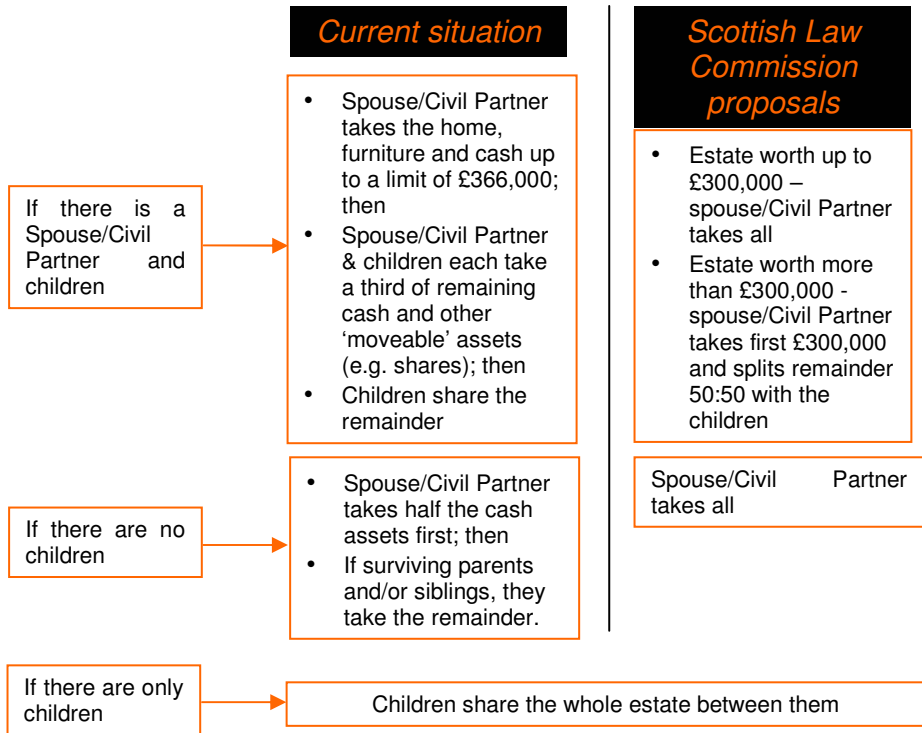


CHANGES TO SUCCESSION LAW

Wills and succession have been in the news lately, with the Scottish Government’s announcement that it intends to consult on the recommendations put forward by the Scottish Law Commission (SLC) for reform of the law of succession. The following diagram summarises the main changes.

Are you married or in a civil partnership?

What happens when there is no Will?



What happens when there is a Will?

The Will takes effect. A Spouse or child who has been written out can claim a share of cash. The amount depends on whether there is a spouse and children.

If the Will disinherits the Spouse/Civil Partner, they can claim 25% of what they would be entitled to if no Will.

Two alternatives proposed for children:

- Claim 25% of what they would be entitled to if no Will; or
- “Payment of a capital sum to provide” reasonable support”

Are you cohabiting but not married or in a civil partnership?

What happens when there is no Will?

Current situation

Complex provisions for determining what's allowable – wide Court discretion

Scottish Law Commission proposals

Allocation to be based on:-

- Length of relationship
- Financial interdependence
- Contributions to the relationship

What happens when there is a Will?

The Will takes effect. A cohabitant who has been written out of the Will is not entitled to make any claim.

Cohabitant can make a claim. Allocation to be based on:-

- Length of relationship
- Financial interdependence
- Contributions to the relationship

If you would like more information or to discuss your needs, please contact Sue Hunter on 0131 247 1054 or e-mail Sue at sue.hunter@morton-fraser.com.