

# Consultation on Succession Law

Important aspects of succession law are the focus of a Scottish Government consultation that begins today.

The consultation, targeted at the legal sector but open to all interested parties, will review the current financial limits regarding prior rights of surviving spouses and civil partners on intestacy, where the deceased person leaves no will, and confirmation to small estates, which is otherwise called probated in England.

These limits are kept under periodic review and updated as and when appropriate, and apply to the value of a dwelling house in which the surviving spouse or civil partner lived; furniture in that dwelling house; and a capital payment which can vary depending on whether there are children or not.

The consultation will focus on the upper threshold limits attached to prior rights and small estates, governed by provisions within the Succession (Scotland) Act 1964 and the Confirmation to Small Estates (Scotland) Act 1979.

✘ Minister for Community Safety Fergus Ewing said:

“It is important family law continues to evolve to reflect changing times. That is why this consultation is an important step in the process to ensure that the current functions remain as effective as possible.”

The consultation closes on May 23, 2011.