



Entail Amendment Act

CHAPTER 94

ENTAIL AMENDMENT ACT

- 1 Forms of procedure under recited Act and this Act merely directory.
- 2
- 3 Applications, &c. may be amended where authorized by the Court.
- 4 Instruments of disentail may be executed, and the sanction and authority of the Court to record the same afterwards applied for.
- 5 Conveyances, excambions, &c. may be made, and the authority of the Court afterwards interponed.
- 6 Competent to present continuing petitions for authority to grant feus and long leases.
- 7 Bond and disposition in security for provision to younger child may be granted to any party advancing the amount thereof.
- 8 Money placed in trust prior to 1st August 1848 to purchase land to be entailed may be partly invested in land and partly employed for the benefit of such land.
- 9 Sales may be made to pay off entailer's debts.
- 10 Where, at passing of this Act, entailed estates may be sold under judicial authority, parties entitled to sell may make application to the Court, in form prescribed by recited Act.
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- 12
- 13 Where tailzie executed after 1st Aug. 1848 does not expressly prohibit the granting of feus, &c., heir of entail in possession may execute powers of granting feus, &c.
- 14 Heirs of entail in possession entitled to sell portion of estates, &c. under 8 & 9 Vict. c. 19. may do so in consideration of annual feu duty, &c.
- 15 Company not to pay, nor heir of entail to receive, any grassum, &c. for any rights conveyed but annual feu duties, &c.

Changes to legislation: Entail Amendment Act is up to date with all changes known to be in force on or before 15 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 16 All feu duties, &c. made payable by company to be a first charge on the revenues of company.
- 17 Affidavit sufficient if stated to best of belief. As to affidavits not lodged in time.
- 18 Provision as to consents for minors and incapacitated persons.
- 19 Rights of heir of entail obtaining consents, &c. not to be affected by alteration of circumstances afterwards occurring.
- 20 Heirs of entail not to give consents where opposed by heritable creditors.
- 21 Heir apparent of entail not to give consent in opposition to such creditors.
- 22 Propelling of succession, under reservation of life rent, to have no effect upon applications under this or recited Act.
- 23 Bonds, &c. in security may contain power of sale.
- 24 Judgments and decrees to be final.
- 25 Interpretation of terms.

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Commencement Orders yet to be applied to the Entail Amendment Act

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2](#) commences (2000 asp 5)