



Entail Amendment Act

1853 CHAPTER 94 16 and 17 Vict

- 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.

Where any tailzie executed after the first day of August one thousand eight hundred and forty-eight does not expressly prohibit the granting of feus or building leases of the entailed estate, or any part thereof, though containing a prohibition against alienation and long leases generally, the heir of entail in possession of such entailed estate for the time shall have the same powers of granting feus and building leases for more than twenty-one years as are by the said recited Act or by any other Act of Parliament conferred upon heirs of entail in possession of entailed estates holding the same under tailzies dated prior to the said first day of August one thousand eight hundred and forty-eight: Provided always, that application shall be made in the form prescribed by the said recited Act with reference to applications authorized to be made under the said Act, for the authority of the Court of Session to the granting of such feus or building leases; and such Court, having regard to the interests of the heirs substitute of entail, shall be satisfied that the granting of such feus or leases is an Act of beneficial administration of the entailed estates.

Changes to legislation:

Entail Amendment Act, Section 13 is up to date with all changes known to be in force on or before 16 September 2023. 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.

[View outstanding changes](#)

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)