



Entail Amendment (Scotland) Act 1868

1868 CHAPTER 84 31 and 32 Vict

6 Power to grant provisions to wife and children of heir apparent.

It shall be lawful for the heir apparent to any entailed estate, with the consent of the heir in possession of such estate, to grant provisions in favour of his wife, and of the lawful child or children of such heir apparent who shall not succeed to such entailed estate, to the same extent, in the same manner, and subject to the same conditions to, in, or under which it is now competent for the heir in possession of such entailed estate to grant such provisions, either under the ^{M1}Entail Provisions Act, 1824, or under the powers of the entail: Provided that such provisions shall not exceed in any case the amount authorized to be charged on the entailed estate and rents thereof, either under the said Act or under the entail of the said estate, and that the same shall become payable at the death of such heir apparent; and provided also, that such provisions to be granted by such heir apparent shall not interfere with or affect any provisions which have been granted by the heir in possession of such estate, and shall be postponed to the provisions granted by such heir in possession; and that the provisions to be granted by such heir apparent shall be calculated under the said Act, or under the provisions of the entail on the footing of the rental of such entailed estate, after deducting the burdens and provisions directed to be deducted by the said Act or by the deed of entail, and also after deducting the burdens and provisions granted by the heir in possession to his or her wife or husband and child or children, so far as chargeable on such entailed estate, or on the rents thereof.

Marginal Citations

M1 [1824 c. 87.](#)

Changes to legislation:

Entail Amendment (Scotland) Act 1868, Section 6 is up to date with all changes known to be in force on or before 13 June 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.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Entail Amendment (Scotland) Act 1868

Commencement Orders bringing legislation that affects this Act into force:

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