



Entail Amendment (Scotland) Act 1868

1868 CHAPTER 84 31 and 32 Vict

8 †**Repeal of 11 & 12 Vict. c. 36. s. 12. and 16 & 17 Vict. c. 94. s. 12. 10 G. 3 c. 51. and 5 G. 4. c. 87, to apply to all entails.**

... ^{F1} the Entail Improvement Act, 1770, and the Entail Provisions Act, 1824, shall be applicable to all entails, whether dated before or after the first day of August one thousand eight hundred and forty-eight, and to all trusts, of whatever date, under which land is held for the purpose of being entailed, or by which money or other property, real or personal, is invested in trust for the purpose of purchasing land to be entailed; and the powers conferred by the said two last-mentioned Acts, or either of them, may be exercised with reference to such land, money, or other property by the person who if such land had been entailed in terms of the trust would be the heir in possession of the entailed land, and by the person who if such money or other property had been invested in the purchase of land to be entailed would be the heir in possession under the entail to be executed of such purchased land if such entail had been executed; and the apparent heir of such person who would be heir of entail in possession of such land if it were entailed, or if it were purchased and entailed, shall have the same powers with reference to such land, money, or other property as are conferred on heirs apparent under the sixth section of this Act with reference to granting provisions to their wives or husbands and child or children: Provided always, that where the operation of the said two last-mentioned Acts, or the power granted by the sixth section of this Act, are, or any one of them is, expressly excluded by the deed of entail or trust deed, the powers conferred by the said Acts, or by the Act so excluded, or by the sixth section of this Act when so excluded, shall not be competent to the heir of entail in possession under such entail, or to the person who would be heir of entail in possession under the entail directed to be made if such entail were executed as aforesaid, or to the heir apparent of such heir of entail or person.

Textual Amendments

F1 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

Changes to legislation:

Entail Amendment (Scotland) Act 1868, Section 8 is up to date with all changes known to be in force on or before 02 September 2022. 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)