



Entail Amendment Act 1848

1848 CHAPTER 36 11 and 12 Vict

32 Form and effect of instrument of disentail, and registration thereof.

An instrument of disentail under this Act ^{F1}... shall have the effect of absolutely freeing, relieving, and disencumbering the entailed estate to which such instrument applies, and the heir of entail in possession of the same, and his successors, of all the prohibitions, conditions, restrictions, limitations, and clauses irritant and resolute, of the tailzie under which such estate is held, and of entitling such heir in possession to alter the course of succession prescribed by such tailzie, and to alienate and dispone such estate, onerously or gratuitously, and to burden the same with debt, and to do any other act or deed in relation thereto competent by law to any absolute proprietor in fee simple: Provided always, that such instrument of disentail shall in no way defeat or affect injuriously any charges, burdens, or incumbrances, or rights or interests, of whatsoever kind or description, held by third parties, and lawfully affecting the fee or rents of such estate, or such heir in possession or his successors, other than the rights and interests of the heirs substitute of entail in or through the tailzie under which such estate is held, but that all such charges, burdens, and incumbrances, and rights and interests, other than as aforesaid, shall remain at least as valid and operative in all respects as if no such instrument of disentail had been executed or recorded.

Textual Amendments

- F1** Words in s. 32 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 5(3), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C1** S. 32 applied (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), [ss. 50\(2\), 71, 77\(2\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Entail Amendment Act 1848, Section 32.