



# Entail Amendment Act 1848

1848 CHAPTER 36 11 and 12 Vict

## 47 Act not to be defeated by trusts;

Where any [<sup>F1</sup>land] in Scotland shall, by virtue of any trust disposition or settlement or other deed of trust whatsoever <sup>F2</sup>..., be in the lawful possession, either directly or through any trustees for his behoof, of a party of full age born after the date of such trust disposition or settlement or other deed of trust, such party shall not be in any way affected by any prohibitions, conditions, restrictions, or limitations which may be contained in such trust disposition or settlement or other deed of trust, or by which the same or the interest of such party therein may bear to be qualified, such prohibitions, conditions, restrictions, or limitations being of the nature of prohibitions, conditions, restrictions, or limitations of entail, or intended to regulate the succession of such party, or to limit, restrict, or abridge his possession or enjoyment of such [<sup>F1</sup>land] in favour of any future heir, and such party shall be deemed and taken to be the <sup>F3</sup>... proprietor of such [<sup>F1</sup>land], and it shall be lawful to such party to make application by way of summary petition to the Court of Session, setting forth the facts, and referring to this Act, and craving the court to pronounce an act and decree declaring him <sup>F3</sup>... proprietor of such [<sup>F1</sup>land], and unaffected by any such conditions, provisions, restrictions, or limitations; and the court shall proceed in such petition as may be just, and shall have power to pronounce an act and decree declaring such party to be <sup>F3</sup>... proprietor of such [<sup>F1</sup>land], and unaffected as aforesaid; and such act and decree may be recorded in the register of sasines, and being so recorded shall have all the operation and effect of the most formal and valid disposition to such party, and his heirs and assignees whomsoever, of such [<sup>F4</sup>land] duly recorded: Provided always, that the rights of <sup>F5</sup>... all parties holding [<sup>F6</sup>securities over such land], and all rights which are held independently of such trust disposition or settlement or other deed of trust, shall be as they are hereby reserved entire.

### Textual Amendments

- F1** Words in s. 47 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 5\(5\)\(a\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words in s. 47 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 5\(5\)\(b\)](#), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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**Changes to legislation:** There are currently no known outstanding effects for the Entail Amendment Act 1848, Section 47. (See end of Document for details)

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- F3** Words in s. 47 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 5\(5\)\(c\)](#), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F4** Words in s. 47 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 5\(5\)\(d\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F5** Words in s. 47 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 5\(5\)\(e\)](#), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F6** Words in s. 47 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 5\(5\)\(f\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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**Modifications etc. (not altering text)**

- C1** S. 47 applied by [Entail \(Scotland\) Act 1914 \(c. 43\)](#), [s. 8](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Entail Amendment Act 1848, Section 47.