
Changes to legislation: Abolition of Feudal Tenure etc. (Scotland) Act 2000, Paragraph 5 is up to date with all changes known to be in force on or before 25 May 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. (See end of Document for details) View outstanding changes

SCHEDULE 12 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

Entail Amendment Act 1848 (c.36)

- 5 (1) The Entail Amendment Act 1848 shall be amended in accordance with this paragraph.
- (2) Sections 1 to 31 (heir born after date of entail may disentail; and heir born before such date may do so with consent of heir apparent under entail, etc.) shall cease to have effect.
- (3) In section 32 (form and effect of instrument of disentail etc.), the words from “may be in the form” to “in terms of this Act;” shall cease to have effect.
- (4) Sections 33 to 45 (application to court by heir of entail in possession of entailed estate, etc.) shall cease to have effect.
- (5) In section 47 (Act not to be defeated by trusts)—
- (a) for the words “land or estate”, wherever they occur, substitute “land”;
 - (b) the words “dated on or after the first day of August one thousand eight hundred and forty-eight” shall cease to have effect;
 - (c) the words “fee simple”, in each of the three places where they occur, shall cease to have effect;
 - (d) for the words “lands or estate, with infeftment thereon in favour of such party” substitute “land”;
 - (e) the words “the superior of such lands or estate, and of” shall cease to have effect; and
 - (f) for the words “securities thereon” substitute “securities over such land”.
- (6) In section 48 (Act not to be defeated by life-rents)—
- (a) for the words “It shall be competent to grant an estate in Scotland limited to a liferent interest in favour only of a party in life at the date of such grant; and where any land or estate” substitute “Where any land”;
 - (b) the words “dated on or after the first day of August one thousand eight hundred and forty eight”, “fee simple” and “the superior of such lands or estate, and of” shall cease to have effect;
 - (c) for the words “such estate” substitute “such land”; and
 - (d) for the word “thereon” substitute “over such land”.
- (7) In section 49 (Act not to be defeated by leases), the words “or estate”, in both places where they occur, and the words “dated on or after the said first day of August one thousand eight hundred and forty eight” shall cease to have effect.
- (8) Sections 50 (consents to be in writing and to be irrevocable) and 51 (court may make acts of sederunt) shall cease to have effect.
- (9) For section 52, substitute—

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“52 Interpretation

In this Act, the word “land” shall include all heritages.”.

(10) The Schedule (form of instrument of disentail) shall cease to have effect.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18C(1) words repealed by [2004 asp 7 sch. 2](#)
- s. 18C(3) words repealed by [2004 asp 7 sch. 2](#)