

SCHEDULES

SCHEDULE 1

Section 18.

AMENDMENT OF OTHER ENACTMENTS

THE ENTAIL (SCOTLAND) ACT 1882 (c.53)

In section 14 (procedure where heir in possession has disappeared), after the words " possession, and may " there shall be inserted the words " if it thinks fit " .

For section 16 there shall be substituted the following section:—

“16 Provision for disposal of fund deposited or invested.

Where an heir whose consent to an application for disentail has been dispensed with under section 15 of this Act is by virtue of a decree under section 2 of the Presumption of Death (Scotland) Act 1977 declared to have died, then, if the date of death is declared to have been—

- (a) prior to the date of disentail, the sum deposited or invested under the said section 15 together with accrued interest shall be paid to the heir or to the heirs according to their respective interests (or to his or their representatives) whose consent to the application for disentail would have been required if that application had been made at the date of disentail and if at that date the death of the heir whose consent has been dispensed with as aforesaid had been legally established;
- (b) on or after the date of disentail, the said sum and interest shall form part of his estate.”

THE SHERIFF COURTS (SCOTLAND) ACT 1907 (c.51)

In section 5 (extension of sheriff's jurisdiction), after subsection (1) there shall be inserted the following subsection—

“(1A) Actions of declarator under section 1 of the Presumption of Death (Scotland) Act 1977.”