



Crown Private Estates Act 1862

1862 CHAPTER 37 25 and 26 Vict

11 Provision as to legal proceedings and trust estates in Scotland.

All suits and actions, either real or personal, respecting the private estates of Her Majesty, her heirs and successors, in Scotland, and which may not be vested in a trustee or trustees, may be sued, in Scotland, on behalf of Her Majesty, her heirs and successors, by and in the name or names of any person or persons to be from time to time for that purpose appointed by Her Majesty, her heirs or successors, by any writing under the Sign Manual; every such appointment to continue only during the pleasure of Her Majesty, her heirs and successors; and all suits and actions in Scotland respecting such private estates at the instance of other parties may be sued and carried on by summons or process directed against such person or persons; and Her Majesty, her heirs or successors, shall at all times be entitled to require any trustee or trustees who may be vested in or possessed of any of the private estates of Her Majesty, her heirs and successors, in Scotland, to convey and dispoise the same to Her Majesty, her heirs or successors, or to any new trustee or trustees to be named or appointed by Her Majesty, her heirs or successors, by writing under the Sign Manual; and in the event of the failure, delay, or inability of any such trustee or trustees so to convey or dispoise the same, or in the event of the said trustee or trustees having died, it shall be competent for any person or persons authorized in that behalf by Her Majesty, her heirs or successors, by writing under the Sign Manual, to apply by petition to the Court of Session to declare that the trust conveyance subsists for the benefit of Her Majesty, her heirs and successors, and that Her Majesty, her heirs and successors, are entitled to have the same transferred, and further to adjudge such private estates in Scotland which shall be specified and described in the petition from such trustee or trustees, or his or their heirs or heir, and to decern and declare the same to belong to Her Majesty, her heirs or successors, or to such new trustee or trustees as may be so named and appointed, as the case may be; and the Court of Session shall pronounce decret in terms of the prayer of such petition; and such decret shall be held to be and shall have the effect of a valid conveyance and disposition in due and usual form of such private estates as shall be specified and described in the decret in favour of Her Majesty, her heirs and successors, or of such trustee or trustees, as the case may be; and it shall be competent to register such decret in the general^{F1} register of sasines in terms of and to the effect authorized by the ^{M1}Titles to Lands (Scotland) Act 1858 and the ^{M2}Titles to Lands (Scotland) Act 1860.

Changes to legislation: There are currently no known outstanding effects for the Crown Private Estates Act 1862, Section 11. (See end of Document for details)

Textual Amendments

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

Modifications etc. (not altering text)

C1 [S. 11](#) extended by [Crown Private Estates Act 1873 \(c. 67\), s. 3](#)

Marginal Citations

M1 [1858 c. 76.](#)

M2 [1860 c. 143.](#)

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