



Fines and Recoveries Act 1833

1833 CHAPTER 74 3 and 4 Will 4

48 Lord Chancellor, &c. to have power to consent to a disposition by a tenant in tail, and to make such orders as shall be thought necessary; and if any other person shall be joint protector the disposition not to be valid without his consent.

Provided always, that in every case in which the Lord High Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal, or other person or persons intrusted with the care and commitment of the custody of the persons and estates of persons found lunatic, idiot, and of unsound mind, or his Majesty's High Court of Chancery, shall be the protector of a settlement, such Lord High Chancellor, Lord Keeper or Lords Commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), while protector of such settlement, shall, on the motion or petition in a summary way by a tenant in tail under such settlement, have full power to consent to a disposition under this Act by such tenant in tail and the disposition to be made by such tenant in tail upon such motion or petition as aforesaid shall be such as shall be approved of by such Lord High Chancellor, Lord Keeper, or Lords Commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be); and it shall be lawful for such Lord High Chancellor, Lord Keeper, or Lords Commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), to make such orders in the matter as shall be thought necessary; and if such Lord High Chancellor, Lord Keeper, or Lords Commissioners, or person or persons so intrusted as aforesaid, or the said Court of Chancery (as the case may be), shall, in lieu of any such person as aforesaid, be the protector of a settlement, and there shall be any other person protector of the same settlement jointly with such person as aforesaid, then and in every such case the disposition by the tenant in tail, though approved of as aforesaid, shall not be valid, unless such other person being protector as aforesaid shall consent thereto in the manner in which the consent of the protector is by this Act required to be given.

Modifications etc. (not altering text)

- C1** Ss. 48, 49 amended by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 1\(b\)](#)
- C2** S. 48 amended by [Mental Health Act 1959 \(c. 72\)](#), [Sch. 7 Pt. I](#) with the substitution for references to the Lord High Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal or

Changes to legislation: There are currently no known outstanding effects for the Fines and Recoveries Act 1833, Section 48. (See end of Document for details)

other persons intrusted of references to the judge having jurisdiction under [Mental Health Act 1959 \(c. 72\)](#), **Pt. VIII**

- C3** Jurisdiction of High Court of Chancery now exercisable by High Court of Justice (E.W.): [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), **s. 18**
- C4** S. 48 amended (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 1(3)** (with ss. 27-29, 62)

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