



Entail (Scotland) Act 1882

1882 CHAPTER 53 45 and 46 Vict

[^{F1}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 had 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.]

Textual Amendments

F1 S. 16 substituted by [Presumption of Death \(Scotland\) Act 1977 \(c. 27, SIF 116:2\)](#), s. 18, [Sch. 1](#)

Changes to legislation:

Entail (Scotland) Act 1882, Section 16 is up to date with all changes known to be in force on or before 13 May 2024. 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.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Entail (Scotland) Act 1882

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2 commences \(2000 asp 5\)](#)