



# Entail Cottages Act 1860

1860 CHAPTER 95 23 and 24 Vict

An Act to facilitate the building of cottages for labourers, farm servants, and artisans by the proprietors of entailed estates in Scotland. [13th August 1860]

## Modifications etc. (not altering text)

- C1 Act: repealed (*prosp.*) by 2000 asp 5, ss. 76(2), 77(2)(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)
- C2 Short title “The Entail Cottages Act 1860” given by Short Titles Act 1896 (c. 14)
- C3 Act amended by Entail Amendment (Scotland) Act 1868 (c. 84), s. 12
- C4 Preamble recites Entail Improvement Act 1770 (c. 51), Entail Improvement Act 1848 (c. 36) and Entail Improvement Act 1853 (c. 94) and is omitted under authority of Statute Law Revision Act 1892 (c. 19)
- C5 Words of enactment repealed by Statute Law Revision Act 1892 (c. 19)

## 1 Provisions as to improvements to include erection of cottages.

All the provisions of the recited Acts which relate or apply to improvements of entailed estates shall be held and construed as including and applying to the erection of cottages for the labourers, farm servants, and artisans upon such estates, in the same manner in all respects as if the erection of such cottages had been specified in the ninth section of the first-recited Act among the other improvements therein mentioned.

## 2 Such erections to be held as permanent improvements.

The erection of cottages for the labourers, farm servants, and artisans upon entailed estates, or upon lands towards the improvement of which such monies or balances of monies as aforesaid are applicable under the powers of the second and third recited Acts, shall be held to be one of the permanent improvements of such estates or lands contemplated by the second and third recited Acts; and all the provisions of those Acts which relate to permanent improvements of such estates or lands shall be held and construed as including and applying to the erection of such cottages.

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**Changes to legislation:** Entail Cottages Act 1860 is up to date with all changes known to be in force on or before 11 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](#)

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**3 Court or sheriff to be satisfied that entailed estates will be permanently benefited, and that cottages have been substantially erected.**

Provided always, that nothing in this Act contained shall authorize the creation of any charge upon entailed estates, or against succeeding heirs of entail, in respect of the erection of cottages, or shall authorize the application towards the erection of cottages of any monies in which succeeding heirs of entail are interested, unless the court before which proceedings in pursuance of the recited Acts, or any of them, shall be taken shall be satisfied that the said estates or the succeeding heirs of entail will be permanently benefited to the extent of the charge so created or monies so applied, and that the cottages in respect of which such charge is created, or towards the erection of which such monies are applied, have been completed in a proper and substantial manner.

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**Commencement Orders yet to be applied to the Entail Cottages Act 1860**

Commencement Orders bringing legislation that affects this Act into force:

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