



# Entail Improvement Act 1770

## CHAPTER 51

### ENTAIL IMPROVEMENT ACT 1770

Preamble reciting an Act of the Scottish Parliament, 1685.

- [1.] Proprietors of entailed estates may grant tacks for 14 years, and one existing life; or for 2 lives, and life of survivor; or for 31 years.
- 2 Specification of terms in which lands so leased are to be inclosed.
- 3 Lease for 2 lives, or more than 19 years, to oblige tenant to keep fences in repair, and to leave them so at expiration. Not more than 40 acres to be comprehended in one field, except where lands are improper for culture by the plough.
- 4 Building leases may be granted for 99 years.
- 5 But not for more than 5 acres to one person; conditionally, that one dwelling-house be built, etc. for every half acre.
- 6 Manor-place not to be leased, nor village built within 300 yards thereof.
- 7 Lease not to be granted for less rent than was payable for the last lease; nor till determination thereof, etc.
- 8 Taillie containing ample powers, heir in possession may exercise the same.
- 9 Proprietor laying out money for improvement of estate to be a creditor to succeeding heir for three fourths thereof;
- 10 provided the same do not exceed 4 years free rent after deduction of burdens, etc.
- 11 Proprietor intending to lay out money on improvements to give notice thereof; and lodge a copy thereof with sheriff or steward clerk;
- 12 and laying out money with intent to become a creditor, to lodge annually with the sheriff or steward clerk, an account of money expended, etc.
- 13 Heir of entail laying out 4 years free rent, subsequent heir not to lay out more.
- 14 Sheriff and steward clerks to record vouchers and make copies thereof. Fees for the same.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Entail Improvement Act 1770 is up to date with all changes known to be in force on or before 31 August 2022. 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)*

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- 15 Successive claims may be made for money expended, with interest. On nonpayment within 3 months, action may be instituted against heir in possession. Persons obtaining decree, to have preference of other creditors.
- 16 Heir sued for money due for improvements, to be discharged, on conveying to creditors one third of clear rents, etc.
- 17 Persons in the right of money due, may sue the heirs of next heir, or heir next succeeding, and, in competition, shall be preferred to personal creditors, and likewise succeeding heirs, with like preference.
- 18 Relief, competent to successive heirs, to the extent of one third part of the rents.
- 19 Heirs of entail, etc. sued on account of improvements, shall be discharged, on payment of one third of their rents.
- 20 Claimant of money expended by proprietor, to require payment, within 2 years after his decease, of succeeding heir: and on nonpayment for 6 months, to institute action etc.
- 21 but neglecting so to do, and not recovering one third part of rents, etc. before his decease, shall cease to be creditor to subsequent heirs for such sum; and such third part to be recoverable only from executors, etc. of first heirs, etc. and surplus from subsequent succeeding heirs.
- 22 Heir first succeeding, not living long enough to be indemnified for what he pays, his executors may sue succeeding heir of entail for relief, etc. Like relief to executors of every heir who is not repaid.
- 23 Money expended in making improvements, not to be made use of as a ground of debt for adjudging estates.
- 24 Heir of entail succeeding to estate upon which improvements have been made, excluded from making claim of debt.
- 25 On judgment obtained against heir for whole debt created by improvements, defender to be liable in full costs; if otherwise, court to award costs at discretion.
- 26 Heir of entail, after having completed improvements, may bring action of declarator, etc. and produce evidence of money laid out. Court of Session, etc. may decree what sum shall be a charge on succeeding heirs, etc.
- 27 Heir of entail building mansion-house, etc. to be a creditor to succeeding heir for three fourth parts of the expence:
- 28 but the same is not to exceed 2 years rent, after burdens, etc. deducted.
- 29 Proprietors laying out money, to give notice, and record copies thereof.
- 30 Persons having right to claim for money expended by proprietor in building mansion-house, etc. may, within a year after decease, require heir succeeding to pay the whole, with interest: and on non-payment for three months, may sue.
- 31 Rules enacted with respect to proprietors making improvements extended to claims here mentioned.
- 32 Proprietors of entailed estates empowered to exchange lands:
- 33 Limitation of quantity to be exchanged; for which an equivalent is to be made from lands contiguous. Value of lands exchanged, how to be adjusted, and property thereof determined.
- 34 This Act to extend to all tallies made in Scotland, whether prior or posterior to the Act of 1685.

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