



Limited Owners Residences Act 1870

1870 CHAPTER 56 33 and 34 Vict

An Act to enable the owners of Settled Estates in England and Ireland to charge such estates, within certain limits, with the expense of building mansions as residences for themselves. [9th August 1870]

^{F1}Whereas by The Entail Improvement Act, 1770, heirs of entail in Scotland are enabled to charge their estates with sums of money laid out by them in building mansions as residences for themselves:

And whereas such enactment having been found beneficial in that part of the United Kingdom, it is expedient to enable limited owners in other parts of the United Kingdom to build mansions on their estates as residences for themselves:

Textual Amendments

F1 Act repealed (S.) (*prosp.*) by 2000 asp 5, ss. 76(2), 77(a)(d), **Sch. 13 Pt. 1** (with ss. 58, 62, 75)

Modifications etc. (not altering text)

- C1** Act: functions transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch. 1**
- C2** Act extended (S.) by [Improvement of Land Act 1899](#) (c. 46), s. 2, **Sch. 1**
- C3** Functions of Inclosure Commissioners for England and Wales now exercisable by Minister of Agriculture, Fisheries and Food (E.W.) and by Secretary of State (S.): [Settled Land Act 1882](#) (c. 38), **s. 48(1)**, [Board of Agriculture Act 1889](#) (c. 30), **ss. 2(1)(b), 10**, [Small Landholders \(Scotland\) Act 1911](#) (c. 49), **s. 4**, [Ministry of Agriculture and Fisheries Act 1919](#) (c. 91), **s. 1**, [Reorganisation of Offices \(Scotland\) Act 1928](#) (c. 34), **s. 1**, [Reorganisation of Offices \(Scotland\) Act 1939](#) (c. 20), **s. 1** and S. I. 1955/554 (1955 I, p. 1200)
- C4** Words of enactment repealed by [Statute Law Revision \(No. 2\) Act 1893](#) (c. 54)
- C5** Entail Improvement Act 1770 cited or referred to by its short title under authority of [Statute Law Revision Act 1893](#) (c. 14), **s. 3**
- C6** Certain functions of the Minister of Agriculture, Fisheries and Food under this enactment transferred by S.I. 1978/272, art. 2, **Sch. 1**

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1 Short title.

This Act may be cited for all purposes as the “Limited Owners Residences Act, 1870.”

2 Act to be construed with 27 & 28 Vict c. 114, “Improvement of Land Act, 1864.”

This Act shall be construed as one with the “Improvement of Land Act, 1864,” and the words used in this Act shall be construed in like manner as in the said Act; and the provisions of the said Act shall be applicable, as far as the nature of the case requires, except as is herein otherwise provided, to proceedings under this Act.

[^{F2}3 What to be deemed improvements within meaning of “Improvement of Land Act, 1864.”

The erection of mansion houses and such other usual and necessary buildings, outhouses, and offices as are commonly appurtenant thereto and held and enjoyed therewith, and completion of mansion houses and such appurtenances as aforesaid, and improvement of and addition to mansion houses and such appurtenances as aforesaid already erected, or the improvement of and addition to houses which are capable of being converted into mansion houses suitable to the estate on which they stand, so as such improvement and addition be of a permanent nature, provided the mansion houses so erected or enlarged or converted are suitable to the estate on which they stand as residences for the owners of such estate, shall be improvements within the meaning of the “Improvement of Land Act, 1864.”]

Textual Amendments

- F2** S. 3 repealed by [Limited Owners Residence Act \(1870\) Amendment Act 1871 \(c. 84\)](#), s. 2 but reproduced for the purpose of construing the remaining provisions of the Act

4 Limit as to sum to be charged for mansion houses.

The sum charged on any estate under settlement in respect of mansion and other buildings herein-before mentioned shall not exceed two years rental of the said estate, after deducting all public charges and interest of debts and other incumbrances and annuities affecting or which may affect the inheritance after the death of the limited owner, or in the case of different estates settled to the same uses, and on which charges may have been imposed which affect the whole of such estates, after deducting from the rental of such of the said estates as may be charged with the cost of erecting mansion houses and appurtenances as aforesaid in the manner herein-after provided, so much of the debts and other incumbrances affecting the whole of the estates as shall bear to the whole of the said debts and incumbrances the same proportion as the rental of the estates to be charged with the cost of erecting a mansion house and appurtenances shall bear to the rental of the whole of the estates settled to the same uses.

5 Mode of calculating increased value resulting from outlay.

In calculating whether the improvement would effect a permanent increase of the yearly value of the lands exceeding the yearly amount proposed to be charged thereon, the commissioners shall take into account the effect on such value of any

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sum expended by the landowner in erecting or adding to such mansion house and appurtenances beyond the sum proposed to be charged.

6 F3

Textual Amendments

F3 S. 6 repealed by Limited Owners Residence Act (1870) Amendment Act 1871 (c. 34), s. 2

7 Discretionary power of certifying where erection of mansion house suitable, &c.

If the commissioners shall find that the erection or improvement of or addition to any such mansion house and appurtenances are suitable to the estate, but would not in their estimation effect an increase of the yearly value of the lands exceeding the yearly amount proposed to be charged, it shall be in their discretion to certify such improvement.

8 Insurance against fire.

The provision in the Improvement of Land Act respecting assurance of buildings against fire shall apply to mansion houses and appurtenances improved or added to, as well as to those erected under this Act.

9 Priority of charges.

A charge on land made under this Act shall not take priority of any mortgage or other incumbrance affecting the land charged at the time such charge is made.

10 Extent of Act.

This Act shall not apply to Scotland.

Changes to legislation:

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Commencement Orders yet to be applied to the Limited Owners Residences Act 1870

Commencement Orders bringing legislation that affects this Act into force:

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