



Entail Improvement Act 1770

1770 CHAPTER 51 10 Geo 3

- 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.**

And that the executor or executors, assignee or assigns, or other person or persons, having right to the claim arising from money expended by the proprietor of an entailed estate in the improvement thereof, may after the expiration of one year from the death of the heir who expended the money, require the heir next succeeding to the estate, to pay such part thereof as is due by the authority of this Act, with the legal interest, from the term at which the succeeding heir's right to the rents of the estate did commence, upon receiving a proper discharge and assignment of the said claim; and if the money is not paid within three months of such requisition, it shall then be lawful for the person or persons having right, to institute an action in the Court of Session against the heir then in possession, for compelling him to pay the money, and interest thereof; and upon obtaining a decree, he, she, or they shall be at liberty to use every kind of diligence or execution, authorized by the law of Scotland in recovering payment of debts, excepting adjudication against the entailed estate improved; and in all questions of competition for the rents of the entailed estate, the person or persons who have sued for and obtained a decree under the authority of this Act, or the person or persons having right to such decree, shall be preferred to the other creditors of the heir of entail who has succeeded to the estate.

Changes to legislation:

Entail Improvement Act 1770, Section 15 is up to date with all changes known to be in force on or before 14 July 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 Improvement Act 1770

Commencement Orders bringing legislation that affects this Act into force:

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