



# Entail Improvement Act 1770

1770 CHAPTER 51 10 Geo 3

- 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.**

And whereas it may happen that the heir of entail, who next succeeds the proprietor who expended the money in the improvement of the entailed estate may die before the money due by him on account of improvements made upon the estate is paid, by which the person or persons in the right of the money due may be embarrassed in recovering payment: For remedy whereof, the person or persons in the right of the money due, may either sue the heirs and successors of the said next heir of entail in any other than the entailed estate, or the heir of entail next succeeding to him, or both, and use every kind of diligence or execution, authorized by the law of Scotland in the recovering payment of debts, against them and their estates, excepting adjudication against the entailed estate, until the money due is fully satisfied and paid; and the person or persons in the right of the money due shall, in any competition for the rents of the entailed estates, be preferred to the personal creditors of the heir of entail in possession; and the person or persons in the right of the money due, in like manner shall be intitled to sue every succeeding heir of entail, until the money is satisfied and paid; and shall have the same preference to the rents of the entailed estate in competition, with the creditors of such heirs of entail.

**Changes to legislation:**

Entail Improvement Act 1770, Section 17 is up to date with all changes known to be in force on or before 28 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.

[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 \(2000 asp 5\)](#)