



# Entail Improvement Act 1770

1770 CHAPTER 51 10 Geo 3

**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.**

And whereas questions may arise concerning the amount of the sums laid out under the authority of this Act, at a great distance of time, when the material witnesses may be dead: For remedy whereof and for ascertaining, in due time, the amount of the sums so expended: it shall and may be lawful for every heir of entail, after he shall have laid out money upon the improvement of his entailed estate as aforesaid, and shall have completed the improvement of all or any particular part of such estate, to bring, if he shall think proper, an action of declarator before the Court of Session, or a process before the sheriff, in which he shall call the heir next intitled to succeed after the heirs of his own body, and shall in such suit produce proper evidence of the money laid out in such improvements; and the said next heir, or any other heir of entail, shall be intitled to produce proper evidence to set aside or diminish the said claim: and it shall and may be lawful for the said Court of Session, or for the said sheriff, to pronounce a decree for such part of the said sum, as, by the true intent and meaning of this Act is intended to become a charge against the succeeding heirs in the said entailed estate; which decree, if pronounced by the sheriff, shall become final, unless carried to the Court of Session by suspension within six months after the same shall have been pronounced; and if pronounced by the Court of Session, either in such process of declarator or suspension, shall be final if an appeal is not brought within twelve months.

**Changes to legislation:**

Entail Improvement Act 1770, Section 26 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.

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