



Land Clauses Consolidation Act 1845

1845 CHAPTER 18 8 and 9 Vict

Sale of superfluous Land

And with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof, be it enacted as follows:

127 Lands not wanted to be sold, or in default to vest in owners of adjoining lands.

Within the prescribed period, or if no period be prescribed within ten years after the expiration of the time limited by the special Act for the completion of the works, the promoters of the undertaking shall absolutely sell and dispose of all such superfluous lands, and apply the purchase money arising from such sales to the purposes of the special Act; and in default thereof all such superfluous lands remaining unsold at the expiration of such period shall thereupon vest in and become the property of the owners of the lands adjoining thereto, in proportion to the extent of their lands respectively adjoining the same.

Modifications etc. (not altering text)

C1 S. 127 applied with modifications by compulsory [Purchase Act 1965 \(c. 56\), s. 37\(3\)](#)

128 Lands to be offered to owner of lands from which they were originally taken or to adjoining owners.

Before the promoters of the undertaking dispose of any such superfluous lands they shall, unless such lands be situate within a town, or be lands built upon or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot after diligent inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845, Cross Heading: Sale of superfluous Land. (See end of Document for details)

right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit.

Modifications etc. (not altering text)

- C2 S. 128 excluded by [Housing Act 1957 \(c. 56\)](#), **ss. 104(6)**, 105(5); applied with modifications by [Compulsory Purchase Act 1965 \(c. 56\)](#), **s. 37(3)**
- C3 Ss. 128–132 excluded (N.I.) by [S.I. 1981/156 \(N.I. 3\)](#), **art. 88(3)**
- C4 Ss. 128–132 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), **s. 32(5)**

129 Right of pre-emption to be claimed within six weeks.

If any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they shall signify their desire in that behalf to the promoters of the undertaking; or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in writing made before a justice by some person not interested in the matter in question, stating that such offer was made, and was refused, or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the county, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

Modifications etc. (not altering text)

- C5 S. 129 excluded by [Housing Act 1957 \(c. 56\)](#), **ss. 104(6)**, 105(5); applied with modifications by [Compulsory Purchase Act 1965 \(c. 56\)](#), **s. 37(3)**
- C6 Ss. 128–132 excluded (N.I.) by [S.I. 1981/156 \(N.I. 3\)](#), **art. 88(3)**
- C7 Ss. 128–132 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), **s. 32(5)**

130 Differences as to price to be settled by arbitration.

If any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the promoters of the undertaking do not agree as to the price thereof, then such price shall be ascertained by arbitration, and the costs of such arbitration shall be in the discretion of the arbitrators.

Modifications etc. (not altering text)

- C8 S. 130 excluded by [Housing Act 1957 \(c. 56\)](#), **ss. 104(6)**, 105(5); applied with modifications by [Compulsory Purchase Act 1965 \(c. 56\)](#), **s. 37(3)**
- C9 Ss. 128–132 excluded (N.I.) by [S.I. 1981/156 \(N.I. 3\)](#), **art. 88(3)**
- C10 Ss. 128–132 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), **s. 32(5)**

131 Lands to be conveyed to the purchasers.

Upon payment or tender to the promoters of the undertaking of the purchase money so agreed upon or determined as aforesaid they shall convey such lands to the purchasers thereof, by deed under the common seal of the promoters of the undertaking if they be

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845, Cross Heading: Sale of superfluous Land. (See end of Document for details)

a corporation, or if not a corporation under the hands and seals of the promoters of the undertaking, or any two of the directors or managers thereof acting by the authority of the body; and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him; and a receipt under such common seal, or under the hands of two of the directors or managers of the undertaking, as aforesaid, shall be a sufficient discharge to the purchaser of any such lands for the purchase money in such receipt expressed to be received.

Modifications etc. (not altering text)

- C11** S. 131 excluded by [Housing Act 1957 \(c. 56\)](#), **ss. 104(6), 105(5)**; applied with modifications by [Compulsory Purchase Act 1965 \(c. 56\)](#), **s. 37(3)**
- C12** Ss. 128–132 excluded (N.I.) by [S.I. 1981/156 \(N.I. 3\)](#), **art. 88(3)**
- C13** Ss. 128–132 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), **s. 32(5)**

132 Effect of the word “grant” in conveyances.

In every conveyance of lands to be made by the promoters of the undertaking under this or the special Act the word “grant” shall operate as express covenants by the promoters of the undertaking, for themselves and their successors, or for themselves, their heirs, executors, administrators, and assigns, as the case may be, with the respective grantees therein named, and the successors, heirs, executors, administrators, and assigns of such grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say,)

A covenant that, notwithstanding any act or default done by the promoters of the undertaking, they were at the time of the execution of such conveyance seised or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance in fee simple, free from all incumbrances done or occasioned by them, or otherwise for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them:

A covenant that the grantee of such lands, his heirs, successors, executors, administrators, and assigns, (as the case may be,) shall quietly enjoy the same against the promoters of the undertaking, and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the promoters of the undertaking and their successors from all incumbrances created by the promoters of the undertaking:

A covenant for further assurance of such lands, at the expence of such grantee, his heirs, successors, executors, administrators, or assigns, (as the case may be,) by the promoters of the undertaking, or their successors, and all other persons claiming under them:

And all such grantees, and their several successors, heirs, executors, administrations, and assigns respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may in all actions brought by them assign breaches of covenants, as they might do if such covenants were expressly inserted in such conveyances.

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845, Cross Heading: Sale of superfluous Land. (See end of Document for details)

Modifications etc. (not altering text)

- C14** S. 132 excluded by [Housing Act 1957 \(c. 56\)](#), **ss. 104(6)**, 105(5); applied with modifications by [Compulsory Purchase Act 1965 \(c. 56\)](#), **s. 37(3)**
- C15** Ss. 128–132 excluded (N.I.) by [S.I. 1981/156 \(N.I. 3\)](#), **art. 88(3)**
- C16** Ss. 128–132 excluded by [Housing Act 1985 \(c. 68, SIF 61\)](#), **s. 32(5)**

[^{F1}133 †Land tax and poor's rate to be made good.

And be it enacted, that if the promoters of the undertaking become possessed by virtue of this or the special Act, or any Act incorporated therewith, of any lands . . . ^{F2} liable to be assessed to the poor's rate, they shall from time to time, until the works shall be completed and assessed to such . . . ^{F2} poor's rate, be liable to make good the deficiency in the several assessments for . . . ^{F2} poor's rate by reason of such lands having been taken or used for the purposes of the works; and such deficiency shall be computed according to the rental at which such lands, with any building thereon, were valued or rated at the time of the passing of the special Act; and on demand of such deficiency the promoters of the undertaking, or their treasurer, shall pay all such deficiencies to the collector of the said assessments respectively . . .]^{F2}

Textual Amendments

- F1** S. 133 repealed (E.W.) (with saving) by [S.I. 1990/776, art. 3, Sch. 1](#)
- F2** Words repealed by [Finance Act 1949 \(c. 47\)](#), **Sch. II, Pt. I**

Modifications etc. (not altering text)

- C17** A dagger appended to a marginal note means that it is no longer accurate.
- C18** S. 133 amended by [Rating and Valuation Act 1925 \(c. 90\)](#), **s. 2(7)** and [General Rate Act 1967 \(c. 9\)](#), **s. 67(3)**

Changes to legislation:

There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845,
Cross Heading: Sale of superfluous Land.