



# Land Clauses Consolidation Act 1845

## CHAPTER 18

### LAND CLAUSES CONSOLIDATION ACT 1845

Act to apply to all Undertakings authorized by Acts hereafter to be passed.

Interpretations in this Act:

- II Interpretations in this Act:
- III Interpretations in this and the special Act.
- IV Short Title of the Act.
- V Form in which Portions of this Act may be incorporated with other Acts.

#### *Purchase of Lands by Agreement*

- VI Power to purchase Lands by Agreement.
- VII Parties under Disability enabled to sell and convey.
- VIII Parties under Disability to exercise other Powers.
- IX Amount of Compensation in case of Parties under Disability to be ascertained by Valuation, and paid into the Bank.
- X Where Vendor absolutely entitled. Lands may be sold on chief Rents.
- XI Payment of Rents to be charged on Tolls.
- XII Power to purchase Lands required for additional Accommodation.
- XIII Authority to sell and repurchase such Lands.
- XIV Restraint on Purchase from incapacitated Persons.
- XV Municipal Corporations not to sell without the Approbation of the Treasury.

#### *Purchase of Lands otherwise than by Agreement*

- XVI Capital to be subscribed before compulsory Powers of Purchase put in force.
- XVII A Certificate of Two Justices to be Evidence that the Capital has been subscribed.

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- XVIII Notice of Intention to take Lands.
  - XIX Service of Notices on Owners and Occupiers of Lands.
  - XX Service of Notice on a Corporation Aggregate.
  - XXI If Parties fail to treat, or in case of Dispute, Question to be settled as after mentioned.
  - XXII Disputes as to Compensation where the Amount claimed does not exceed 50l. to be settled by Two Justices.
  - XXIII Compensation exceeding 50l. to be settled by Arbitration or Jury, at the Option of the Party claiming Compensation.
  - XXIV Method of proceeding for settling Disputes as to Compensation by Justices.
  - XXV Appointment of Arbitrator when Questions are to be determined by Arbitration.
  - XXVI Vacancy of Arbitrator to be supplied.
  - XXVII Appointment of Umpire.
  - XXVIII Board of Trade empowered to appoint an Umpire on Neglect of the Arbitrators, in case of Railway Companies.
  - XXIX In case of Death of single Arbitrator the Matter to begin de novo.
  - XXX If either Arbitrator refuse to act the other to proceed ex parte.
  - XXXI If Arbitrators fail to make their Award within Twenty-one Days the Matter to go to the Umpire.
  - XXXII Power of Arbitrators to call for Books, &c.
  - XXXIII Arbitrator or Umpire to make a Declaration.
  - XXXIV Costs of Arbitration how to be borne.
  - XXXV Award to be delivered to the Promoters of the Undertaking.
  - XXXVI Submission maybe made a Rule of Court.
  - XXXVII Award not void through Error in Form.
  - XXXVIII Promoters of the Undertaking to give Notice before summoning a Jury.
  - XXXIX Warrant for summoning Jury to be addressed to the Sheriff.
  - XL Provisions applicable to Sheriff to apply to Coroner.
  - XLI Jury to be summoned.
  - XLII Jury to be impannelled.
  - XLIII Sheriff to preside; Witnesses to be summoned.
  - XLIV Penalty on Sheriff and Jury for Default.
  - XLV Penalty on Witnesses making default.
  - XLVI Notice of Inquiry.
  - XLVII If the Party make default the Inquiry not to proceed
  - XLVIII Jury to be sworn
  - XLIX Sums to be paid for Purchase of Lands and for Damage, to be assessed separately.
  - L Verdict and Judgment to be recorded.
  - LI Costs of the Inquiry how to be borne.
  - LII Particulars of the Costs.
  - LIII Payment of Costs.
  - LIV Special Jury to be summoned at the Request of either Party.
  - LV Deficiency of Special Jurymen.
  - LVI Other Inquiries before same Special Jury, by Consent.
  - LVII Jurymen not to attend more than once a Year.
  - LVIII Compensation to absent Parties to be determined by a Surveyor appointed by Two Justices.
  - LIX Two Justices to nominate a Surveyor.
  - LX Declaration to be made by the Surveyor.
  - LXI Valuation, &c. to be produced to the Owner of the Lands, on Demand.

- LXII Expences to be borne by Promoters.
- LXIII Purchase Money and Compensation, how to be estimated.
- LXIV Where Compensation to absent Party has been determined by a Surveyor, the Party may have the same submitted to Arbitration.
- LXV Question to be submitted to the Arbitrators.
- LXVI If further Sum awarded, Promoters to pay or deposit same with 14 Days.
- LXVII Costs of the Arbitration.
- LXVIII To be settled by Arbitration or Jury, at the Option of the Party claiming Compensation.

#### *Application of Compensation*

- LXIX Purchase Money payable to Parties under Disability amounting to 200l. to be deposited in the Bank.
- LXX Order for Application and Investment meanwhile.
- LXXI Sums from 20l. to 200l. to be deposited or paid to Trustees.
- LXXII Sums not exceeding 20l. to be paid to Parties.
- LXXIII All Sums payable under Contract with Persons not absolutely entitled to be paid into Bank.
- LXXIV Court of Chancery may direct Application of Money in respect of Leases or Reversions, as they may think just.
- LXXV Upon Deposit being made, the Owners of the Lands to convey, or in default the Lands to vest in the Promoters of the Undertaking, upon a Deed Poll being executed.
- LXXVI Where Parties refuse to convey, or do not show Title, or cannot be found, the Purchase Money to be deposited.
- LXXVII Upon Deposit being made a Receipt to be given, and the Lands to vest upon a Deed Poll being executed.
- LXXVIII Application of Monies so deposited.
- LXXIX Party in possession to be deemed the Owner.
- LXXX Costs in Cases of Money deposited.

#### *Conveyances*

- LXXXI Form of Conveyances.
- LXXXII Costs of Conveyances.
- LXXXIII Taxation of Costs of Conveyances.

#### *Entry on Lands*

- LXXXIV Payment of Price to be made previous to Entry, except to survey, &c.
- LXXXV Promoters to be allowed to enter on Lands before Purchase, on making Deposit by way of Security, and giving Bond.
- LXXXVI Upon Deposit being made Cashier to give Receipt.
- LXXXVII Deposit to remain as a Security, and to be applied under the Direction of the Court.
- LXXXVIII The Company may pay the Deposit Money into the Bank by way of Security during the Time that the Office of the Accountant General is closed.
- LXXXIX Penalty on the Promoters of the Undertaking entering upon Lands without Consent before Payment of the Purchase Money.
- XC Decision of Justices not conclusive as to the Right of the Promoters.
- XCI Proceedings in case of Refusal to deliver Possession of Lands.
- XCII Parties not to be required to sell Part of a House.

*Intersected Lands*

- XCIII Owners of intersected Lands may insist on Sale.
- XCIV Promoters of the Undertaking may insist on Purchase where Expence of Bridges, &c. exceeds the Value.

*Copyholds*

- XCIV Conveyance of Copyhold Lands to be enrolled.
- XCVI Copyhold Lands to be enfranchised.
- XCVII Lord of the Manor to enfranchise on Payment of Compensation.
- XCVIII Apportionment of Copyhold Rents.

*Common Lands*

- XCIX Compensation for Common Lands, where held of a Manor &c. how to be paid.
  - C Lord of the Manor, &c. to convey to the Promoters of the Undertaking, on receiving Compensation for his Interest.
  - CI Compensation for Common Lands where not held of a Manor how to be ascertained.
  - CII A Meeting of the Parties interested to be convened.
  - CIII Meeting to appoint a Committee.
  - CIV Committee to agree with the Promoters of the Undertaking.
  - CV Disputes to be settled as in other Cases.
  - CVI If no Committee be appointed, the Amount to be determined by a Surveyor.
  - CVII Upon Payment of Compensation payable to Commoners the Lands to vest.

*Lands in Mortgage*

- CVIII Power to redeem Mortgages.
- CIX Deposit of Mortgage Money on Refusal to accept.
- CX Sum to be paid when Mortgage exceeds the Value of the Lands.
- CXI Deposit of Money when refused on Tender.
- CXII Sum to be paid where Part only of mortgaged Lands taken.
- CXIII Deposit of Money when refused on Tender.
- CXIV Compensation to be made in certain Cases, if Mortgage paid off before the stipulated Time.

*Rent-charges*

- CXV Release of Lands from Rent-charges.
- CXVI Release of Part of Lands from Charge.
- CXVII Deposit in case of Refusal to release.
- CXVIII Charge to continue on Lands not taken.

*Leases*

- CXIX Where Part only of Lands under Lease taken the Rent to be apportioned.
- CXX Tenants to be compensated.
- CXXI Compensation to be made to Tenants at Will, &c.
- CXXII Where greater Interest claimed than from Year to Year Lease to be produced.
- CXXIII Limit of Time for compulsory Purchase.

*Interests omitted to be purchased*

- CXXXIV Promoters of the Undertaking empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.
- CXXXV How Value of such Lands to be estimated.
- CXXXVI Promoters of the Undertaking to pay the Costs of Litigation as to such Lands.

*Sale of superfluous Land*

- CXXXVII Lands not wanted to be sold, or in default to vest in Owners of adjoining Lands.
- CXXXVIII Lands to be offered to Owner of Lauds from which they were originally taken, or to adjoining Owners.
- CXXXIX Right of Preemption to be claimed within Six Weeks.
- CXXX Differences as to Price to be settled by Arbitration.
- CXXXI Lands to be conveyed to the Purchasers.
- CXXXII Effect of the Word " grant " in Conveyances.
- CXXXIII Land Tax and Poor's Rate to be made good.
- CXXXIV Service of Notices upon Company.
- CXXXV Tender of Amends.

*Recovery of Penalties*

- CXXXVI Penalties to be summarily recovered before Two Justices.
- CXXXVII Penalties to be levied by Distress.
- CXXXVIII Distress how to be levied.
- CXXXIX Application of Penalties.
- CXL Distress against the Treasurer.
- CXLI Distress not unlawful for Want of Form.
- CXLII Penalties to be sued for within Six Months.
- CXLIII Penalty on Witnesses making default.
- CXLIV Form of Conviction.
- CXLV Proceedings not to be quashed for Want of Form.
- CXLVI Parties allowed to appeal to Quarter Sessions on giving Security.
- CXLVII Court to make such Order as they think reasonable.
- CXLVIII Receiver of the Metropolitan Police District to receive Penalties incurred within his District.
- CXLIX Persons giving false Evidence liable to Penalties of Perjury.

*Access to special Act*

- CL Copies of special Act to be kept and deposited, and allowed to be inspected.
- CLI Penalty on Company failing to keep or deposit.
- CLII Act not to extend to Scotland.
- CLIII Act may be amended this Session.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.) —

SCHEDULE (B.) —

SCHEDULE (C.) —