



# Land Clauses Consolidation Act 1845

1845 CHAPTER 18 8 and 9 Vict

## *Interpretation*

And with respect to the construction of this Act and of Acts to be incorporated therewith, be it enacted as follows:

### **2 “Special Act:” ”Prescribed:”The works:”Promoters of the undertaking”**

The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed which shall authorize the taking of lands for the undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the word “prescribed” used in this Act, in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed, or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the works” or “the undertaking” shall mean the works or undertaking, of whatever nature, which shall by the special Act be authorized to be executed; and the expression “the promoters of the undertaking” shall mean the parties, whether company, undertakers, commissioners, trustees, corporations, or private persons, by the special Act empowered to execute such works or undertaking.

### **3 Interpretations in this and the special Act:**

The following words and expressions, both in this and the special Act, shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction; (that is to say,)

’number’: Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number;

’gender’: Words importing the masculine gender only shall include females:

’lands’: The word “lands” shall extend to messuages, lands, tenements, and hereditaments of any tenure:

’lease’: The word “lease” shall include an agreement for a lease:

*Status: Point in time view as at 01/04/2008.*

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

'month': The word "month" shall mean calendar month:

'superior courts': The expression "superior courts" shall mean Her Majesty's superior courts of record at Westminster or Dublin, as the case may require:

F1

...

F2

...

'the sheriff': 'the clerk of the Peace': The word "sheriff" shall include under sheriff, or other legally competent deputy; and where any matter in relation to any lands is required to be done by any sheriff, or by any clerk of the peace, the expression "the sheriff", or [F3the expression "the clerk of the peace," shall in such case be construed to mean the sheriff or the clerk of the peace of the F4... place where such lands shall be situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one F4... place, the same expression shall be construed to mean the sheriff or clerk of the peace of any F4... place where any part of such lands shall be situate]:

'justices': [F5The word "justices" shall mean justices of the peace acting for the F6... place where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in any one F6... place, the same shall mean a justice acting for the F6...place where any part of such lands shall be situate, and who shall not be interested in such matter: and where any matter shall be authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two justices assembled and acting together.]

'owner': Where under the provisions of this or the special Act, or any Act incorporated therewith, any notice shall be required to be given to the owner of any lands, or where any Act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, would be enabled to sell and convey lands to the promoters of the undertaking:

'the Bank': The expression "the Bank" shall mean the Bank of England where the same shall relate to monies to be paid or deposited in respect of lands situate in England, and shall mean the Bank of Ireland where the same shall relate to monies to be paid or deposited in respect of lands situated in Ireland.

[F7"Supreme Court" shall mean the Supreme Court of Judicature of Northern Ireland where the same shall relate to monies to be paid or deposited in respect of lands situate in Northern Ireland.]

[F8Where any matter in relation to any lands is required to be done by an enforcement officer, the expression "the enforcement officer" means the officer or officers identified for that purpose in paragraph 3A of Schedule 7 to the Courts Act 2003]

#### Textual Amendments

- F1 Definition of "oath" repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), s. 2, [Sch. 1 Pt. VIII](#)
- F2 S. 3 definition of "county" repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. I](#); definition of "county" wholly repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group 1
- F3 Definition of "clerk of the peace" repealed (N.I.) by S.R. (N.I.) 1979/103, Sch. 2
- F4 Words in s. 3 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#), Group 1
- F5 Words in s. 3 repealed (E.W.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 19\(1\)](#), [Sch. 10](#); [S.I. 2005/910, art. 3\(y\)](#)

*Status: Point in time view as at 01/04/2008.*

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

- F6** Words in s. 3 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**, Group 1
- F7** Definition added by **Judicature (Northern Ireland) Act 1978** (c. 23, SIF 38), s. 122(1), **Sch. 5 Pt. II**
- F8** Words in s. 3 inserted (E.W.) (1.4.2008) by **Tribunals, Courts and Enforcement Act 2007** (c. 15), **ss. 139(1)**, 148; S.I. 2007/2709, art. 5(a)

#### **4 Short title of the Act.**

In citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression “The Lands Clauses Consolidation Act, 1845.”

**F9** 5 .....

#### **Textual Amendments**

- F9** **S. 5** repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group1

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