



# Land Clauses Consolidation Act 1845

## 1845 CHAPTER 18

### *Purchase of Lands by Agreement*

And with, respect to the Purchase of Lands by Agreement, be it enacted as follows :

#### **VI Power to purchase Lands by Agreement.**

Subject to the Pro visions of this and the special Act it shall be lawful for the Promoters of the Undertaking to agree with the Owners of any Lands by the special Act authorized to be taken, and which shall be required for the Purposes of such Act, and with all Parties having any Estate or Interest in such Lands, or by this or the special Act enabled to sell and convey the same, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all Estates and Interests in such Lands of what Kind soever.

#### **VII Parties under Disability enabled to sell and convey.**

It shall be lawful for all Parties, being seised, possessed of, or entitled to any such Lands, or any Estate or Interest therein, to sell and convey or release the same to the Promoters of the Undertaking, and to enter into all necessary Agreements for that Purpose; and particularly it shall be lawful for all or any of the following Parties so seised, possessed, or entitled as aforesaid so to sell, convey, or release; (that is to say), all Corporations, Tenants in Tail or for Life, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators, and all Parties for the Time being entitled to the Receipt of the Rents and Profits of any such Lands in possession or subject to any Estate in Dower, or to any Lease for Life, or for Lives and Years, or for Years, or any less Interest; and the Power so to sell and convey or release as aforesaid may lawfully be exercised by all such Parties, other than married Women entitled to Dower, or Lessees for Life, or for Lives and Years, or for Years', or for any less Interest, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, or in defeasance of the Estates of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians,

on behalf of their Wards, and as to such Committees, on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this or the special Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this and the Special Act if they had respectively been under no Disability.

### **VIII Parties under Disability to exercise other Powers.**

The Power herein-after given to enfranchise Copyhold Lands, as well as every other Power required to be exercised by the Lord of any Manor pursuant to the Provisions of this or the special Act, or any Act incorporated therewith, and the Power to release Lands from any Rent, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and convey or release Lands to the Promoters of the Undertaking.

### **IX Amount of Compensation in case of Parties under Disability to be ascertained by Valuation, and paid into the Bank.**

The Purchase Money or Compensation to be paid for any Lands to be purchased or taken from any Party under any Disability or Incapacity, and not having Power to sell or convey such Lands except under the Provisions of this or the special Act, and the Compensation to be paid for any permanent Damage or Injury to any such Lands, shall not, except where the same shall have been determined by the Verdict of a Jury, or by Arbitration, or by the Valuation of a Surveyor appointed by Two Justices under the Provision hereinafter contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Promoters of the Undertaking, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall upon Application of either Party, after Notice to the other Party, for that Purpose nominate ; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration in Writing, subscribed by them or him, of the Correctness thereof; and all such Purchase Money or Compensation shall be deposited in the Bank for the Benefit of the Parties interested, in manner herein-after mentioned.

### **X Where Vendor absolutely entitled. Lands may be sold on chief Rents.**

It shall be lawful for any Person seised in Fee of or entitled to dispose of absolutely for his own Benefit any Lands authorized to be purchased for the Purposes of the Special Act to sell and convey such Lands or any Part thereof unto the Promoters of the Undertaking, in consideration of an annual Rent-charge payable by the Promoters of the Undertaking, but, except as aforesaid, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

**XI Payment of Rents to be charged on Tolls.**

The yearly Rents reserved by any such Conveyance shall be charged on the Tolls or Rates, if any, payable under the special Act, and shall be otherwise secured in such Manner as shall be agreed between the Parties, and shall be paid by the Promoters of the Undertaking as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Promoters of the Undertaking, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Promoters of the Undertaking.

**XII Power to purchase Lands required for additional Accommodation.**

In case the Promoters of the Undertaking shall be empowered by the special Act to purchase Lands for extraordinary Purposes, it shall be lawful for all Parties who, under the Provisions hereinbefore contained, would be enabled to sell and convey Lands, to sell and convey the Lands so authorized to be purchased for extraordinary Purposes.

**XIII Authority to sell and repurchase such Lands.**

It shall be lawful for the Promoters of the Undertaking to sell the Lands which they shall have so acquired for extraordinary Purposes, or any Part thereof, in such Manner, and for such Considerations, and to such Persons as the Promoters of the Undertaking may think fit, and again to purchase other Lands for the like Purposes, and afterwards sell the same, and so from Time to Time; but the total Quantity of Land to be held at any One Time by the Promoters of the Undertaking, for the Purposes aforesaid, shall not exceed the prescribed Quantity.

**XIV Restraint on Purchase from incapacitated Persons.**

The Promoters of the Undertaking shall not, by virtue of the Power to purchase Land for extraordinary Purposes, purchase more than the prescribed Quantity from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this and the special Act; and if the Promoters of the Undertaking purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the whole or any Part of the Land so purchased, it shall not be lawful for any Party being under legal Disability to sell to the Promoters of the Undertaking any other Lands in lieu of the Land so sold or disposed of by them.

**XV Municipal Corporations not to sell without the Approbation of the Treasury.**

Nothing in this or the special Act contained shall enable any Municipal Corporation to sell for the Purposes of the special Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, or any Three of them, any Lands which they could not have sold without such Approbation before the passing of the special Act, other than such Lands as the Company are by the Powers of this or the special Act empowered to purchase or take compulsorily.