



# Land Clauses Consolidation Act 1845

## 1845 CHAPTER 18 8 and 9 Vict

### *Rent-charges*

And with respect to lands charged with any rent service, rent-charge . . . <sup>F1</sup> or other payment or incumbrance not herein-before provided for, be it enacted as follows:

#### **Textual Amendments**

**F1** Words in *S. 114* repealed as spent by *Compulsory Purchase Act 1965 (c. 56)*, s. 39(4), **Sch. 8 Pt. II**

#### **115 Release of lands from rent-charges.**

If any difference shall arise between the promoters of the undertaking and the party entitled to any such charge upon any lands required to be for the purposes of the special Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of the special Act, the same shall be determined as in other cases of disputed compensation.

#### **116 Release of part of lands from charge.**

If part only of the lands charged with any such rent service, rent-charge, . . . <sup>F2</sup> payment, or incumbrance, be required to be taken for the purposes of the special Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement the same shall be settled by two justices; but if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

#### **Textual Amendments**

**F2** Words repealed by *Compulsory Purchase Act 1965 (c. 56)*, s. 39(4), **Sch. 8 Pt. II**

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*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845, Cross Heading: Rent-charges. (See end of Document for details)*

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**Modifications etc. (not altering text)**C1 S. 116 amended by [Lands Tribunal Act 1949 \(c. 42\)](#), s. 1(3)(c)**117 Deposit in case of refusal to release.**

Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the promoters of the undertaking a release of such charge; and if he fail so to do, or if he fail to adduce good title to such charge, to the satisfaction of the promoters of the undertaking, it shall be lawful for them [<sup>F3</sup>to pay into the Supreme Court the amount of the compensation] and also, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the rent service, rent-charge, . . . <sup>F4</sup>, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

**Textual Amendments**F3 Words substituted by [Administration of Justice Act 1965 \(c. 2\)](#), S. 17, **Sch. 1**F4 Words repealed by [Compulsory Purchase Act 1965 \(c. 56\)](#), s. 39(4), **Sch. 8 Pt. II****Modifications etc. (not altering text)**C2 Ss. 99, 100, 107, 109, 111, 113, 117 modified by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), **Sch. 5 Pt. II** (as amended (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), Sch. 11 para. 6; S.I. 2009/1604, art. 2(d))**118 Charge to continue on lands not taken.**

If any such lands be so released from any such charge or incumbrance, or portion thereof, to which they were subject jointly with other lands, such last-mentioned land shall alone be charged with the whole of such charge, or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such last-mentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge; and if upon any such charge or portion of charge being so released the deed or instrument creating or transferring such charge be tendered to the promoters of the undertaking for the purpose, they or two of them shall subscribe, or if they be a corporation shall affix their common seal to a memorandum of such release endorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of the special Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how much thereof continues payable, or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith; and such memorandum shall be made and executed at the expense of the promoters of the undertaking, and shall be evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845,  
Cross Heading: Rent-charges.