



Land Clauses Consolidation Act 1845

1845 CHAPTER 18 8 and 9 Vict

Entry on lands

89 Penalty on the promoters of the undertaking entering upon lands without consent before payment of the purchase money.

If the promoters of the undertaking or any of their contractors shall, except as aforesaid, wilfully enter upon and take possession of any lands which shall be required to be purchased or permanently used for the purposes of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands or such deposit by way of security as aforesaid, the promoters of the undertaking shall forfeit to the party in possession of such lands the sum of ten pounds, over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respectively to be recovered before two justices; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, continue in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of twenty-five pounds for every day they or their contractors shall so remain in possession as aforesaid, such penalty to be recoverable by the party, in possession of such lands . . . ^{F1} in any of the superior courts: Provided always, that nothing herein contained shall be held to subject the promoters of the undertaking to the payment of any such penalties as aforesaid, if they shall bona fide and without collusion have paid the compensation agreed or awarded to be paid in respect of the said lands to any person to whom the promoters of the undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the Bank for the benefit of the parties interested in the lands, or made such deposit by way of security in respect thereof as herein-before mentioned, although such person may not have been legally entitled thereto.

Textual Amendments

F1 Words repealed by [Administration of Justice Act 1965 \(c. 2\)](#), s. 34, [Sch. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845, Section 89. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 89: excluded by [Housing Act 1957 \(c. 56\)](#), [ss. 62\(2\)](#), [101\(2\)](#) and [Park Lane Improvement Act 1958 \(c. 63\)](#), [s. 7\(2\)](#)
- C2** S. 89 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\(d\)](#))

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