



Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

Lands subject to rent-charges

111 Charge to continue on lands not taken.

If any such lands be so discharged from any such charge or incumbrance, or portion thereof, to which they were subject jointly with other lands, such last-mentioned lands 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 upon any such charge or portion of charge being so discharged the promoters of the undertaking, if required so to do, shall execute and grant in due form a probative 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 discharged from part of such charge, what proportion of such charge shall have been discharged, and how much thereof continues payable, or if the lands so required shall have been discharged from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith; and such deed or instrument shall be made and executed at the expence of the promoters of the undertaking, and shall be competent evidence in all courts and elsewhere of the facts therein stated.

Modifications etc. (not altering text)

- C1 S. 111 extended by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\)](#), s. 278, [Sch. 24 para. 32\(2\)\(3\)](#) and by [Land Tenure Reform \(Scotland\) Act 1974 \(c.38, SIF 74:1\)](#), s. 6(3)
- C2 S. 111 modified (27.5.1997) by 1997 c. 8, ss. 195, 278(2), [Sch. 15 Pt. II para. 32\(2\)\(3\)](#)

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Section 111.