



# Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

## *Application of compensation*

### **78 Party in possession to be deemed to be the owner.**

If any question arise respecting the title to the lands in respect whereof such monies shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the court; and unless the contrary be shown as aforesaid the parties so in possession, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and to the dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

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#### **Modifications etc. (not altering text)**

- C1** S. 78 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968](#) (c. 34), s. 14(3), **Sch. 4**, paras. 4, 5
- C2** S. 78 extended by [Land Compensation \(Scotland\) Act 1973](#) (c. 56, SIF 28:2), **s. 10(2)**
- C3** s. 78 modified (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 57(4), 89(2), **Sch. 8 para. 6(a)**(with s. 45(3), Sch. 12 para. 3)

**Status:**

Point in time view as at 08/05/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Section 78.