



Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

Application of compensation

79 Expences in cases of money deposited.

In all cases of monies deposited in the Bank under the provisions of this or the special Act, or any Act incorporated therewith, except where such monies shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to ^{F1}... convey the lands in respect whereof the same shall be payable, or by reason of his refusal or inability to discharge or obtain a discharge of any burden on such lands which was not specially excepted from discharge, or by reason of the failure or neglect of any party to make out a good title to the land required, it shall be lawful for the Court of Session to order the expenses of the following matters, including therein all reasonable charges and expences incident thereto, to be paid by the promoters of the undertaking; (that is to say,) the expence of the purchase or taking of the lands, or which shall have been incurred in consequence thereof, other than such expences as are herein otherwise provided for, and the expence of the investment of such monies in government or real securities, and of the re-investment thereof in the purchase of other lands^{F1}... and incident thereto, and also the expence of obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such monies shall be invested, and for the payment of the principal of such monies, or of the securities whereon the same shall be invested, and of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants: Provided always, that the expence of one application only for re-investment in land shall be allowed, unless it shall appear to the Court of Session that it is for the benefit of the parties interested in the said monies that the same should be invested in the purchase of lands in different sums and at different times, in which case it shall be lawful for the court, if it think fit, to order the expences of any such investments to be paid by the promoters of the undertaking.

Status: Point in time view as at 28/11/2004.

Changes to legislation: There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Section 79. (See end of Document for details)

Textual Amendments

- F1** Words in s. 79 repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), sch. 12 para. 4(11), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C1** S. 79 modified by Agriculture (Miscellaneous Provisions) Act 1968 (c. 34), s. 14(3), Sch. 4 paras. 4, 5
- C2** S. 79 extended by Land Compensation (Scotland) Act 1973 (c. 56, SIF 28:2), **s. 10(2)**
- C3** S. 79 applied with modifications by Land Compensation (Scotland) Act 1973 (c. 56, SIF 28:2), **s. 50(7)**
S. 79 applied (with modifications) (27.5.1997) by 1997 c. 8, **ss. 97(10)**, 278(2)
- C4** S. 79 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 28/11/2004.

Changes to legislation:

There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Section 79.