



# Improvement of Land Act 1864

## CHAPTER 114

### IMPROVEMENT OF LAND ACT 1864

1 Recited Act 12 & 13 Vict. c. 100. repealed.

#### *Commissioners, Landowners, &c*

- 2 Interpretation of " the Commissioners."
- 3 Provisions of 9 & 10 Vict. c.101., &c., to extend and be applicable to Proceedings of Commissioners.
- 4 Assistant Commissioners may take Declarations and examine Witnesses.
- 5 Punishment of Persons giving false Evidence.
- 6 As to Service of Notices on Commissioners.
- 7 As to the Services of Notices on other Persons.
- 8 Interpretation of " Landowner."
- 9 Interpretation of " Improvement of Land."
- 10 Interpretation of "Person."

#### *Proceedings preliminary to Sanction of Improvements*

- 11 Application to Commissioners to sanction Improvements.
- 12 Joint Application by several Landowners.
- 13 Commissioners may issue Forms.
- 14 Require Security for Expenses.
- 15 Cause Application to be investigated.
- 16 And require proposed Improvements to be modified.
- 17 Advertisements and Notices preliminary to Sanction.
- 18 Power of Dissent by Persons interested, and Protection of Landowner's Infant Children.
- 19 The same in case of navigable Rivers and Canals.
- 20 Consents necessary in case of Church Lands.

- 21 In case of Dissent, or when Landowner's Infant Children are to be protected, Court of Chancery or Session may authorize Commissioners to proceed.
- 22 Service of Notice under preceding Clause.
- 23 And Costs may be given by the Court.
- 24 Representation of Persons under Disability for Applications and Dissents under preceding Clauses.

*Sanction of Improvements, and Rights thereunder*

- 25 Commissioners Order sanctioning Improvements.
- 26 Forms of Orders sanctioning Improvements to be prepared by Commissioners ; what they must contain.
- 27 They may be called Provisional Orders, and may be assigned to Parties agreeing to execute Improvements.
- 28 Provision for Death of Landowner pending Completion of Improvements.
- 29 Provisional Orders may be modified.

*Execution of Improvements*

- 30 Detailed Specifications to be delivered in advance.
- 31 And approved before Execution of Works.
- 32 Adjoining Lands, or Easements over them, may be sold for Purpose of Improvements, and Conveniences over adjoining Lands for the Execution of Improvements contracted for.
- 33 Works necessary to be made on adjoining Lands for Execution of Improvements may be made under certain Acts.
- 34 Provisional Order to protect from Impeachment of Waste, and to authorize getting Materials from Land, &c.
- 35 Saving Rights of the Crown.
- 36 Saving Rights of the Commissioners of Her Majesty's Works, &c.
- 37 Saving Rights of Duchy of Cornwall.
- 38 Saving Rights of Duchy of Lancaster.
- 39 Saving Rights of the Admiralty, and of the Board of Trade.
- 40 Plans to be deposited with Admiralty before commencing Works below High-water Mark.
- 41 Landowner to pay Expenses of Survey ordered by Admiralty.
- 42 Saving Rights of Her Majesty's Principal Secretary of State for War.
- 43 Rights of Commissioners of Sewers saved.
- 44 Works connected with Thames to be executed under Direction of Conservators of Thames.
- 45 . Metropolitan Board of Works, &c. protected.
- 46 Water Companies and Commissioners protected.
- 47 Rivers, Canals, &c. protected.
- 48 Commissioners may inspect Works.

*Charges for Improvements*

- 49 Commissioners to execute Charge on Completion of Works, or of some Part thereof.
- 50 Expenses of Application and certain Contracts may be included in Charge.
- 51 The Charges to be by way of Rentcharge created by Absolute Order.

- 52 And may be made according to Form in Schedule (B).
- 53 Expenditure made under this Act may be charged under Acts of Improvement Companies.
- 54 Improvement Companies may exercise the Powers of this Act, on conforming to its Procedure.
- 55 Absolute Order to be conclusive Evidence of Charge.
- 56 Registry of Rentcharges in Ireland, Middlesex, Yorkshire, and Scotland.
- 57 Landowner may borrow the Amount of certain Public Assessments, and charge same on Inheritance.
- 58 In Form specified, together with Costs of Application.
- 59 Grantee to have Charge for Principal Money from Time to Time unpaid, with Priority over other Incumbrances.
- 60 Charges to be Personal Property, but Money authorized to be invested on Real Security may be invested therein, or on Mortgages thereof.
- 61 Charges not to preclude Trustees from investing in Purchase or on Mortgage of Lands.
- 62 Proprietor of Scotch Entailed Estate may avail-himself of Act, and Rentcharge to be Charge on such Estate.
- 63 Rentcharges to be recoverable as Tithe Rentcharges or Feu Duties.
- 64 Interest on Arrears of Rentcharges.
- 65 Assignment of Charges.
- 66 Tenants for Life to keep down Rentcharges.
- 67 Tenant may deduct Rentcharge, unless he has agreed to pay it.
- 68 Rentcharges may be apportioned, or Part of the Land charged released therefrom.
- 69 Form, Registry, and Effect of Orders of Apportionment and Release.
- 70 Charges apportioned, or from which Part of the Lands have been released, to be deemed original Charges.
- 71 Several Charges may be dealt with in one Order of Apportionment or Release

#### *Upholding Improvements*

- 72 Improvements to be upheld, and Condition thereof certified if required.
- 73 Power to enter on neighbouring Lands for Repair of Works, making Compensation.
- 74 Farmhouses, &c. to be insured ; Power to insure in case of Default.
- 75 Inclosure Commissioners may compel Maintenance of Improvements.
- 76 Inclosure Commissioners may give Relief from Maintenance of Improvements.
- 77 Admiralty may remove Works abandoned or fallen into Decay.

#### *Subscription to Railways*

- 78 Conditions for Application to Commissioners.
- 79 Commissioners Proceedings on Application.
- 80 Provisional Order sanctioning Charge.
- 81 Companies empowered to lend.
- 82 Commissioners Absolute Order and its Conditions.
- 83 Form and Effect of Absolute Order.
- 84 Notice thereof to be entered in Register of Shareholders.
- 85 Person liable to pay Charge to be entitled for the Time being to the Shares.
- 86 And to have them stand in his own Name.

*Status: This is the original version (as it was originally enacted).*

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- 87 Rights and Duties of Persons registered for the Time being in respect of the Shares.
- 88 Entire Shares to belong to Parties in proportion to their Payments, and to be released to them from Time to Time.
- 89 Shares not claimed within Two Years from Expiration of Term to belong to Person bound to make last Payment of Charge.
- 90 Inclosure Commissioners to cause a Table of Fees to be prepared and submitted to Treasury for Approval.
- 91 Officers to render Account of Fees received to the Treasury.

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SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.) —

SCHEDULE (B.) —

SCHEDULE (C.) —

SCHEDULE (D.) —

SCHEDULE (E.) —

SCHEDULE (F.) —