



Land Clauses Consolidation Act 1845

1845 CHAPTER 18 8 and 9 Vict

Common lands

And with respect to any such lands being common or waste lands, be it enacted as follows:

**99 Compensation for common lands, where held of a manor, &c. how to be paid. E
+W+N.I.**

The compensation in respect of the right in the soil of any lands subject to any rights of common shall be paid to the lord of the manor, in case he shall be entitled to the same, or to such party, other than the commoners, as shall be entitled to such right in the soil; and the compensation in respect of all other commonable and other rights in or over such lands, including therein any commonable or other rights to which the lord of the manor may be entitled, other than his right in the soil of such lands, shall be determined and paid and applied in manner herein-after provided with respect to common lands the right in the soil of which shall belong to the commoners; [^{F1}and upon payment of the compensation so determined either to the persons entitled thereto or into the [^{F2}Senior Courts]] all such commonable and other rights shall cease and be extinguished.

Textual Amendments

- F1** Words substituted by [Administration of Justice Act 1965 \(c. 2\)](#), S. 17, **Sch. 1**
- F2** Words in Act (except s. 3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 9(2)**; S.I. 2009/1604, art. 2(d)

Modifications etc. (not altering text)

- C1** S. 99 restricted by [Commons Act 1899 \(c. 30\)](#), s. 22, **Sch. 1**; incorporated by [New Parishes Measure 1943 \(No. 1\)](#), s. **15(2)**
- C2** Ss. 99, 100, 107, 109, 111, 113, 117 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))

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

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), ss. 30(5), 53(2); S.I. 2019/97, art. 2

100 Lord of the manor, &c. to convey to the promoters of the undertaking, on receiving compensation for his interest. E+W+N.I.

Upon payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation which shall have been agreed upon or determined in respect of the right in the soil of any such lands, or [^{F3}on payment thereof into the [^{F2}Senior Courts]] in any of the cases herein-before in that behalf provided, such lord of the manor, or such other party as aforesaid, shall convey such lands to the promoters of the undertaking, and such conveyance shall have the effect of vesting such lands in the promoters of the undertaking, in like manner as if such lord of the manor, or such other party as aforesaid, had been seised in fee simple of such lands at the time of executing such conveyance; and in default of such conveyance it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect whereof such last-mentioned compensation shall have been [^{F3}paid into the [^{F2} Senior Courts] as aforesaid] shall vest absolutely in the promoters of the undertaking, and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until such rights shall have been extinguished [^{F3}by payment as hereinafter provided of compensation for the same either to the persons entitled thereto or into the [^{F2}Senior Courts] .]

Textual Amendments

- F2** Words in Act (except s. 3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 11 para. 9(2); S.I. 2009/1604, art. 2(d)
- F3** Words substituted by Administration of Justice Act 1965 (c. 2), S. 17, Sch. 1

Modifications etc. (not altering text)

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), ss. 30(5), 53(2); S.I. 2019/97, art. 2
- C4** S. 100 restricted by Commons Act 1899 (c. 30), s. 22, Sch. 1; incorporated by New Parishes Measure 1943 (No. 1), s. 15(2)
- C5** Ss. 99, 100, 107, 109, 111, 113, 117 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))

101 Compensation for common lands where not held of a manor how to be ascertained. E+W+N.I.

The compensation to be paid with respect to any such lands, being common lands, or in the nature thereof, the right to the soil of which shall belong to the commoners, as well as the compensation to be paid for the commonable and other rights in or over common lands the right in the soil whereof shall not belong to the commoners, other than the compensation to the lord of the manor, or other party entitled to the soil thereof, in respect of his right in the soil thereof, shall be determined by agreement between the promoters of the undertaking and a committee of the parties entitled to commonable or other rights in such lands, to be appointed as next herein-after mentioned.

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

Modifications etc. (not altering text)

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), ss. 30(5), 53(2); S.I. 2019/97, art. 2
- C6** S. 101 restricted by Commons Act 1899 (c. 30), s. 22, Sch. 1; incorporated by New Parishes Measure 1943 (No. 1), s. 15(2); applied with modifications by Towyn Trewan Common Act 1963 (c. 4), s. 3(2)

102 A meeting of the parties interested to be convened. E+W+N.I.

It shall be lawful for the promoters of the undertaking to convene a meeting of the parties entitled to commonable or other rights over or in such lands to be held at some convenient place in the neighbourhood of the lands, for the purpose of their appointing a committee to treat with the promoters of the undertaking for the compensation to be paid for the extinction of such commonable or other rights; and every such meeting shall be called by public advertisement, to be inserted once at least in two consecutive weeks in some newspaper circulating in the county or in the respective counties and in the neighbourhood in which such lands shall be situate, the last of such insertions being not more than fourteen nor less than seven days prior to any such meeting; and notice of such meeting shall also, not less than seven days previous to the holding thereof, be affixed upon the door of the parish church where such meeting is intended to be held, or if there be no such church some other place in the neighbourhood to which notices are usually affixed; and if such lands be parcel or holden of a manor, a like notice shall be given to the lord of such manor.

Modifications etc. (not altering text)

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), ss. 30(5), 53(2); S.I. 2019/97, art. 2
- C7** S. 102 restricted by Commons Act 1899 (c. 30), s. 22, Sch. 1; incorporated by New Parishes Measure 1943 (No. 1), s. 15(2); applied with modifications by Towyn Trewan Common Act 1963 (c. 4), s. 3(2)

103 Meeting to appoint a committee. E+W+N.I.

It shall be lawful for the meeting so called to appoint a committee, not exceeding five in number, of the parties entitled to any such rights; and at such meeting the decision of the majority of the persons entitled to commonable rights present shall bind the minority and all absent parties.

Modifications etc. (not altering text)

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), ss. 30(5), 53(2); S.I. 2019/97, art. 2
- C8** S. 103 restricted by Commons Act 1899 (c. 30), s. 22, Sch. 1; incorporated by New Parishes Measure 1943 (No. 1), s. 15(2); applied with modifications by Towyn Trewan Common Act 1963 (c. 4), s. 3(2)

104 Committee to agree with the promoters of the undertaking. E+W+N.I.

It shall be lawful for the committee so chosen to enter into an agreement with the promoters of the undertaking for the compensation to be paid for the extinction of

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such commonable and other rights, and all matters relating thereto, for and on behalf of themselves and all other parties interested therein; and all such parties shall be bound by such agreement; and it shall be lawful for such committee to receive the compensation so agreed to be paid, and the receipt of such committee, or of any three of them, for such compensation shall be an effectual discharge for the same; and such compensation, when received, shall be apportioned by the committee among the several persons interested therein, according to their respective interests, but the promoters of the undertaking shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the misapplication or nonapplication thereof.

Modifications etc. (not altering text)

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), **ss. 30(5)**, 53(2); S.I. 2019/97, art. 2
- C9** S. 104 restricted by [Commons Act 1899 \(c. 30\)](#), s. 22, **Sch. 1**; incorporated by [New Parishes Measure 1943 \(No. 1\)](#), **s. 15(2)**; applied with modifications by [Towyn Trewan Common Act 1963 \(c. 4\)](#), **s. 3(2)**

105 Disputes to be settled as in other cases. E+W+N.I.

If upon such committee being appointed they shall fail to agree with the promoters of the undertaking as to the amount of the compensation to be paid as aforesaid, the same shall be determined as in other cases of disputed compensation.

Modifications etc. (not altering text)

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), **ss. 30(5)**, 53(2); S.I. 2019/97, art. 2
- C10** s. 105 restricted by [Commons Act 1899 \(c. 30\)](#), s. 22, **Sch 1**; incorporated by new [Parishes Measure 1943 \(No. 1\)](#), **s. 15(2)**; applied with modifications by [Towyn Trewan Common Act 1963 \(c. 4\)](#), **s. 3(2)**

106 If no committee be appointed, the amount to be determined by a surveyor. E+W+N.I.

If, upon being duly convened by the promoters of the undertaking, no effectual meeting of the parties entitled to such commonable or other rights shall take place or if, taking place, such meeting fail to appoint such committee, the amount of such compensation shall be determined by a surveyor, . . . ^{F4}.

Textual Amendments

- F4** Words repealed by [Compulsory Purchase Act 1965 \(c.56\)](#),s.39(4),Sch.8 Pt.III

Modifications etc. (not altering text)

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), **ss. 30(5)**, 53(2); S.I. 2019/97, art. 2
- C11** S. 106 restricted by [Commons Act 1899 \(c. 30\)](#), s. 22, **Sch. 1**; incorporated by [New Parishes Measure 1943 \(No. 1\)](#), **s. 15(2)**; amended by [Lands Tribunal Act 1949 \(c. 42\)](#), **s. 1(6)**; applied with modifications by [Towyn Trewan Common Act 1963 \(c. 4\)](#), **s. 3(2)**

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**107 Upon payment of compensation payable to commoners, the lands to vest. E+W
+N.I.**

Upon payment or tender to such committee, or any three of them, or if there shall be no such committee then upon [^{F5}payment into the [^{F2}Senior Courts]] of the compensation which shall have been agreed upon or determined in respect of such commonable or other rights, it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid . . . ^{F6} shall vest in the promoters of the undertaking freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the Court of Chancery, . . . ^{F7} to order payment of the money [^{F5}so paid into the [^{F2}Senior Courts]] to a committee to be appointed as aforesaid, or to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

Textual Amendments

- F2** Words in Act (except s. 3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 9\(2\)](#); S.I. 2009/1604, art. 2(d)
- F5** Words substituted by [Administration of Justice Act 1965 \(c. 2\), S. 17, Sch. 1](#)
- F6** Words repealed by [Administration of Justice Act 1965 \(c. 2\), s. 17, Sch. 1](#)
- F7** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#), and [Administration of Justice Act 1965 \(c. 2\), s. 17, Sch. 1](#)

Modifications etc. (not altering text)

- C3** Ss. 99-107 incorporated (E.) (1.3.2019) by [Church Property Measure 2018 \(No. 8\), ss. 30\(5\), 53\(2\)](#); S.I. 2019/97, art. 2
- C12** S. 107 restricted by [Commons Act 1899 \(c. 30\), s. 22, Sch. 1](#); incorporated by [New Parishes Measure 1943 \(No. 1\), s. 15\(2\)](#); applied with modifications by [Towyn Trewan Common Act 1963 \(c. 4\), s. 3\(2\)](#)
- C13** Ss. 99, 100, 107, 109, 111, 113, 117 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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