



Land Clauses Consolidation Act 1845

1845 CHAPTER 18 8 and 9 Vict

Entry on lands

91 Proceedings in case of refusal to deliver possession of lands.

[^{F1}(1)] If in any case in which, according to the provisions of this or the special Act, or any Act incorporated therewith, the promoters of the undertaking are authorized to enter upon and take possession of any lands required for the purposes of the undertaking, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the promoters of the undertaking from entering upon or taking possession of the same, it shall be lawful for the promoters of the undertaking to issue their warrant to the sheriff [^{F2}or the enforcement officer] to deliver possession of the same to the person appointed in such warrant to receive the same, and upon the receipt of such warrant [^{F3}the sheriff][^{F3}the person to whom it is issued] shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing and execution of such warrant, to be settled by [^{F4}the sheriff][^{F4}the person executing the warrant], shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the promoters of the undertaking from the compensation, if any, then payable by them to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be [^{F5}levied by distress][^{F5}recovered by using the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods)], and upon application to any justice for that purpose he shall issue his warrant accordingly.

[^{F6}(2)] If, by virtue of paragraph 3A of Schedule 7 to the Courts Act 2003, the warrant is issued to two or more persons collectively, the duty in subsection (1) to deliver possession of lands shall apply to the person to whom the warrant is allocated in accordance with the approved arrangements mentioned in that Schedule.]

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845, Section 91. (See end of Document for details)

Textual Amendments

- F1** S. 91(1): s. 91 renumbered as s. 91(1) (E.W.) (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 139\(2\)\(d\)](#), 148; S.I. 2007/2709, art. 5(a)
- F2** Words in s. 91(1) inserted (E.W.) (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 139\(2\)\(a\)](#), 148; S.I. 2007/2709, art. 5(a)
- F3** Words in s. 91(1) substituted (E.W.) (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 139\(2\)\(b\)](#), 148; S.I. 2007/2709, art. 5(a)
- F4** Words in s. 91(1) substituted (E.W.) (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 139\(2\)\(c\)](#), 148; S.I. 2007/2709, art. 5(a)
- F5** Words in s. 91(1) substituted (E.W.) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 7](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F6** S. 91(2) inserted (E.W.) (1.4.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 139\(2\)\(d\)](#), 148; S.I. 2007/2709, art. 5(a)

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