

Status: Point in time view as at 01/01/1997.

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SCHEDULES

FIRST SCHEDULE

Section 12.

PROVISIONS AS TO CHARGES

Modifications etc. (not altering text)

- C1** Style and title of Minister of Agriculture and Fisheries now changed to Minister of Agriculture, Fisheries and Food by [S.I. 1955/554](#) (1955 I, p. 1200)

- (1) A landlord, on paying to the tenant the amount due to him under Part I of this Act, in respect of compensation for an improvement^{F1} under that Part, or on expending after notice given in accordance with that Part such amount as may be necessary to execute an improvement, shall be entitled to obtain from the Minister of Agriculture and Fisheries (hereinafter referred to as the Minister) an order in favour of himself and the persons deriving title under him charging the holding, or any part thereof, with repayment of the amount paid or expended, including any proper costs, charges or expenses incurred by a landlord in opposing any proposal by a tenant to execute an improvement or in contesting a claim for compensation, and of all costs properly incurred by him in obtaining the charge, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the Minister thinks fit.

Textual Amendments

- F1** Words repealed by [Landlord and Tenant Act 1954 \(c. 56\)](#), s. 45, [Sch. 7 Pt. I](#)

- (2) Where the landlord obtaining the charge is not an absolute owner of the holding for his own benefit, no instalment or interest shall be made payable after the time when the improvement^{F2} in respect whereof compensation is paid will, in the opinion of the Minister, have become exhausted.

Textual Amendments

- F2** Words repealed by [Landlord and Tenant Act 1954 \(c. 56\)](#), s. 45, [Sch. 7 Pt. I](#)

- (3) Where the estate or interest of a landlord is determinable or liable to forfeiture by reason of his creating or suffering any charge thereon, that estate or interest shall not be determined or forfeited by reason of his obtaining such a charge, anything in any deed, will or other instrument to the contrary thereof notwithstanding.
- (4) The sum charged shall be a charge on the holding, or the part thereof charged, for the landlord's interest therein and for interests in the reversion immediately expectant on the termination of the lease; but so that, in any case where the landlord's interest is an interest in a leasehold, the charge shall not extend beyond that leasehold interest.

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- (5) Any company now or hereafter incorporated by Parliament, and having power to advance money for the improvement of land, may take an assignment of any charge made under this Schedule, upon such terms and conditions as may be agreed upon between the company and the person entitled to the charge, and may assign any charge so acquired by them.
- (6) Where a charge may be made under this Schedule for compensation due under an award, the tribunal making the award shall, at the request and cost of the person entitled to obtain the charge, certify the amount to be charged and the term for which the charge may properly be made, having regard to the time at which each improvement^{F3} in respect of which compensation is awarded is to be deemed to be exhausted.

Textual Amendments

F3 Words repealed by [Landlord and Tenant Act 1954 \(c. 56\)](#), s. 45, [Sch. 7 Pt. I](#)

- (7) A charge under this Schedule may be registered under section ten of the ^{M1}Land Charges Act, 1925, as a land charge of Class A.

Modifications etc. (not altering text)

C2 Para. (7) amended by [Land Charges Act 1972 \(c. 61\)](#), s. 2(2)(b), [Sch. 2 para. 1\(c\)](#)

Marginal Citations

M1 1925 c. 22.

SECOND SCHEDULE

PART I

APPLICATION TO CROWN AND DUCHY LAND

- 1 (a) With respect to any land belonging to His Majesty in right of the Crown, or to a Government department, for the purposes of this Act, the Commissioners of Crown Lands, or other the proper officer or body having charge of the land for the time being, or, in case there is no such officer or body, then such person as His Majesty may appoint in writing under the Royal Sign Manual, shall represent His Majesty, and shall be deemed to be the landlord.
- (b) . . .^{F4}

Textual Amendments

F4 [Sch. 2 Pt. I para. 1\(b\)](#) repealed by [Crown Estate Act 1961 \(c. 55\)](#), [Sch. 3 Pt. II](#)

- 2 (a) With respect to land belonging to His Majesty in right of the Duchy of Lancaster, for the purposes of this Act, the Chancellor of the Duchy shall represent His Majesty, and shall be deemed to be the landlord.

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- (b) The amount of any compensation under Part I of this Act payable by the Chancellor of the Duchy shall be raised and paid as an expense incurred in improvement of land belonging to His Majesty in right of the Duchy within section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven.
- 3 (a) With respect to land belonging to the Duchy of Cornwall, for the purposes of this Act, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall appoints, shall represent the Duke of Cornwall or other the possessor aforesaid, and be deemed to be the landlord, and may do any act or thing under this Act which a landlord is authorised or required to do thereunder.
- (b) Any compensation under Part I of this Act payable by the Duke of Cornwall, or other the possessor aforesaid, shall be paid, and advances therefor made, in the manner and subject to the provisions of section eight of the ^{M2}Duchy of Cornwall Management Act, 1863, with respect to improvements of land mentioned in that section.

Marginal Citations

M2 1863 c. 49.

PART II

APPLICATION TO ECCLESIASTICAL AND CHARITY LAND

- 1 (a) Where lands are assigned or secured as the endowment of a see, the powers by this Act conferred on a landlord in respect of charging land shall not be exercised by the bishop in respect of those lands, except with the previous approval in writing of the Estates Committee of the Ecclesiastical Commissioners.
- (b) . . . ^{F5}
- (c) The Ecclesiastical Commissioners may, if they think fit, on behalf of an ecclesiastical corporation, out of any money in their hands, pay to the tenant the amount of compensation due to him under Part I of this Act, and thereupon they may, instead of the corporation obtain from the minister a charge on the holding in respect thereof in favour of themselves . . . ^{F5}

Textual Amendments

F5 Sch. 2 Pt. II para. 1(b) and words in para.(c) repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), s. 47(4), Sch. 8

Modifications etc. (not altering text)

C3 Functions of Ecclesiastical Commissioners now exercisable by Church Commissioners; Church Commissioners Measure 1947 (No. 2), s. 2

- 2 The powers by this Act conferred on a landlord in respect of charging land shall not be exercised by trustees for ecclesiastical or charitable purposes, except with

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the approval in writing of the Charity Commissioners or the Board of Education, as the case may require.

Modifications etc. (not altering text)

- C4** Functions of Board of Education now exercisable by Secretary of State for Education and Science: [Education Act 1944 \(c. 31\), s. 2\(1\)](#) and [S.I. 1964/490](#)

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