



Improvement of Land Act 1899

1899 CHAPTER 46

An Act to amend the Enactments relating to the Improvement of Land. [9th August 1899]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1 Rentcharges for improvement of land

- (1) Where under the Improvement of Land Act, 1864 (in this Act referred to as the principal Act), or under any special improvement Act, a charge is after the commencement of this Act authorised in respect of an improvement of land, the period for the repayment of the charge shall be such period not exceeding forty years as the Board of Agriculture, having regard in each case to the character and probable duration of the improvement, determine.
- (2) The land charged under any such Act may comprise not only the land improved, but also any other land which is shown to the satisfaction of the Board of Agriculture by statutory declaration to be held for the same estates or interests, and to be either subject to the same incumbrances (if any), or free from incumbrances, and which in the opinion of the Board of Agriculture may properly be included in the charge.
- (3) A resolution passed by three-fourths of the shareholders of an improvement company present at an extraordinary meeting specially summoned for the purpose may authorise the company to execute or advance money for the execution of all or any of the improvements mentioned in section nine of the principal Act or any enactment amending that section; and thereupon the company may execute or advance money for the execution of any improvement so authorised, in like manner, to the same extent, and subject to the same procedure, and with the same consequences and effects, as if the improvement were an improvement authorised by the special improvement Act relating to the company.

Provided that the provisions of the Limited Owners Residences Act, 1870, and the Limited Owners Residences Act (1870) Amendment Act, 1871, shall apply to a charge for securing an advance made in pursuance of this section for the purpose of an improvement mentioned in those Acts, and the Order creating any such charge shall be in such form as the Board of Agriculture prescribe.

- (4) Where, either before or after the "passing of this Act, a rentcharge has been created by an absolute order under the principal Act or under any special improvement Act in respect of the planting of woods or trees, the Board of Agriculture may, upon the application of the landowner, at any time not sooner than seven and not later than ten years from the date of the order, if they think fit and if they are satisfied that the character and probable duration of the improvement is such as to justify the extension, and with the consent of the persons entitled to the charge, extend the term of repayment within the limits authorised by this Act, and modify the order accordingly.

2 Extension to Scotland of enactments adding to list of authorised improvements

So much of the enactments mentioned in the First Schedule to this Act as make additions to the improvements authorised by section nine of the principal Act shall, subject to the restrictions contained in those enactments, have effect in Scotland.

3 Recovery of rentcharges

Any rentcharge created either before or after the passing of this Act under the principal Act or under any special improvement Act shall, in England and Wales, be recoverable as regards any instalment accruing due after the commencement of this Act, by the like remedies as are provided by section forty-four of the Conveyancing and Law of Property Act, 1881, in respect of rentcharges created after the commencement of that Act, and not otherwise.

4 Notices in proceedings under improvement Acts

In any proceedings under "a special improvement Act it shall not be necessary to give any notice which would not be required if the proceedings were under the principal Act.

5 Closing of register of land improvement orders

- (1) So much of section fifty-six of the principal Act as requires a memorial of any absolute order creating a rentcharge on land in England or Wales to be registered at the office of the Land Registry in England is hereby repealed.
- (2) Except under an express order of the High Court, no entry or search shall be made in any register kept at the Office of the Land Registry under section fifty-six or section sixty-nine of the principal Act.

6 Application to Ireland

In the application of this Act to Ireland the Commissioners of Public Works in Ireland shall be substituted for the Board of Agriculture.

7 Definitions

In this Act—

The expression " improvement company " means a company authorised by any Act of Parliament to execute or advance money for the execution of improvements of land and

The expression " special improvement Act " means any such Act.

8 Repeal

The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

9 Commencement and short title

- (1) This Act shall come into operation on the first day of January next after the passing thereof.
- (2) This Act may be cited as the Improvement of Land Act 1899, and the principal Act and this Act may be cited together as the Improvement of Land Acts, 1864 and 1899.

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

SCHEDULES.

FIRST SCHEDULE

ENACTMENTS EXTENDING LIST OF AUTHORISED IMPROVEMENTS

Session and Chapter.	Short Title.
33 & 34 Vict. c. 56.	The Limited Owners Residences Act, 1870.
34 & 35 Vict. c. 84.	The Limited Owners Residences Act (1870) Amendment Act, 1871.
40 & 41 Vict. c. 31.	The Limited Owners Reservoirs and Water Supply Further Facilities Act, 1877.
45 & 46 Vict. c. 38.	The Settled Land Act, 1882.
53 & 54 Vict. c. 69.	The Settled Land Act, 1890.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.

SECOND SCHEDULE

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
27 & 28 Vict. c. 114.	The Improvement of Land Act, 1864.	Section fifty-four. Section fifty-six, to " registry in " England and " Section sixty-three, from " as to lands " in England "to " the said Acts " respectively and " Section sixty-eight from " Provided " that" to the end of the section. In section sixty-nine the words " in " England and Wales or "
56 & 57 Vict. c. 34.	The Improvement of Land (Scotland) Act, 1893.	The whole Act.