



# Land Clauses Consolidation Act 1845

## 1845 CHAPTER 18 8 and 9 Vict

### *Purchase of lands otherwise than by agreement*

And with respect to the purchase and taking of lands otherwise than by agreement, be it enacted as follows;

**16 Capital to be subscribed before compulsory powers put in force.**

Where the undertaking is intended to be carried into effect by means of a capital to be subscribed by the promoters of the undertaking, the whole of the capital or estimated sum for defraying the expences of the undertaking, shall be subscribed under contract binding the parties thereto, their heirs, executors, and administrators, for the payment of the several sums by them respectively subscribed, before it shall be lawful to put in force any of the powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of land for the purposes of the undertaking.

**17 Evidence as to capital having been subscribed.**

A certificate under the hands of two justices, certifying that the whole of the prescribed sum has been subscribed, shall be sufficient evidence thereof; and on the application of the promoters of the undertaking, and the production of such evidence as such justices think proper and sufficient, such justices shall grant such certificate accordingly.

**18 Notice of intention to take lands.**

When the promoters of the undertaking shall require to purchase or take any of the lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the promoters of the undertaking, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands so required, and that the promoters of the undertaking are willing to treat for the purchase

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thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

## 19 Service of notices on owners and occupiers of lands.

All notices required to be served by the promoters of the undertaking upon the parties interested in or entitled to sell any such lands shall either be served personally on such parties or left at their last usual place of abode, if any such can after diligent inquiry be found, and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

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### Modifications etc. (not altering text)

C1 S. 19 applied by Park Lane Improvement Act 1958 (. 63), s. 3(5), Sch. 11 para. 1

## 20 Service of notice on a corporation aggregate.

If any such party be a corporation aggregate such notice shall be left at the principal office of business of such corporation, or, if no such office can after diligent inquiry be found, shall be served on some principal member, if any, of such corporation, and such notice shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

## 21 If parties fail to treat or in case of dispute, question to be settled as after mentioned.

If for twenty-one days after the service of such notice any such party shall fail to state the particulars of his claim in respect of any such land, or to treat with the promoters of the undertaking in respect thereof, or if such party and the promoters of the undertaking shall not agree as to the amount of the compensation to be paid by the promoters of the undertaking for the interest in such lands belonging to such party, or which he is by this or the special Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled in the manner . . . <sup>F1</sup> provided for settling cases of disputed compensation.

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### Textual Amendments

F1 Words repealed by [Compulsory Purchase Act 1965 \(c.56\)](#), s.39(4), [Sch.8 Pt.III](#)

## [<sup>F2</sup>22 Disputes as to compensation, not exceeding 50l. to be settled by two justices.

If no agreement be come to between the promoters of the undertaking and the owners of or parties by this Act enabled to sell and convey or release any lands taken or required for or injuriously affected by the execution of the undertaking, or any interest in such lands, as to the value of such lands or of any interest therein, or as to the compensation to be made in respect thereof, and if in any such case the compensation claimed shall not exceed fifty pounds, the same shall be settled by two justices.]

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

**Textual Amendments**

**F2** S. 22 repealed (except as applied by [Railways Clauses Consolidation Act 1845 \(c. 20\), s. 30](#)) by [Compulsory Purchase Act 1965 \(c. 56\), s. 39\(4\), Sch. 8 Pt. III](#)

**Modifications etc. (not altering text)**

**C2** S. 22 applied by [Railways Clauses Consolidation Act 1845 \(c. 20\), s. 30](#);

**23—** ..... <sup>F3</sup>  
**57.**

**Textual Amendments**

**F3** Ss. 23–57 repealed by [Compulsory Purchase Act 1965 \(c. 56\), s. 39\(4\), Sch. 8 Pt. III](#)

**58** †**Compensation to absent parties to be determined by a surveyor appointed by two justices.**

The purchase money or compensation to be paid for any lands to be purchased or taken by the promoters of the undertaking from any party who, by reason of absence from the kingdom, is prevented from treating, or who cannot after diligent inquiry be found . . . <sup>F4</sup> and the compensation to be paid for any permanent injury to such lands, shall be such as shall be determined by the valuation of such able practical surveyor . . . <sup>F4</sup>

**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** A dagger appended to a marginal note means that it is no longer accurate.

**C4** S. 58 amended by [Lands Tribunal Act 1949 \(c. 42\), s. 1\(6\)](#)

**59, 60.** ..... <sup>F5</sup>

**Textual Amendments**

**F5** Ss. 59, 60 repealed by [Statute Law \(Repeals\) Act 1974 \(c.22\), s. 1, Sch. Pt. III](#)

**61** **Valuation, &c. to be produced to the owner of the lands on demand.**

. . . <sup>F6</sup>the valuation to be made by such surveyor . . . <sup>F6</sup>shall be preserved . . . <sup>F6</sup>by the promoters of the undertaking, and they shall at all times produce the said valuation . . . <sup>F6</sup>on demand, to the owner of the lands comprised in such valuation, and to all other parties interested therein.

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### Textual Amendments

**F6** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), s. 1, Sch. Pt. III](#)

## 62 Expences to be borne by promoters.

All the expences of and incident to every such valuation shall be borne by the promoters of the undertaking.

## 63 Purchase money and compensation, how to be estimated.

In estimating the purchase money or compensation to be paid by the promoters of the undertaking, in any of the cases aforesaid, regard shall be had by the justices, arbitrators, or surveyors as the case may be, not only to the value of the land to be purchased or taken by the promoters of the undertaking, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith.

### Modifications etc. (not altering text)

**C5** S. 63 excluded by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\), s. 237\(4\)\(a\)](#); extended by [Gas Act 1965 \(c. 36, SIF 44:2\), s. 13\(5\), Sch. 4 paras. 5\(4\), 6](#)

**C6** S. 63 applied (9.1.2014) by [The National Grid \(King's Lynn B Power Station Connection\) Order 2013 \(S.I. 2013/3200\), arts. 1, 19\(4\)\(a\)](#) (with art. 19(5))

## 64 Where compensation to absent party has been determined by a surveyor, the party may have the same submitted to arbitration.

When the compensation payable in respect of any lands, or any interest therein, shall have been ascertained by the valuation of a surveyor, and deposited in the Bank under the provisions herein contained, by reason that the owner of or party entitled to convey such lands or such interest therein as aforesaid could not be found or was absent from the kingdom, if such owner or party shall be dissatisfied with such valuation it shall be lawful for him, before he shall have applied to the Court of Chancery for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the promoters of the undertaking, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly, in the same manner as in other cases of disputed compensation herein-before authorized or required to be submitted to arbitration.

## 65 Question to be submitted to the arbitrators.

The question to be submitted to the arbitrators in the case last aforesaid shall be, whether the said sum so deposited as aforesaid by the promoters of the undertaking was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

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**66 If further sum awarded, promoters to pay or deposit same within 14 days.**

If the arbitrators shall award that a further sum ought to be paid or deposited by the promoters of the undertaking, they shall pay or deposit as the case may require, such further sum within fourteen days after the making of such award, or in default thereof the same may . . . <sup>F7</sup> recovered, . . . <sup>F7</sup> in any of the superior courts.

**Textual Amendments**

**F7** Words repealed by [Administration of Justice Act 1965 \(c. 2\)](#), s. 34, [Sch. 2](#)

**67 Costs of the arbitration.**

If the arbitrators shall determine that the sum so deposited was sufficient, the costs of and incident to such arbitration, to be determined by the arbitrators, shall be in the discretion of the arbitrators; but if the arbitrators shall determine that a further sum ought to be paid or deposited by the promoters of the undertaking, all the costs of and incident to the arbitration shall be borne by the promoters of the undertaking.

**68 †To be settled by arbitration or jury, at the option of the party claiming compensation.**

If any party shall be entitled to any compensation in respect of any lands, or of any interest therein, which shall have been taken for or injuriously affected by the execution of the works, and for which the promoters of the undertaking shall not have made satisfaction under the provisions of this or the special Act, or any Act incorporated therewith, . . . <sup>F8</sup> such party may have the same settled . . . <sup>F8</sup>

**Textual Amendments**

**F8** Words repealed by [Compulsory Purchase Act 1965 \(c. 56\)](#), s. 39(4), [Sch. 8 Pts. II, III](#)

**Modifications etc. (not altering text)**

**C7** A dagger appended to a marginal note means that it is no longer accurate.

**C8** S. 68 applied by [Compulsory Purchase Act 1965 \(c. 56\)](#), [s. 10\(2\)](#); saved by [Park Lane Improvement Act 1958 \(c. 63\)](#), s. 3(5), [Sch. para. 6](#) and [Water Resources Act 1963 \(c. 38\)](#), [s. 66\(5\)](#); excluded by [Water Resources Act 1963 \(c. 38\)](#), s. 67(2), [Sch. 8 para. 14](#); extended by [Gas Act 1965 \(c. 36\)](#), s. 13(5), [Sch. 4 paras. 5\(4\), 6](#).

**C9** S. 68 applied by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [ss. 122\(4\), 126\(6\), 273\(1\)](#)

**C10** S. 68 amended by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), [s. 63\(1\)](#)

**C11** S. 68 modified by [Town and Country Planning Act 1990 \(c. 8, SIF 123:1\)](#), [s. 229\(4\)](#)

**C12** S. 68 excluded by [Town and Country Planning Act 1990 \(c.8, SIF 123:1\)](#), [s. 237\(4\)](#)

**C13** S. 68 applied (9.1.2014) by [The National Grid \(King's Lynn B Power Station Connection\) Order 2013 \(S.I. 2013/3200\)](#), arts. 1, [19\(4\)\(a\)](#) (with art. 19(5))

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