



Land Clauses Consolidation Act 1845

1845 CHAPTER 18 8 and 9 Vict

Entry on lands

85 Promoters to be allowed to enter on lands before purchase, on making deposit by way of security and giving bond.

Provided also, that if the promoters of the undertaking shall be desirous of entering upon and using any such lands before an agreement shall have been come to or an award made or verdict given for the purchase money or compensation to be paid by them in respect of such lands, it shall be lawful for the promoters of the undertaking [^{F1}to pay into the Supreme Court] by way of security, as herein-after mentioned, either the amount of purchase money or compensation claimed by any party interested in or entitled to sell and convey such lands, and who shall not consent to such entry, or such a sum as shall, by a surveyor appointed by two justices in the manner herein-before provided in the case of parties who cannot be found, be determined to be the value of such lands, or of the interest therein which such party is entitled to or enabled to sell and convey, and also to give to such party a bond, under the common seal of the promoters if they be a corporation, or if they be not a corporation [^{F2}under the hands and seals of] [^{F2}executed by] the said promoters, or any two of them; with two sufficient sureties, to be approved of by two justices in case the parties differ, in a penal sum equal to the sum so to be deposited, conditioned for payment to such party, or [^{F1}for payment into the Supreme Court] for the benefit of the parties interested in such lands as the case may require, under the provisions herein contained, of all such purchase money or compensation as may in manner herein-before provided be determined to be payable by the promoters of the undertaking in respect of the lands so entered upon, together with interest thereon at the rate of five pounds per centum per annum from the time of entering on such lands until such purchase money or compensation shall be paid to such party, or [^{F1}paid into the Supreme Court] for the benefit of the parties interested in such lands, under the provisions herein contained; and upon [^{F1}such payment] by way of security being made as aforesaid, and such bond being delivered or tendered to such non consenting party as aforesaid, it shall be lawful for the promoters of the undertaking to enter upon and use such lands, without having first paid or deposited the purchase money or compensation in other cases required to be paid or deposited by them before entering upon any lands to be taken by them under the provisions of this or the special Act.

Status: Point in time view as at 15/11/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845, Section 85. (See end of Document for details)

Textual Amendments

- F1** Words substituted by [Administration of Justice Act 1965 \(c. 2\)](#), s. 17, **Sch. 1**
- F2** Words in s. 85 substituted (N.I.) (15.11.2005) by [The Law Reform \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2005 \(S.I. 2005/1452\)](#), art. 1(2), **Sch. 1 para. 5**; S.R. 2005/494, art. 2(1)(c)

Modifications etc. (not altering text)

- C1** S. 85: excluded by [Housing Act 1957 \(c. 56\)](#), **ss. 62(2)**, 101(2), [Park Lane Improvement Act 1958 \(c. 63\)](#), **s. 7(2)**, and [Land Compensation Act 1961 \(c. 33\)](#), **s. 32(1)**
- C2** S. 85 excluded by [Land Compensation Act 1973 \(c. 26, SIF 28:1\)](#), **s. 52(10)(b)**
- C3** S. 85 amended by [Land Compensation Act 1973 \(c.26, SIF 28:1\)](#), **s. 57(1)**
- C4** S. 85 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))
- C5** S. 85 applied (E.W.) (25.9.1991) by [Land Compensation Act 1973 \(c. 26\)](#), **s. 52A(8)(9)**, (as inserted by [Planning and Compensation Act 1991 \(c. 34\)](#), **s. 63(2)**; S.I. 1991/2067, art. 3 (with art. 4, **Sch. 2**))
- C6** S. 85 excluded (E.W.) (25.9.1991) by [Land Compensation Act 1973 \(c. 26\)](#), **s. 52A(8)(9)**, (as inserted by [Planning and Compensation Act 1991 \(c. 34\)](#), **s. 63(2)**; S.I. 1991/2067, art.3 (with art. 4, **Sch. 2**))
- C7** S. 85 modified by [Land Compensation Act 1961 \(c 33\)](#), s. 5A(5)(6), (as inserted (31.10.2004) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **s. 103(2)**; S.I. 2004/2593, **art. 2(a)**)

Status:

Point in time view as at 15/11/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845, Section 85.