



# Improvement Of Land Act 1864

## CHAPTER 114

### IMPROVEMENT OF LAND ACT 1864

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*Commissioners, landowners, &c.*

- 2 Interpretation of “the Commissioners.”
- 3 Provisions of 9 & 10 Vict. c. 101., &c., to extend and be applicable to proceedings of Commissioners.
- 4 Assistant commissioners may take declarations, &c.
- 5 .....
- 6 As to service of notices on Commissioners.
- 7 As to the services of notices on other persons.
- 8 Interpretation of “landowner.”
- 9 Interpretation of “improvement of land.”
- 10 Interpretation of “person.”

*Proceedings preliminary to sanction of improvements*

- 11 Application to Commissioners to sanction improvements.
- 12 Joint application by several landowners.
- 13 Commissioners may issue forms;
- 14 require security for expenses;
- 15 cause application to be investigated;
- 16 and require proposed improvements to be modified.
- 17 Advertisements and notices preliminary to sanction.
- 18 Power of dissent by persons interested, and protection of landowner’s infant children.
- 19 The same in case of navigable rivers and canals.
- 20 Consents necessary in case of church lands.

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- 21 In case of dissent, or when landowner's children are to be protected,  
Court of Chancery or Session may authorise Commissioners to proceed.  
22 .....  
23 And costs may be given by the Court.  
24 Representation of persons under disability for applications and dissents  
under preceding clauses.

*Sanction of improvements, and rights thereunder*

- 25 Commissioners order sanctioning improvements.  
26 Forms of orders sanctioning improvements to be prepared by  
Commissioners; what they must contain.  
27 They may be called provisional orders, and may be assigned to parties  
agreeing to execute improvements.  
28 Provision for death of landowner pending completion of improvements.  
29 Provisional orders may be modified.

*Execution of improvements*

- And with regard to the execution of any improvements, be...  
30 Detailed specifications to be delivered in advance;  
31 and approved before execution of works.  
32 Adjoining lands, or easements over them, may be sold for purpose of  
improvements, and conveniences over adjoining lands for the execution  
of improvements contracted for.  
33 .....  
34 Provisional order to protect from impeachment of waste, and to  
authorize getting materials from land, &c.  
35 Saving rights of the Crown.  
36 Saving rights of the Commissioners of Her Majesty's Works, &c.  
37 Saving rights of Duchy of Cornwall.  
38 Saving rights of Duchy of Lancaster.  
39 Saving rights of the Admiralty, and of the Board of Trade.  
40 Plans to be deposited with Admiralty before commencing works below  
high-water mark.  
41 Landowner to pay expenses of survey ordered by Admiralty.  
42 Saving rights of Her Majesty's Principal Secretary of State for War.  
43 Rights of Commissioners of sewers saved.  
44 Works connected with Thames to be executed under direction of  
Conservators of Thames.  
45 Metropolitan Board of Works, &c. protected.  
46 Water companies and commissioners protected.  
47 Rivers, canals, &c. protected.  
48 Commissioners may inspect works.

*Charges for improvements*

- And with regard to charges for improvements under this Act,...  
49 Commissioners to execute charge on completion of works, or of some  
part thereof.  
50 Expenses of application and certain contracts, may be included in  
charge.  
51 The charges to be by way of rentcharge created by absolute order;  
52 according to form in Schedule (B).

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- 53 Expenditure made under this Act may be charged under Acts of improvement companies.
- 54 Charges for improvements
- 55 Absolute order to be conclusive evidence of charge.
- 56 Registry of rentcharges in Ireland, Middlesex, Yorkshire, and Scotland.
- 57 Landowner may borrow the amount of certain public assessments, and charge same on inheritance;
- 58 in form specified, together with costs of application.
- 59 Grantee to have charge for principle money from time to time unrepaid, with priority over other incumbrances.
- 60 Charges to be personal property, but money to be invested on real security may be invested on mortgages.
- 61 Charges for improvements
- 62 Proprietor of Scotch entailed estate may avail himself of Act, and rentcharge to be charge on such estate.
- 63 Rentcharges to be recoverable as tithe rentcharges or feu duties.
- 64 Interest on arrears of rentcharges.
- 65 Assignment of charges.
- 66 Tenants for life to keep down rentcharges.
- 67 Tenant may deduct rentcharge, unless he has agreed to pay it.
- 68 Rentcharges may be apportioned, or part of the land charged released therefrom.
- 69 Form, registry, and effect of orders of apportionment and release.
- 70 Charges apportioned &c. to be deemed original charges.
- 71 Orders may comprise several charges.

*Upholding improvements*

- 72 Improvements to be upheld and condition thereof certified if required.
- 73 Power to enter on neighbouring lands for repair of works, making compensation.
- 74 Farmhouses, &c. to be insured; power to insure in case of default.
- 75 Inclosure Commissioners may compel maintenance of improvements.
- 76 Inclosure Commissioners may give relief from maintenance of improvements.
- 77 Admiralty may remove works abandoned or fallen into decay.

*Subscriptions to railways*

- 78–89 .....
- 90–91 .....

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SCHEDULES to which the foregoing Act refers.

SCHEDULE (A) —

*Provisional Order*

SCHEDULE (B) —

*Absolute Order*

SCHEDULE (C) —

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*Assignment of a Charge*

SCHEDULE (D) —

*Form of Order for apportioning Charges*

SCHEDULE (E) —

*Form of Order for exempting Lands*

SCHEDULE (F) —

*Vesting Order*

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