



Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

Common lands

And with respect to such lands as shall be of the nature of common, be it enacted as follows:

93 Proceedings in regard to lands in common, &c.

The promoters of the undertaking may convene a meeting of the parties entitled to any rights of property or servitude, or other rights, in or over such lands, to be held at some convenient place in the neighbourhood of the lands, for the purpose of their appointing a committee to treat with the promoters of the undertaking for the compensation to be paid for the extinction of such rights; and every such meeting shall be called by public advertisement, to be inserted once at least in two consecutive weeks in some newspaper circulating in the county or in the respective counties and in the neighbourhood in which such lands shall be situate, the last of such insertions being not more than fourteen nor less than seven days prior to any such meeting; and notice of such meeting shall also, not less than seven days previous to the holding thereof, be affixed upon the door of the church of the parish where such meeting is intended to be held, or if there be no such church, some other place in the neighbourhood to which notices are usually affixed^{F1}....

Textual Amendments

F1 Words in s. 93 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 4(13), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

94 Meeting to appoint a committee.

The meeting so called may appoint a committee not exceeding five in number, of the parties entitled to any such rights; and at such meeting the decision of the majority

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of the persons entitled to such rights present shall bind the minority and all absent parties; but such meeting shall not be effectual for the purpose unless five at the least of the parties entitled attend the same, if there be so many as five in all of the parties entitled to such rights.

95 Committee to agree with promoters of the undertaking.

It shall be lawful for the committee so chosen to enter into an agreement with the promoters of the undertaking for the compensation to be paid for the extinction of such rights, and all matters relating thereto, for and on behalf of themselves and all other parties interested therein, and all such parties shall be bound by such agreement; and it shall be lawful for such committee to receive the compensation so agreed to be paid, and the receipt of such committee, or of any three of them, for such compensation shall be an effectual discharge for the same; and such compensation, when received, shall be apportioned by the committee among the several persons interested therein, according to their respective interests, but the promoters of the undertaking shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the misapplication or nonapplication thereof.

96 Disputes to be settled as in other cases.

If upon such committee being appointed they shall fail to agree with the promoters of the undertaking as to the amount of the compensation to be paid as aforesaid, the same shall be determined as in other cases of disputed compensation, the said committee being deemed and held to be the proprietors of the said rights, with reference to all proceedings for ascertaining the value thereof.

97 If no committee be appointed, the amount to be determined by a valuator.

If, upon being duly convened by the promoters of the undertaking, no effectual meeting of the parties entitled to such rights shall take place, or if, taking place, such meeting fail to appoint such committee, the amount of such compensation shall be determined by a valuator, to be appointed by the sheriff, as herein-before provided in the case of parties who cannot be found

Modifications etc. (not altering text)

C1 S. 97 amended by [Lands Tribunal Act 1949 \(c. 42\)](#), s. 1(6)(8)(a)

98 Upon payment of compensation payable to commoners, the lands to vest.

Upon payment or tender to such committee, or any three of them, or if there shall be no such committee then upon deposit in the Bank in the manner provided in the like case of the compensation which shall have been agreed upon or determined in respect of such rights, and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a disposition, duly stamped, in the manner herein-before provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid or deposited shall vest in the promoters of the undertaking freed and discharged from all such rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the Court of Session, by an order made upon petition, to order payment of the money so deposited as aforesaid,

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and to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

Modifications etc. (not altering text)

C2 s. 98 modified by [Gas Act 1972 \(c. 60, SIF 44:2\)](#), s. 6(5), [Sch. 2 para. 27](#)

C3 S. 98 modified by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 9(3), [Sch. 3 Pt. III para. 25](#)

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