



Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

Lands subject to rent-charges

109 Discharge of part of lands from charge.

If part only of the lands charged with any ^{F1}... rent, payment, or incumbrance, be required to be taken for the purposes of the special Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement the same shall be settled by the sheriff; but if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to discharge therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Textual Amendments

F1 Words in s. 109 repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), sch. 12 para. 4(16), [sch. 13 Pt. 1](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

C1 S. 109 amended by [Lands Tribunal Act 1949 \(c. 42\)](#), [ss. 1\(3\)\(c\), \(8\)\(a\)](#)

C2 S. 109 extended by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\)](#) s. 278, Sch. 24 para. 32(2)(3) and by [Land Tenure Reform \(Scotland\) Act 1974 \(c.38; SIF 74:1\)](#), s. 6(3)

C3 S. 109 modified (27.5.1997) by [1997 c. 8](#), ss. 195, 278(2), [Sch. 15 Pt. II para. 32\(2\)\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Section 109.