



# Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

*Lands subject to leases*

**112 Where part only of lands under lease taken, the rent to be apportioned.**

If any lands shall be comprised in a lease or missive of lease for a term of years unexpired, part only of which lands shall be required for the purposes of the special Act, the rent payable in respect of the lands comprised in such lease or missive of lease shall be apportioned between the lands so required and the residue of such lands; and such apportionment may be settled by agreement between the lessor and lessee of such 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 between the parties such apportionment shall be settled by the sheriff; and after such apportionment the lessee of such lands shall, as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of the special Act; and as to the lands not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease or missive of lease; and all the obligations, conditions and agreements of such lease or missive of lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the special Act, in the same manner as they would have been in case such part only of the land had been included in the lease or missive of lease.

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

- C1** S. 112 extended with modifications by [Town and Country Planning \(Scotland\) Act 1972 \(c.52, SIF 123:2\)](#), s. 278, [Sch. 24 para. 33](#)
- C2** S. 112 modified (27.5.1997) by [1997 c. 8](#), ss. 195, 278(2), [Sch. 15 Pt. II para. 33](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Section 112.