



Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

Application of compensation

- 74 Upon deposit being made, the owners of the lands to convey, or in default the lands to vest in the promoters of the undertaking, upon a notarial instrument being executed.**

Upon deposit in the Bank in manner herein-before provided of the purchase money or compensation agreed or awarded to be paid in respect of any lands purchased or taken by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, the owner of such lands, including in such term all parties by this Act enabled to sell or convey lands, shall, when required so to do by the promoters of the undertaking, duly convey such lands to the promoters of the undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands, it shall be lawful for the promoters of the undertaking, if they think fit, to expedite an instrument under the hands of a notary public, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the promoters of the undertaking, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made; and such instrument shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the [F¹right] and interest in such lands of or capable of being sold and conveyed by the party between whom and the promoters of the undertaking such agreement shall have been come to, or as between whom and the promoters of the undertaking such purchase money or compensation shall have been determined by the sheriff, by a jury, or by arbiters, or by a valuation appointed by the sheriff, as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the promoters of the undertaking; and as against such parties, and all parties on behalf of whom they are herein-before enabled to sell and convey, the promoters of the undertaking shall be entitled to immediate possession of such lands; and such instrument, being registered

Changes to legislation: There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Section 74. (See end of Document for details)

in the register of sasines in manner herein-after provided in regard to conveyances of lands, shall have the same effect as a conveyance so registered.

Textual Amendments

- F1** Word in s. 74 substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 12 para. 4(9)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C1** S. 74 modified by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\)](#), s. 14(3), Sch. 4 paras. 4, 5
- C2** S. 74 modified by [Gas Act 1972 \(c. 60\)](#), SIF 44:2), s. 6(5), Sch. 2 para. 27
- C3** S. 74 modified by [Gas Act 1986 \(c. 44\)](#), SIF 44:2), s. 9(3), **Sch. 3 Pt. III para. 25**
- C4** S. 74 extended by [Land Compensation \(Scotland\) Act 1973 \(c. 56\)](#), SIF 28:2), **s. 10(2)**
- C5** S. 74 modified (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55\)](#), SIF 2:3), ss. 57(4), 89(2), **Sch. 8 para. 6(a)**(with s. 45(3), Sch. 12 para. 3)

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