



Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

Entry on lands

87 Penalty on the promoters of the undertaking entering upon lands without consent, before payment of the purchase money.

If the promoters of the undertaking or any of their contractors shall, except as aforesaid, wilfully enter upon and take possession of any lands which shall be required to be purchased or permanently used for the purposes of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands or such deposit by way of security as aforesaid, the promoters of the undertaking shall forfeit to the party in possession of such lands the sum of ten pounds, over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respectively to be recovered before the sheriff; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, continue in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of twenty-five pounds for every day they or their contractors shall so remain in possession as aforesaid, such penalty to be recoverable by the party in possession of such lands, with expenses, by action in any competent court: Provided always, that nothing herein contained shall be held to subject the promoters of the undertaking to the payment of any such penalties as aforesaid, if they shall bona fide and without collusion have paid the compensation agreed or awarded to be paid in respect of the said lands to any person whom the promoters of the undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the Bank for the benefit of the parties interested in the lands, or made such deposit by way of security in respect thereof as herein-before mentioned, although such person may not have been legally entitled thereto.

Changes to legislation: There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Section 87. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 87 excluded by [Camps Act 1939](#) (c. 22), [ss. 2\(4\)](#), 7(a), and (S.) [Housing \(Temporary Accommodation\) Act 1944](#) (c. 36), [ss. 6\(5\)](#), 7 and [Housing \(Scotland\) Act 1966](#) (c. 49), [s. 144](#); modified by [Agriculture \(Miscellaneous Provisions\) Act 1968](#) (c. 34), [s. 14\(3\)](#) [Sch. 4 paras. 4, 5](#)
- C2** S.87 excluded by [Housing \(Scotland\) Act 1987](#) (c. 26, SIF 61), [s. 11\(2\)](#)
- C3** S. 87 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](#))
S. 87 excluded (23.12.1999) by S.S.I. 1999/203, [art. 17](#) (with [art. 30](#))
- C4** Ss. 83-88 excluded (2.4.2004) by [The Highland Council \(Inverie\) Harbour Empowerment Order 2004](#) (S.S.I. 2004/171), [arts. 1, 16](#) (with [arts. 28, 29](#))
- C5** Ss. 83-89 restricted (11.8.2004) by [Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004](#) (asp 10), [s. 24\(3\)](#) (with [s. 33](#))

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