



# Defence (Transfer of Functions) Act 1964

## 1964 CHAPTER 15

### **2 Incorporation of Secretary of State for Defence, and vesting etc. of property, rights and liabilities.**

- (1) If Her Majesty is pleased to make the arrangements described in section 1(1) above, the person appointed Secretary of State with general responsibility for defence and his successors shall be, by the name of the Secretary of State for Defence, a corporation sole (with a corporate seal) for all purposes relating to the acquisition, holding, management or disposal of property, but so that anything done by or in relation to any other Secretary of State for the Secretary of State for Defence as a corporation sole shall have effect as if done by or in relation to the Secretary of State for Defence.
- (2) On the appointed day the Secretary of State for Defence shall succeed to all property, rights and liabilities in the United Kingdom or elsewhere of the Minister of Defence, or of the Admiralty, or of the Secretary of State for War or for Air, or of the Army or Air Council, including property, rights and liabilities held or incurred by any of them jointly with any other person.
- (3) The purposes for which land, or rights in or over land, may be taken, purchased or used by the Secretary of State for Defence under the Defence Acts 1842 to 1935 or section 7 of the Lands Clauses Consolidation Acts Amendment Act 1860 shall include any purpose of his department, or of any of Her Majesty's naval, military or air forces ; and Part II of the Military Lands Act 1892 (which provides for the making of byelaws in connection with the use of land for military purposes) shall apply in relation to land under the management of the Secretary of State as if any such purpose were a military purpose within the meaning of the said Part II.

In this and the next following subsection any reference to the Defence Acts 1842 to 1935, to section 7 of the Lands Clauses Consolidation Acts Amendment Act 1860 or to Part II of the Military Lands Act 1892 shall include any enactment amending or extending any provision thereof in its application to the Secretary of State for War.

- (4) The Defence Acts 1842 to 1935 shall apply for the management, use and disposal of all lands in the United Kingdom and rights in or over land in the United Kingdom which are by subsection (2) above vested in the Secretary of State for Defence as if they had been acquired by him under those Acts:

Provided that this subsection shall not apply to any land so as to alter the purposes for which the land is held under any enactment relating specially to that land, or any restriction affecting the use of the land and arising under any such enactment or under any stipulation agreed to on the acquisition of the land for the public service, or any right of pre-emption in respect of the land to which any person may be entitled under any such enactment or stipulation or under the Lands Clauses Acts.

- (5) The corporate seal of the Secretary of State for Defence shall be authenticated by the signature of a Secretary of State or of an Under-Secretary of State in the Ministry of Defence or of any person authorised by a Secretary of State to act in that behalf; and—
- (a) the seal shall be officially and judicially noticed ; and
  - (b) every document purporting to be an instrument made or issued by the Secretary of State for Defence and to be sealed with the said seal authenticated in the manner provided by this subsection, or to be signed by an Under-Secretary of State in the Ministry of Defence or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.