



# Military Lands Act 1892

1892 CHAPTER 43

## PART III

### *Supplemental*

#### **19 Application of Act to yeomanry corps**

This Act shall apply in the case of a yeomanry corps as if it were a volunteer corps ; and all land acquired by a yeomanry corps shall, vest in the commanding officer of the corps for the time being and his successors' in office with power for him to sue and make contracts and conveyances and to do all other lawful acts relating thereto.

#### **20 Power to have compensation settled by arbitration**

Where any land is acquired under this Act or for military purposes under any Act with which the Lands Clauses Acts are incorporated, the person or authority acquiring the land may require that the compensation to be paid for the land be settled by arbitration and not by reference to a jury, and thereupon the provisions of the Lands Clauses Acts with reference to arbitration shall, if not already applicable, apply for the purpose of settling the compensation.

#### **21 Power to enter on land to fix alignment marks**

Where the Secretary of State certifies that it is necessary for the purposes of coast defence operations that alignment marks should be provided in any places upon the coast, the following provisions shall apply for that purpose :—

- (a) Any person authorised by the Secretary of State may, after seven days' notice to the owner of the land, enter upon any land for the purpose of erecting, repairing, or replacing such alignment marks, and may do all things necessary for any such purpose, but shall do as little damage to the land as possible.
- (b) Full compensation shall be paid to the owner of the land for any damage caused in or by the erection, repair, or replacement of such alignment marks,

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and in case of dispute the amount of compensation shall be determined by arbitration under the Arbitration Act, 1889.

- (c) If any person refuses to permit any authorised person to enter upon any land for the purpose of this section, or obstructs the erection, repair, or replacing of any such alignment marks, or destroys, displaces, damages, or obstructs, any such alignment marks, he shall be liable on summary conviction to a fine not exceeding five pounds.

## **22 Saving for acquisition of land under other Acts**

All powers given by this Act shall be in addition to any other power to acquire land for military purposes conferred by any Act passed before this Act, and nothing contained in this Act shall prejudicially affect the powers vested in the Secretary of State for War under the Defence Acts and the Acts incorporated therewith.

## **23 Interpretation**

In this Act the expression " military purposes " includes rifle or artillery practice, the building and enlarging of barracks and camps, the erection of butts, targets, batteries, and other accommodation, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State.

In this Act and the enactments incorporated therewith the expression " land " includes any easement in or over lands, and for the purpose of Part One of this Act includes any right of firing over lands or other right of user.

## **24 Saving for New Forest**

Nothing in this Act shall authorise the taking of any land in the New Forest, or shall empower the Commissioners of Woods, to grant, or lease, or give any licence over any land in the New Forest: Provided that nothing herein-before contained shall prevent the Secretary of State from proceeding at any time to acquire lands in the New Forest for the purposes of this Act by Provisional Order, but no such Provisional Order shall be of any effect unless and until the provisions of section two of this Act with respect to the taking of lands by the Secretary of State shall have been complied with : Provided also, that in case the Secretary of State shall be desirous of acquiring the lands which were the subject of an inquiry held by the Honourable T. H. W. Pelham at Lyndhurst in the year one thousand eight hundred and ninety-two, such last-mentioned inquiry shall be deemed to be the local inquiry with regard to the acquisition of such lands rendered necessary by this Act.

## **25 Application to Scotland**

In the application of this Act to Scotland, the following provisions shall have effect:—

- (1) The expression " council of a county or borough " means the county council of a county or the town council of a burgh, as defined by the Local Government (Scotland) Act, 1889:
- (2) The expressions " county fund" and " borough fund or borough rate," mean respectively the general purposes rate and the police rate :

- (3) For the purpose of acquiring land under this Act, a county council may borrow in like manner as they may borrow under section sixty-seven of the Local Government (Scotland) Act, 1889, and a town council in like manner as they may borrow under section fourteen of the Public Parks (Scotland) Act, 1878:
- (4) The expression " Local Government Board " means Secretary for Scotland:
- (5) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845 :
- (6) Section eleven of this Act shall not apply to Scotland, and in lieu thereof the following provision shall have effect, namely,—
- Any person, body of persons, or authority holding land for ecclesiastical or public purposes, may lease such land to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, subject to the following provisions:—
- (a) The minister of a parish who shall be in possession of a glebe shall be entitled to grant such lease as if the words " twenty-one years " had been substituted for the words " eleven years " in the third section of the Glebe Lands (Scotland) Act, 1866, provided that in all other respects the provisions of the said third section be observed;
- (b) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons, duly convened, may grant a lease under this section, and execute any instrument for that purpose;
- (c) Where the land belongs to a county council or a town council, that council may grant a lease under this section with the consent of the Secretary for Scotland ;
- (d) A lease under this section shall cease to have effect if the land ceases to be used for military purposes :
- (7) The sheriff of the county shall give the consent and grant the certificate required under sub-section one of section thirteen of this Act, and sections forty-two and forty-three of the Roads and Bridges (Scotland) Act, 1878, shall be substituted for sub-section two of section thirteen of this Act:
- (8) The expression " court of summary jurisdiction " means the sheriff or any two justices of the peace sitting in open court, or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts :
- (9) Any dispute as to the amount of compensation under section twenty-two of this Act shall be determined in the manner provided by the Agricultural Holdings (Scotland) Act, 1883.

## **26 Application to Ireland**

In the application of this Act to Ireland the following provisions shall have effect:—

- (1) A reference to the Public Health Act, 1875, shall be construed to mean a reference to the Public Health (Ireland) Act, 1878;
- (2) The expression Commissioners of Works means the Commissioners of Public Works in Ireland ;

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- (3) An arbitration under this Act shall be carried out in accordance with the provisions of the Lands Clauses Acts;
- (4) Section eleven of this Act shall not apply to Ireland, and in lieu thereof the following provision shall have effect, namely—

Any person, body of persons, or authority holding land for public purposes may lease such land to a Secretary of State for military purposes for any term not exceeding twenty-one years, subject to the following provisions :—

- (a) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons, duly convened, may grant a lease under this section and execute any instrument for that purpose;
- (b) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.
- (5) Section thirteen of this Act shall not apply to Ireland, but in lieu thereof the following provision shall have effect, namely—

Where a footpath crosses or runs inconveniently or dangerously near to any land leased under this Act, that footpath may be stopped up or diverted after presentment made in accordance, as nearly as may be, with section sixty of the Grand Jury (Ireland) Act, 1836.

## **27 Limited application of Act to Isle of Man**

The powers given to the Commissioners of Woods by this Act shall extend to any allotment that may be made to and any land that may be purchased on behalf of Her Majesty, under the provisions of an Act of Tynwald, intituled the Isle of Man Disafforesting Act, 1860, but save as aforesaid, this Act shall not extend to the Isle of Man.

## **28 Repeal**

The Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule: Provided that land acquired in any manner under any enactment repealed by this Act shall be deemed to have been acquired in a similar manner under this Act, and any byelaws made under any enactment so repealed shall be deemed to have been made under this Act.

## **29 Short title**

This Act may be cited as the Military Lands Act, 1892.