



# Defence Act 1860

## CHAPTER 112

### DEFENCE ACT 1860

*Ascertaining the Lands to be taken or to be kept free from Buildings.*

- 1 Lands to be taken and lands to be kept free from buildings to be ascertained, &c.
- 2 Declaration of Secretary for War, what to show.
- 3 .....
- 4 Copy of declaration, &c. to be deposited with clerks of the peace, &c.
- 5 Clerks of the peace, &c., to receive and hold copies so deposited as under 7 Will. 4 & 1 Vict. c. 83.
- 6 .....

*Notices of Lands required to be taken or to be kept free from Buildings*

- 7 Notices to owners, &c of land.
- 8 Contents of such notice.
- 9 How notices to be given.

*Determination of Amount of Compensation by Agreement*

- 10 Amount of compensation may be determined by agreement.
- 11 Corporations, tenants for life, trustees, committees, &c. empowered to agree.

*Determination of Amount of Compensation otherwise than by Agreement*

- 12 How compensation to be settled in case of neglect to treat.
- 13 Provision where compensation claimed is under 200*l*.
- 14 Compensation to absent parties to be settled by a surveyor to be appointed by two justices.
- 15 Surveyor acting corruptly to be guilty of a misdemeanor.

*Changes to legislation: There are currently no known outstanding effects for the Defence Act 1860. (See end of Document for details)*

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- 16 Valuation to be preserved and produced on demand.
- 17 Damage may be ascertained when works done.
- 18 In estimating damage regard to be had to advantages derived.
- 19 Where any agreement in restraint of building exists, regard to be had thereto in estimating compensation.

*Payment and Application of Compensation in certain cases*

- 20 Provision for payment and application of compensation money in certain cases.
- 21 On payment into court of compensation an addition to be made to meet future expenses.
- 22 Provision for payment into Court on failure for three months after compensation ascertained to deduce a title.
- 23 Orders concerning money paid into Court may be made at chambers.

*Provisions as to Costs*

- 24 Costs of and incident to agreements, &c. under this Act to be borne by Secretary of State &c.
- 25 Provision for costs when amount of compensation is determined by a jury or justices.

*Apportionment and Release of Rents and Incumbrances*

- 26 Provision for apportionment of rents and incumbrances.
- 27 Power to release land from rentcharge, &c.
- 28 Who competent to make apportionment, &c.

*Powers to use the Lands Clauses Consolidation Act, 1845*

- 29 Secretary of State may avail himself of powers of 8 & 9 Vict. c. 18.

*Vesting of Lands to be taken absolutely in the Secretary of State and Power of immediate Entry*

- 30 Lands taken to be vested in Secretary of State on behalf of Her Majesty.
- 31 Power to Secretary of State to enter immediately.
- 32 Interest to be payable until payment of compensation money.

*Continuance of Liability to Tithe Rentcharge, Taxes, and Rates*

- 33 Lands to continue subject to tithe rentcharge, taxes, and rates.

*Restraints and Powers to attach on Lands required to be kept free from Buildings*

- 34 Restrictions and powers with respect to lands required to be kept free from buildings.
- 35 Limitation of time for works under last preceding enactment.

*Subsequent Compensation for Interests omitted to be purchased*

- 36 Provision as to interest omitted to be purchased.
- 37 How value of such lands to be estimated.
- 38 Secretary of State to pay the costs of litigation as to such lands.
- 39 .....

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*Power to divert Highways, &c.*

- 40 Power to divert highways, &c.
- 41 Power to alter the course of brooks, &c.

*Miscellaneous Provisions*

- 42 Payment of compensations.
- 43 Protection to Secretary of State.
- 44 Provision for enforcing delivery of possession.
- 45 Notices, &c. may be served on or given by the solicitor.

*Amendment of the Defence Act, 1842*

- 46 5 & 6 Vict. c. 94 amended as herein stated.

*Interpretation.*

- 47 Interpretation of terms.
- 48 †Short titles of 5 & 6 Vict. c. 94, 18 & 19 Vict. c. 117 and this Act.

**Changes to legislation:**

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