



Defence Act 1860

1860 CHAPTER 112 23 and 24 Vict

Determination of Amount of Compensation otherwise than by Agreement

^{F1}12

Textual Amendments

F1 S. 12 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1.

^{F2}13

Textual Amendments

F2 S. 13 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1.

[^{F3}14 **Compensation to absent parties to be settled by a surveyor to be appointed by two justices.**

Where by reason of absence from the United Kingdom any party is prevented from treating, or cannot after diligent inquiry be found, the amount of such compensation shall be determined by valuation in manner following; that is to say, the said Secretary of State shall make application to two justices; and upon proof satisfactory to them that any such party is by reason of absence from the Kingdom prevented from treating, or cannot after diligent inquiry be found, such justices shall, by writing under their hands, nominate a competent surveyor for determining the amount of such compensation as aforesaid; and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.]

Status: Point in time view as at 05/11/1993.

Changes to legislation: There are currently no known outstanding effects for the Defence Act 1860, Cross Heading: Determination of Amount of Compensation otherwise than by Agreement. (See end of Document for details)

Textual Amendments

F3 S. 14 as it applies to Great Britain repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIII** Group 1.

[^{F4}15 Surveyor acting corruptly to be guilty of a misdemeanor.

If any surveyor wilfully and corruptly make any incorrect or false valuation, or wilfully and corruptly act in the matter hereof, he shall be guilty of a misdemeanor.]

Textual Amendments

F4 S. 15 as it applies to Great Britain repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIII** Group 1.

[^{F5}16 Valuation to be preserved and produced on demand.

The said nomination shall be annexed to the valuation to be made by such surveyor, and shall be preserved together therewith by the said Secretary of State, who shall at all times produce the said valuation and other documents, on demand, to all parties interested . in the lands comprised therein.]

Textual Amendments

F5 S. 16 as it applies to Great Britain repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIII** Group 1.

17 Damage may be ascertained when works done.

Where any damage has been sustained by reason of any works authorized by this Act in or upon lands required to be kept free from buildings and other obstructions in respect of which works compensation has not been agreed upon, awarded, or otherwise ascertained prospectively, compensation shall be paid in respect thereof when the works have been done; such compensation to be determined in like manner as other compensation under this Act, or as near thereto as circumstances admit.

18 In estimating damage regard to be had to advantages derived.

In determining the amount of compensation in respect of damage sustained by reason of any such works, regard shall be had to any increase in the extent of land capable of being brought under cultivation by removal of banks, fences, hedges, and ditches, and to any improved drainage and other advantages derived from any such works.

19 Where any agreement in restraint of building exists, regard to be had thereto in estimating compensation.

Where any covenant or agreement has been entered into with the principal officers of Her Majesty's Ordnance or with the said Secretary of State in restraint of the right to build on any lands, and such covenant or agreement is legally or equitably binding on the owner of the lands, regard shall be had in ascertaining the amount of compensation to be paid under this Act for or in respect of such lands (whether the same are required

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to be taken absolutely or are required to be kept free from buildings) to the existing restriction arising out of such covenant or agreement.

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