



# Defence Act 1860

## 1860 CHAPTER 112

### *Provisions as to Costs*

#### **XXV Provision for Costs when Amount of Compensation is determined by a Jury or Justices.**

In case any Jury give a Verdict or Assessment for more Compensation for any Lands or any Interest therein or any Damage than was offered for the same by the said Secretary of State, or for any Amount of Compensation where no Offer of any Compensation was made, then all the reasonable Costs and Expenses of and incident to the Settlement of the Amount of such Compensation by a Jury shall be paid by the said Secretary of State, such Costs to be settled upon the Request of the said Secretary of State by One of the Masters of the Court of Queen's Bench in *England* or *Ireland*, according to the Situation of the Lands :

But in every Case in which the Jury shall be of opinion that the Statement delivered by the Claimant of the Manner in which any Amount demanded as Compensation has been computed and made up did not give sufficient Particulars to enable the said Secretary of State to make a proper Offer, and in every other Case in which the Jury give a Verdict or Assessment for the same or a less Sum than was offered by the said Secretary of State, or in case no Damage be found by the Jury where the Question is as to Damage only, or where the summoning a Jury arose from a Refusal to state or demand any Amount of Compensation, then and in every such Case all such Costs and Expenses to be settled in manner aforesaid shall be paid to the said Secretary of State by the Body or Person claiming the Compensation or refusing to state or demand any Amount of Compensation; and all Costs and Expenses payable hereunder to the said Secretary of State shall be retained out of the Compensation (if any) given by the Verdict or Assessment of the Jury ;

The foregoing Provisions as to Costs in the Case of the Determination of any Question as to Compensation by a Jury shall be applicable also where such Question is determined by Justices.