



Military Lands Act 1892

1892 CHAPTER 43

PART I

Acquisition of Land for Military Purposes

2 Machinery for purchase of land

For the purpose of the purchase of land under this Act, the Lands Clauses Acts shall be incorporated with this Act, with the exceptions and additions and subject to the provisions following; (that is to say,)

- (1) There shall not be incorporated with this Act sections sixteen or seventeen of the Lands Clauses Consolidation Act, 1845, or the provisions of that Act with respect to affording access to the special Act.
- (2) In the construction of this Act and the incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State, volunteer corps, or council of a county or borough, as the case may be (in this section referred to as "the purchaser"), shall be deemed to be the promoters of the undertaking.
- (3) Where the Secretary of State is the purchaser—
 - (a) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the seal of the Secretary of State, and shall be sufficient without the addition of the sureties in those sections mentioned.
 - (b) When compensation has been paid to any person in respect of any estate or interest in land taken under this Act, the land shall vest in the Secretary of State for all the estate and interest of that person, including any estate or interest therein held in trust by that person or capable of being conveyed by him in pursuance of any power. Nevertheless the Secretary of State may require that person to execute any conveyance which he might have been required to execute if this Act had not passed; and nothing in this section shall in any manner invalidate any such conveyance when executed.

Status: This is the original version (as it was originally enacted).

- (4) The provisions of the incorporated Acts with respect to the purchase of land compulsorily shall not be put in force until a Provisional Order has been made and the sanction of Parliament has been obtained in manner in this Act mentioned.
- (5) One month at the least before the making of the Provisional Order, if the Secretary of State is the purchaser, and before the application for the Order in any other case, the purchaser shall serve, in manner provided by the Lands Clauses Acts, a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken, and in general terms the purposes to which it is to be applied, and stating the intention of the purchaser to obtain the sanction of Parliament to the purchase thereof, and inquiring whether the person so served assents or dissents to the taking of his land, and requesting him to forward to the purchaser any objections he may have to his land being taken.
- (6) Where the Secretary of State is the purchaser, he shall, at some time after the service of the notice, cause a public local inquiry to be held by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of the inquiry.
- (7) Where the purchaser is a volunteer corps or the council of a county or borough—
 - (a) The corps or council may, if they think fit, on compliance with the provisions of this section with respect to notices, present a petition to a Secretary of State. The petition shall state the land intended to be taken, and the purposes for which the land is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking the land, or who have returned no answer to the notice. The petition shall pray that the corps or council may, with reference to the land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and the prayer shall be supported by such evidence as the Secretary of State requires :
 - (b) On receipt of the petition and on due proof of the proper notices having been served, the Secretary of State shall take the petition into consideration, and may either dismiss the same, or direct a public local inquiry to be held by a competent officer as to the propriety of assenting to the prayer of the petition.
- (8) Before a local inquiry is held in pursuance of this section the Secretary of State shall publish a notice of the intention to hold the inquiry—
 - (a) by affixing copies conspicuously on or in the immediate neighbourhood of the land proposed to be acquired; and
 - (b) by advertising the notice once at least in each of two successive weeks in some one and the same local newspaper circulating in the neighbourhood.
- (9) If after the local inquiry has been held the Secretary of State is satisfied that the land ought to be taken, he may make a Provisional Order to that effect, authorising the taking of the land either by himself or by a volunteer corps or by a council of a county or borough, as the case may be, and may submit a Bill to Parliament for the confirmation of the Provisional Order, but the Provisional Order shall not be of any effect unless and until it is confirmed by Parliament.
- (10) If, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against anything comprised therein, the Bill, so far as relates to the Order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.