



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

C A P. LVII.

An Act to make Provision respecting the Acquisition of Lands required by the Admiralty for the Public Service, and respecting the Use and Disposition thereof, and the Execution of Works thereon. [25th July 1864.]

WHEREAS it is expedient to make Provision for the Acquisition by the Admiralty, by Agreement, of Lands required for the Public Service :

And whereas it is expedient to consolidate into One General Act sundry Provisions usually introduced into Special Acts from Time to Time empowering the Admiralty to purchase particular Lands for the Public Service by Agreement or compulsorily, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Special Acts as for insuring greater Uniformity in the Provisions themselves :

And whereas it is expedient to make Provision respecting the Use and Management of Lands held by the Admiralty for the Public Service, and respecting the Disposition thereof when no longer required for the Public Service, and also respecting the Execution of Works by the Admiralty in certain Cases :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preliminary.

1. This Act may be cited as The Admiralty Lands and Works Short Title Act, 1864.

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2. In

Admiralty Lands and Works.

Interpreta-
tion of
Terms.

2. In this Act—

The Term “the Admiralty” means the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral :

The Term “the Lands Clauses Acts” means with respect to Lands in *England* The Lands Clauses Consolidation Act, 1845, and with respect to Lands in *Scotland* The Lands Clauses Consolidation (*Scotland*) Act, 1845, together with in each Case The Lands Clauses Consolidation Acts Amendment Act, 1860, and with respect to Lands in *Ireland* The Railways Act (*Ireland*), 1851, including Acts incorporated in or amending the same :

The Term “Lands” includes any Estate, Term, Easement, Right, or Interest in, to, over, or affecting Lands.

In the Construction of the Lands Clauses Acts in connection with this Act the Term “the Promoters of the Undertaking” therein used shall mean the Admiralty, and the Term “Lands” therein used shall have the Meaning herein-before assigned to it.

I.—ACQUISITION OF LANDS BY AGREEMENT.

Power to
Admiralty
to take
Lands by
Agreement.

3. Subject and according to the Provisions of this Act, the Admiralty may from Time to Time by Agreement purchase or take Lands requisite for Her Majesty’s Naval Service, or for the Use or Requirements of any Force or Department in the Employment or under the Direction or Control of the Admiralty, and for that Purpose may enter into, execute, and do all necessary and proper Contracts, Assurances, and Things.

Incorpora-
tion of Lands
Clauses Acts,
except Pro-
visions
giving com-
pulsory
Powers, &c.

4. For the Purposes of any such Purchase or taking, the Lands Clauses Acts shall be incorporated with this Act (for which Purpose this Act shall be deemed the Special Act), except as to so much of the Lands Clauses Acts as relates to the Purchase or taking of Lands otherwise than by Agreement, and to Access to the Special Act.

II.—ACQUISITION OF LANDS UNDER SPECIAL ACTS.

Incorpora-
tion of Lands
Clauses Acts
with Special
Acts.

5. Where by any Special Act of the present or any future Session compulsory Powers of purchasing or taking particular Lands are given to the Admiralty, the Lands Clauses Acts shall, subject to the Provisions of this Act, be incorporated with the Act giving those Powers (which shall for this Purpose be deemed the Special Act), except as to so much of the Lands Clauses Acts as relates to Access to the Special Act.

Power to
Admiralty
to withdraw
Notice for

6. If in any Case, after Notice has been given by the Admiralty for the compulsory Purchase or taking of any Lands under any such Special Act as aforesaid of the present or any future Session, it appears

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appears to the Admiralty, from a Change of Circumstances, or other Reasons, unnecessary or inexpedient to complete the Purchase or taking of such Lands, or any Part thereof, the Admiralty may within Two Months after giving the Notice give to the Parties entitled to receive the First Notice a further Notice to the Effect that they thereby withdraw the First Notice wholly or in part, and thereupon the Lands comprised in the Notice of Withdrawal shall be discharged from the Effect of the First Notice wholly or to the Extent of the Notice of Withdrawal (as the Case may be); provided that nothing herein shall—

Purchase within limited Time.

- (1.) prejudice any Claim of any Owner of or Person interested in such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the First Notice; or
- (2.) give to any Person receiving Notice for the Purchase or taking of Lands any further or other Right as against the Admiralty than he would have had if this Enactment had not been made.

7. In every such Special Act as aforesaid of the present or any future Session there shall also be incorporated, where the Lands authorized to be purchased or taken compulsorily are situate in *England* or *Ireland*, Sections Seven and Ten of The Railways Clauses Consolidation Act, 1845, and where the Lands are situate in *Scotland*, Sections Seven and Ten of The Railways Clauses Consolidation (*Scotland*) Act, 1845, for which Purpose such Act of the present or any future Session shall be deemed the Special Act, and the Admiralty shall be deemed the Company.

Incorporation of Railways Clauses Acts as to Correction of Errors, &c. in Books of Reference, &c.

8. The Powers of the Admiralty for the compulsory Purchase of Lands for the Purposes of any such Special Act as aforesaid of the present or any future Session shall not be exercised after the Expiration of Five Years from the passing of that Act.

Limit of Time for compulsory Purchases.

III.—VESTING, MANAGEMENT, &C. OF LANDS.

9. Lands purchased or taken by the Admiralty as aforesaid, by Agreement or compulsorily, shall, according to the Nature and Quality of such Lands, and the Estate, Term, or Interest acquired by the Admiralty therein, vest in the Admiralty for the Time being, and go to and be held by the Lord High Admiral for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral, in succession, in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Lands to vest in Lords of Admiralty, &c. for the Time being.

10. Subject to the Provisions of this Act and of any such Special Act as aforesaid of the present or any future Session, the Admiralty may use Lands purchased or taken by them under this Act or under any such Act in such Manner as may seem most beneficial for the Public

Powers of Management, &c. of Lands.

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Public Service, and shall have in relation thereto all such Powers of Management and Leasing, and all such other Powers, and all such Rights, as would be had in relation thereto by any Individual holding the same for such Estate, Term, or Interest as the Admiralty have therein.

Actions and Suits by and against Admiralty as to Lands.

11. The Admiralty may bring or defend any Action or Suit relative to any Lands contracted to be purchased or taken by them under this Act, or under any such Special Act as aforesaid of the present or any future Session; and may bring any Action of Ejectment or other Action or Suit for recovering Possession of any Lands purchased or taken by them under this Act, or under any such Special Act as aforesaid of the present or any future Session, and may distrain or sue for any Arrears of Rent due to them in respect thereof; and may bring any Action or Suit in respect of any Trespass or Encroachment committed thereon or Damage done thereto, or any other Action or Suit in respect thereof, and may defend any Action or Suit in respect thereof; and in every such Action or Suit the Admiralty may be styled "The Lord High Admiral of the United Kingdom" or "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom" (as the Case may require), without more; and any such Action or Suit shall not be affected by any Change in the Admiralty; and in any such Action or Suit the Admiralty shall be liable and entitled to pay or receive Costs according to the ordinary Rules observed in Actions between Subject and Subject.

Recovery of Possession.

As to Recovery of Possession of Land in England from Tenants.

12. Where any Lease or Agreement of or concerning Lands in *England* purchased or taken by the Admiralty under this Act or under any such Special Act as aforesaid of the present or any future Session, is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), the following Provisions shall take effect:

(1.) Possession of such Lands may be recovered by the Admiralty under the Act of the Session of the First and Second Years of Her Majesty (Chapter Seventy-four) "to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy," as in Cases therein provided for, although the Term or Interest of the Tenant may have exceeded Seven Years, and the Rent may have exceeded the Rate of Twenty Pounds a Year, and a Fine may have been reserved or made payable:

(2.) The Notice of Intention to apply to Justices to recover Possession under that Act may require Possession to be given up on or before the Expiration of Seven clear Days from the Service of the Notice, and the Form of Notice may be varied accordingly:

(3.) The

1 & 2 Vict. c. 74.

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- (3.) The Justices by that Act authorized to issue a Warrant for giving Possession may by such Warrant authorize Entry and Delivery of Possession either forthwith or on or before such Day as the Justices think fit :
- (4.) Such Possession as aforesaid may (at the Option of the Admiralty) be recovered with Rent or Mesne Profits, or both, under the Act of the Session of the Nineteenth and Twentieth Years of Her Majesty (Chapter One hundred and Eight) "to amend the Acts relating to the County Courts," 19 & 20 Vict. c. 108. as in Cases provided for in Section Fifty of that Act, and the Provisions auxiliary thereto, although the Value of the Premises and the Rent payable in respect thereof may have exceeded Fifty Pounds by the Year ; and it shall not be necessary to prove the yearly Value and Rent as thereby required.

13. Where any Lease or Agreement of or concerning Lands in *Ireland* purchased or taken by the Admiralty under this Act or under any such Special Act as aforesaid of the present or any future Session, is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), the following Provisions shall take effect :

As to Recovery of Possession of Land in *Ireland* from Tenants.

- (1.) Possession of such Lands may be recovered by the Admiralty, as provided by Section Seventy-two of the Act of the Session of the Fourteenth and Fifteenth Years of Her Majesty (Chapter Fifty-seven), "to consolidate and amend " the Laws relating to Civil Bills and the Courts of " Quarter Sessions in *Ireland*, and to transfer to Assistant " Barristers certain Jurisdiction as to Insolvent Debtors," in the Case of Lands holden by a Tenant at a Rent not exceeding Fifty Pounds per Annum, and the Tenant's Interest wherein is determined, notwithstanding the Rent payable under such Lease or Agreement may exceed that Amount : 14 & 15 Vict. c. 57.
- (2.) Such Possession as aforesaid may (at the Option of the Admiralty) be recovered, as provided by Section Fifteen of The Summary Jurisdiction (*Ireland*) Act, 1851, for the Recovery of Possession of Houses in certain Towns and Villages : 14 & 15 Vict. c. 92.
- (3.) The last-mentioned Mode of Recovery shall apply wherever the Lands may be situate, and at and for whatever Rent and Term the same may have been holden ; and notwithstanding anything in the last-mentioned Provision, the Justices authorized to issue a Warrant for giving Possession may by such Warrant authorize Possession to be given forthwith, or on or before such Day as the Justices think fit ; and the Justices may, if they think fit, issue such Warrant notwithstanding the Tenant may be willing to give such Undertaking as in that Provision mentioned.

*Admiralty Lands and Works.**Sale.*

Exception from Incorporation of Provisions as to Sale of superfluous Lands.

14. Notwithstanding anything in this Act, such Provisions of the Lands Clauses Acts as relate to the Disposal of superfluous Lands, and to the Effect of the Words "grant" and "dispone" respectively in any Conveyance, shall not apply to Lands purchased or taken by the Admiralty under this Act or under any such Special Act as aforesaid of the present or any future Session.

Power to Admiralty to sell Lands not required for Public Service.

15. Where any Lands purchased or taken by the Admiralty under this Act or under any such Special Act as aforesaid of the present or any future Session appear to the Admiralty to be no longer required to be held by them for the Public Service, the Admiralty may, with the previous Consent of the Lords Commissioners of the Treasury, sell the same, and may for that Purpose enter into, execute, and do all necessary or proper Contracts, Assurances, and Things.

Rights of Pre-emption preserved.

16. Nothing in this Act shall take away any Right of Pre-emption to which any Person is for the Time being entitled under the Lands Clauses Acts in respect of any Lands purchased or taken by the Admiralty under this Act, or under any such Special Act as aforesaid of the present or any future Session.

Payment of Purchase Money.

17. The Purchase Money payable on any Sale under this Act shall be paid to Her Majesty's Paymaster General, whose Receipt shall be an effectual Discharge for the same.

Lands vested indefeasibly in Purchaser.

18. On the Payment of such Purchase Money and the Execution and Delivery to the Purchaser by the Admiralty of the necessary or proper Assurance of the Lands sold, the Purchaser shall, notwithstanding any Defect in the Title of the Admiralty thereto, stand seised or possessed thereof for such Estate or Interest as may be expressed or intended to be assured to him, freed and absolutely discharged (save as in the Assurance may be expressed) from all prior Estates, Interests, Rights, and Claims therein or thereto.

Compensation by Admiralty for prior Interests (if any) afterwards established.

19. If, nevertheless, at any Time after any such Sale, any such prior Estate, Interest, Right, or Claim as aforesaid is made out to the Satisfaction of the Admiralty to be capable of being established at Law or in Equity, or is so established, the Admiralty shall make Compensation for the same.

For the Purposes of the present Section the Provisions of the Lands Clauses Acts with respect to Interests in Lands which have by Mistake been omitted to be purchased shall apply and take effect as if the Lands had not been sold by the Admiralty, or as near thereto as Circumstances admit, with this Addition, namely,—that such Compensation shall not in any Case exceed the Amount of the Purchase Money received by the Admiralty on the Sale of the Lands in respect whereof such Estate, Interest, Right, or Claim

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Claim is made out or established, exclusive of the Value of any Buildings or Improvements erected or made thereon by the Admiralty for the Public Service.

IV.—WORKS.

20. Where, by any such Special Act as aforesaid of the present or any future Session, Powers for the Execution of particular Works are given to the Admiralty, there shall be incorporated with the Act giving those Powers (which shall for this Purpose be deemed the Special Act) the following Provisions, namely:

Incorporation of Railways Clauses Acts as to certain Works, Roads, &c.

Where the Lands on which the Works are authorized to be executed are situate in *England* or *Ireland*, Sections Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-four of The Railways Clauses Consolidation Act, 1845, and the Provisions of the same Act with respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

Where the Lands on which the Works are authorized to be executed are situate in *Scotland*, Sections Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-four of The Railways Clauses Consolidation (*Scotland*) Act, 1845, and the Provisions of the same Act with respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

And for the Purposes of the present Section the Works authorized to be executed shall be deemed the Railway, and the Admiralty shall be deemed the Company, within the Meaning of the incorporated Provisions.

V.—MISCELLANEOUS.

21. Notwithstanding anything in this Act, so much of any Provision by this Act incorporated with any such Special Act as aforesaid of the present or any future Session as requires a Bond to be given in relation to any Lands or Works shall not be incorporated with such Act, but in any such Case, in lieu of such Bond, and with the same Effect as if such Bond were given, the Admiralty shall give an Undertaking in Writing to the like Purport (as nearly as Circumstances admit) as the Condition of such Bond.

Exception from Incorporation of Requirements as to Bonds.

22. All Purchase, Compensation, or other Money under this Act, or under any such Special Act as aforesaid of the present or any future Session, agreed to be paid by or recovered against the Admiralty, shall be paid by them out of Money to be provided and appropriated for that Purpose by Parliament.

Provision for Purchase Money, &c.

23. Any Notice, Summons, Writ, or other Document required to be served on the Admiralty for the Purposes of this Act, or of any such

Service of Notices, &c.

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such Special Act as aforesaid of the present or any future Session, may be served by being delivered to the Secretary of the Admiralty, or by being sent to him by Post in a registered Letter, addressed to him at the Admiralty Office, *Whitehall, London*, or by being left for him there; and any Document so sent by Post shall be considered as served on the Day on which such Letter would be delivered in the ordinary Course of Post.

Any Notice, Summons, Writ, or other Document required to be served on behalf of the Admiralty for the Purposes aforesaid may be given under the Hand of such Officer or Person as the Admiralty from Time to Time direct.

Application
of pecuniary
Penalties,&c.

24. Notwithstanding anything in this Act, or in any Act relating to Municipal Corporations or to the Metropolitan Police, or in any other Act, any pecuniary Penalty or other Money recovered under this Act, or under any such Special Act as aforesaid of the present or any future Session, or in relation to Lands purchased or taken by the Admiralty under this Act or under any such Act, shall be paid and applied as the Admiralty direct.

Protection
to Admiralty
against
Penalties,
&c.

25. The Admiralty shall not, by reason of anything done or omitted to be done in the Execution or intended Execution or in pursuance of this Act or of any such Special Act as aforesaid of the present or any future Session, or in relation to any Lands purchased or taken by them under this Act or under any such Act, be liable collectively or individually to any Fine, Penalty, or Forfeiture, or to Execution of any Process against the Person or Property, anything in any Act incorporated with this Act or with any such Act notwithstanding.

Extension of
Provisions
as to Actions
and Suits.

26. The Provisions of this Act respecting Actions and Suits by and against the Admiralty relative to Lands shall apply in relation to all Lands for the Time being purchased or taken or contracted to be purchased or taken by the Admiralty under any General or Special Act in force at the passing of this Act.

Nothing
to affect
Rights of
Admiralty.

27. Nothing in this Act shall take away or prejudicially affect any Power, Right, or Authority that would or might have been vested in or exercised by the Admiralty if this Act had not been passed.

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