



Ordnance Board Transfer Act 1855

1855 CHAPTER 117 18 and 19 Vict

An Act for transferring to One of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance. [14th August 1855]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act applied by [S.I. 1965/1536, art. 5\(1\)\(2\)](#)
- C3 Power to apply Act conferred by [Supply Powers Act 1975 \(c. 9\), s. 2, Sch. 1 Pt. I](#)
- C4 [Preamble \(which recites Defence Act 1842 \(c. 94\) and Defence Act 1854 \(c. 67\)\)](#) omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)

1 Powers, &c., vested in the principal officers of the Ordnance to be transferred to Her Majesty's Secretary of State for the War Department.

All the powers, authorities, rights, and privileges whatsoever, which by virtue of the said recited Acts or either of them, or of any other Act or Acts of Parliament, or of any other law, custom, or usage whatsoever, have been or were at any time vested in or exercised or exercisable by the principal officers of Her Majesty's Ordnance, or any of them, shall from henceforth continue in full force, and shall be and the same are hereby declared to be transferred to and vested in and exercisable by [^{F1}the Secretary of State for Defence]; and [^{F1}the Secretary of State for Defence] shall be entitled to the same exemption from personal responsibility as the said principal officers were entitled to.

Textual Amendments

- F1 Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)

2 All lands, &c. vested in such officers vested in the said Secretary of State.

All lands, hereditaments, estates, and property whatsoever, which by virtue of the said recited Acts or either of them, or of any other Act or Acts of Parliament, or of any conveyance, surrender, lease, or other assurance, or of any law, custom, or usage

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whatsoever, before and at the time of the revocation by Her Majesty herein-before mentioned were vested in the principal officers of the Ordnance, on behalf of Her Majesty, or which have been at any time before the passing of this Act held, used, or occupied, or purchased, vested, or taken by or in the name of or by any person or persons in trust for Her Majesty, for the use and service of the said department or for the defence and security of the realm, and which have not been sold, aliened, or parted with, shall from henceforth be and the same are hereby declared to be transferred to and vested in the last-mentioned Principal Secretary of State for the time being, on behalf of Her said Majesty; and when and so often as the said last-mentioned Principal Secretary of State, and any succeeding Principal Secretary of State to whom Her Majesty shall have intrusted the seals of the War Department, shall cease to hold such office, the said several lands, hereditaments, estates, and property, and all lands, hereditaments, estates, and property which hereafter shall be purchased or otherwise acquired by any such last-mentioned Principal Secretary of State for the time being, on behalf of Her said Majesty, shall by virtue of this Act be absolutely divested out of such Secretary of State so ceasing to hold such office as aforesaid, and shall by virtue of this Act be transferred to and vested in his successor in the said office, immediately upon his receiving the seals of the said department, absolutely; and the said lands, hereditaments, estates and property hereby vested and hereafter to be vested in the said last-mentioned Principal Secretary of State and his successors shall, as to such of them as were or shall have been purchased or are or shall be held for an estate of inheritance in fee simple, be so vested in such last-mentioned Principal Secretary of State and his successors, in the same manner as if the fee simple thereof had been originally conveyed to such Principal Secretary of State, as a corporation sole, and his successors; and as to all lands, hereditaments, and property purchased or held for any less estate than an estate of inheritance in fee simple, as if the same lands, hereditaments, and property had been originally conveyed, surrendered, demised, or otherwise assured to such Principal Secretary of State, as a corporation sole, and his successors, for all the existing estates or interest therein respectively, and so from time to time; [^{F2}nevertheless, with respect to all lands or hereditaments of copyhold or customary tenure, the same shall, for the purpose mentioned in the eighth section of the ^{M1}Defence Act 1842, remain vested in or be surrendered to some person to be approved of or named by the last-mentioned Principal Secretary of State for the time being as tenant thereof.]

Textual Amendments

F2 Words repealed (E.W.) (S.) by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XV](#)

Modifications etc. (not altering text)

C5 [S. 2](#) repealed, but without prejudice to its application to any Minister other than the Secretary of State for War, for Air or for Defence, by [S.I. 1964/458](#), [Sch. 1 Pt. II](#)

Marginal Citations

M1 [1842 c. 94](#).

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Textual Amendments

F3 S. 3 repealed by S.I. 1964/488, **Sch. 1 Pt. II**

4 Powers given by 10th and 18th sections of 5 & 6 Vict. c. 94. to bodies corporate, &c. to sell, to be exercised by such Secretary of State.

All powers by the tenth and eighteenth sections of the ^{M2}Defence Act 1842, given to bodies politic or coporate, [^{F4}feoffees or] trustees for charitable or other public purposes, [^{F4}tenants for life and tenants in tail, husbands, guardians, trustees, committees, curators,] and attornies, respectively therein mentioned, to contract and agree for the absolute sale or exchange of any messuages, buildings, castles, forts, lines, or other fortifications, manors, lands, tenements, or hereditaments, and for the sale of any reversion, and the grant of any lease, and to convey, [^{F4}surrender,] demise, or grant the same accordingly, shall continue in full force, and hereafter may or shall be exercised or exercisable, and be acted under or take effect, in favour or at the instance of [^{F5}the Secretary of State for Defence], on behalf of Her said Majesty, and for the public service, in the same manner and as effectually as the said powers are in and by such recited Acts given or created or made exercisable in favour or at the instance of the said principal officers for the time being, on behalf of Her said Majesty, or for the public service; and all enactments, directions, and provisions in the said recited Acts contained shall continue in full force, and may or shall at all times hereafter be by [^{F5}the Secretary of State for Defence] acted on and take effect, and shall enure or take effect in favour of, and may be enforced by, [^{F5}the Secretary of State for Defence] and his successors, on behalf of Her Majesty, and for the public service.

Textual Amendments

F4 Words repealed (E.W.) (S.) by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. XV**

F5 Words substituted by S.I. 1964/488, **Sch. 1 Pt. I**

Marginal Citations

M2 1842 c. 94.

^{F6} 5 Such Secretary of State to be described in conveyances, &c. as “Her Majesty’s Principal Secretary of State for the War Department.”

In every contract, conveyance, surrender, lease, or other assurance of any lands, hereditaments, estates, or property, with, unto, or by the last-mentioned Principal Secretary of State for the time being, and in every other deed or instrument relating to any lands, hereditaments, estates, or property, or in anywise to the public service, to which the last-mentioned Principal Secretary of State for the time being shall be or shall be intended to be a party, it shall be sufficient to call or describe him by the style or title of “Her Majesty’s Principal Secretary of State for “the War Department,” without naming him; and every such contract, conveyance, surrender, lease, assurance, deed, or instrument may be executed by such last-mentioned Principal Secretary of State, or by any other of Her Majesty’s Principal Secretaries of State for the time being, by signing his name thereto, and if the instrument so executed be in the form of a deed, by setting or affixing a seal thereto, and delivering the same as his deed; and whenever any contract, conveyance, surrender, lease, assurance, deed, or instrument

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shall be executed by any other Principal Secretary of State than the Principal Secretary of State for the War Department, the Principal Secretary of State so executing the same shall for that time and on that occasion, and for the purposes thereof, be deemed to be the Principal Secretary of State for the War Department.

[This section shall apply to Scotland as if for the words from “signing” to “his deed”^{F7}(2) there were substituted the words “subscribing^{F8}, or as the case may be authenticating,] it in accordance with the Requirements of Writing (Scotland) Act 1995”.]

Textual Amendments

- F6** S. 5 repealed, but without prejudice to its application to any Minister other than the Secretary of State for War, for Air or for Defence by [S.I. 1964/488](#), [Sch. 1 Pt. II](#)
- F7** S. 5(2) added (S.) (1.8.1995) by [1995 c. 7](#), ss. [14\(1\)](#), [15\(2\)](#), [Sch. 4 para. 11](#) (with ss. [9\(3\)\(5\)\(7\)](#), [13](#), [14\(3\)](#))
- F8** Words in s. 5(2) inserted (S.) (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. [122](#), [123](#), [Sch. 5 paras. 3](#) (with s. [121](#), [Sch. 4 para. 13](#)[Sch. 4 para. 16](#)); [S.S.I. 2014/127](#), art. 2

Changes to legislation:

There are currently no known outstanding effects for the Ordnance Board Transfer Act 1855.