



Defence Act 1860

CHAPTER 112

DEFENCE ACT 1860

Ascertaining the Lands to be taken or to be kept free from Buildings

- I Lands to be taken and Lands to be kept free from Buildings to be ascertained by Declaration of Secretary for War.
- II Declaration, what to show.
- III Restriction on taking of certain Descriptions of Property.
- IV Copy of Declaration, &c. to be deposited with Clerks of the Peace, &c.
- V Clerks of the Peace, &c. to receive and hold Copies so deposited as under 7 W.4 & 1 Vict. c.83.
- VI Notices to be affixed on Church Doors.

Notices of Lands required to be taken or to be kept free from Buildings

- VII Notices to Owners, &c. of Land.
- VIII Contents of such Notice.
- IX How Notices to be given.

Determination of the Amount of Compensation by Agreement

- X Amount of Compensation may be determined by Agreement.
- XI Corporations, Tenants for Life, Trustees, Committees, &c. empowered to agree.

Determination of Amount of Compensation otherwise than by Agreement

- XII How Compensation to be settled in case of Neglect to treat.
- XIII Provision where Compensation claimed is under 200l.
- XIV Compensation to absent Parties to be settled by a Surveyor to be appointed by Two Justices.
- XV Surveyor acting corruptly to be guilty of a Misdemeanor.

- XVI Valuation to be preserved and produced on Demand.
- XVII Damage may be ascertained when Works done.
- XVIII In estimating Damage from Works regard to be had to Advantages derived.
- XIX Where any Agreement in restraint of Building exists, regard to be had thereto in estimating Compensation.

Payment and Application of Compensation in certain Cases

- XX Provision for Payment and Application of Compensation Money in certain Cases.
- XXI On Payment into Court of Compensation, an Addition to be made to meet future Expenses.
- XXII Provision for Payment into Court on failure for Three Months after Compensation ascertained to deduce a Title.
- XXIII Orders concerning Money paid into Court may be made at Chambers.

Provisions as to Costs

- XXIV Costs of and incident to Agreements, &c. under this Act to be borne by Secretary of State.
- XXV Provision for Costs when Amount of Compensation is determined by a Jury or Justices.

Apportionment and Release of Rents and Incumbrances

- XXVI Provision for Apportionment of Rents and Incumbrances.
- XXVII Power to release Land from Rentcharge, &c.
- XXVIII . Who competent to make Apportionment, &c.

Power to use "The Lands Clauses Consolidation Act, 184"5

- XXIX Secretary of State may avail himself of Powers of 8 & 9 Vict. c.18.

Vesting of Lands to be taken absolutely in the Secretary of State and Power of immediate Entry

- XXX Lands taken to be vested in Secretary of State on behalf of Her Majesty.
- XXXI Power to Secretary of State to enter immediately.
- XXXII Interest to be payable until Payment of Compensation Money.

Continuance of Liability to Tithe Rentcharge, Taxes, and Rates

- XXXIII Lands to continue subject to Tithe Rent-charges, Taxes, and Rates.

Restraints and Powers to attach on Lands required to be kept free from Buildings

- XXXIV Restrictions and Powers with respect to Lands required to be kept free from Buildings.
- XXXV Limitation of Time for Works under last preceding Enactment.

Subsequent Compensation for Interests omitted to be purchased

- XXXVI Provision as to Interests omitted to be purchased.
- XXXVII How Value of such Lands to be estimated.
- XXXVIII Secretary of State to pay the Costs of Litigation as to such Lands.

Power to Secretary of State to withdraw Notices

XXXIX Power to Secretary of State to withdraw Notices.

Power to divert Highways, &c

XL Power to divert Highways, &c.
XLI Power to alter the Course of Brooks, &c.

Miscellaneous Provisions

XLII Compensations to be paid out of Monies provided by Parliament.
XLIII Protection to Secretary of State.
XLIV Provision for enforcing Delivery of Possession.
XLV Notices, &c. required to be served on or given by Secretary of State to be served on or given by the Solicitor.

Amendment of The Defence Act, 1842

XLVI 5 & 6 Vict. c.94 amended as herein stated.

Interpretation

XLVII Interpretation of Terms.
XLVIII Short Titles of 5 &6 Vict. c.94, 18 & 19 Vict. c.117, and this Act.