



# Defence Act 1860

1860 CHAPTER 112 23 and 24 Vict

*Payment and Application of Compensation in certain cases*

## 20 Provision for payment and application of compensation money in certain cases.

Any compensation payable under this Act for or in respect of any lands or any interest therein taken from or holden by any owner who by reason of absence is prevented from treating as aforesaid or who cannot after diligent inquiry be found, or who refuses to accept such compensation, or neglects or fails to make out a title to such lands or the interest therein claimed by such owner to the satisfaction of the said Secretary of State.

and any compensation payable for or in respect of any lands or any interest therein taken from or holden by any corporation or person not having independently of this Act and the <sup>M1</sup>Defence Act, 1842, as amended as aforesaid, power to agree as to the amount of such compensation, or to sell and convey such lands or such interest,

shall be paid and applied in manner directed by the sections numbered twenty-five to thirty of the Defence Act, 1842, (and with regard to England) as amended by section eight of the <sup>M2</sup>Queen's Remembrancer's Act, 1859, as if the said sections expressly extended to the said compensation.

### Marginal Citations

M1 1842 c. 94.

M2 1859 c. 21 (22 & 23 Vict.).

## 21 On payment into court of compensation an addition to be made to meet future expenses.

Where any compensation is required to be paid [<sup>F1</sup>into the [<sup>F2</sup>Senior Courts or Court of Judicature]] under this Act, there shall be added thereto a sum of thirty pounds as an equivalent for the expenses consequent upon such payment; and upon such compensation, with such additional sum (which shall be deemed part of such compensation), being so paid, the said Secretary of State shall be discharged from all

---

*Changes to legislation:* There are currently no known outstanding effects for the Defence Act 1860, Cross Heading: Payment and Application of Compensation in certain cases. (See end of Document for details)

---

liability in respect thereof; and the Court of Chancery may allot to the tenant for life, or for any other partial or qualified estate, in respect of any expenses of investment incurred by him, any portion of any such compensation which the Court may deem just.

#### Textual Amendments

- F1** Words substituted by [Administration of Justice Act 1965 \(c. 2\), s. 17, Sch. 1](#)
- F2** Words in [s. 21](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 11\(2\)](#); S.I. 2009/1604, art. 2(d)

### 22 Provision for payment into Court on failure for three months after compensation ascertained to deduce a title.

The said Secretary of State may in any case at or after the expiration of three months from the time at which the compensation for any lands has been agreed upon or otherwise ascertained, if the owner thereof have not in the meantime made out a title thereto to the satisfaction of the said Secretary of State, pay such compensation, without such addition as aforesaid, [<sup>F3</sup>into the [<sup>F4</sup>Senior Courts or Court of Judicature]] in manner hereinbefore referred to; and such payment shall discharge the said Secretary of State from all liability in respect of the money so paid:

Provided always, that the Court of Chancery may, upon application for payment of such money to the party entitled, in case the Court be of opinion that there was no unreasonable delay in deducing the title, or that a good title was shown, order all or any costs occasioned by such payment into Court to be paid by the said Secretary of State.

#### Textual Amendments

- F3** Words substituted by [Administration of Justice Act 1965 \(c. 2\), s. 17, Sch. 1](#)
- F4** Words in [s. 22](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 11\(2\)](#); S.I. 2009/1604, art. 2(d)

### 23 Orders concerning money paid into Court may be made at chambers.

All orders and directions in relation to any money paid into the [<sup>F5</sup>Senior Courts] under this Act, or the securities in or upon which the same may be invested, or the dividends or interest on such money and securities, which under the said Acts the Court of Chancery is empowered to make or give on motion or petition, may be made or given by the Master of the Rolls or any of the Vice-Chancellors while sitting at chambers, upon summons, in like manner as in other cases in which proceedings may be so had before the Master of the Rolls and Vice-Chancellor, subject, nevertheless, to any general rules and orders which may hereafter be made concerning the practice, proceedings, or business of [<sup>F6</sup>the said Courts].

#### Textual Amendments

- F5** Words in [s. 23](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 11\(3\)\(a\)](#); S.I. 2009/1604, art. 2(d)
- F6** Words in [s. 23](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 11\(3\)\(b\)](#); S.I. 2009/1604, art. 2(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Defence Act 1860, Cross Heading:  
Payment and Application of Compensation in certain cases.