



# Defence Act 1860

1860 CHAPTER 112 23 and 24 Vict

*Power to divert Highways, &c.*

**40 Power to divert highways, &c.**

It shall be lawful for the said Secretary of State, without any writ being issued or other legal proceeding being adopted, to stop up or divert or alter the level of any highway, way, sewer, drain, or pipe over, through, under, or adjoining any lands comprised in any such declaration as aforesaid; he, if necessary, previously making, opening, or laying down another good and sufficient way, sewer, drain, or pipe, in lieu of that stopped up or diverted.

**41 Power to alter the course of brooks, &c.**

It shall be lawful for the said Secretary of State to alter the course and level of any river not navigable, brook, stream, or watercourse, and any branch of any navigable river (such branch not itself being navigable) within or adjoining such lands, making compensation for any damage sustained by reason of the exercise of such powers; such compensation to be determined and paid in like manner as other compensation under this Act, or as near thereto as circumstances admit.

**Changes to legislation:**

There are currently no known outstanding effects for the Defence Act 1860, Cross Heading:  
Power to divert Highways, &c..