



# Defence Acts Amendment Act 1873

1873 CHAPTER 72 36 and 37 Vict

An Act for the amendment of the Defence Acts, 1842 and 1860. [5th August 1873]

Whereas the power vested in Her Majesty's Principal Secretary of State for the War Department of selling lands purchased by him under the Defence Acts, 1842 and 1860, or one of such Acts, might be exercised beneficially to the public service if certain of such lands could be sold with a condition thereto attached to the effect that they should for ever be kept free from buildings and other obstructions:

#### Modifications etc. (not altering text)

- C1 Act applied with modifications by [Requisitioned Land and War Works Act 1945 \(c. 43\), s. 32, Sch., Land Powers \(Defence\) Act 1958 \(c. 30\), s. 13, Sch. 2 para. 13](#) and [S.I. 1965/1536](#)
- C2 Words of enactment repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)
- C3 Power to apply Act with modifications conferred by [Supply Powers Act 1975 \(c. 9, SIF 57\), s. 2, Sch. 1 Pt. 1](#)

## 1 †Power of the Secretary of State for War to sell lands, subject to condition as to freedom from obstructions and to purchase the right to subject lands to such condition.

[<sup>F1</sup>Secretary of State for Defence] may, from time to time as he may deem it expedient, sell any lands vested in him or under his control as such Secretary of State as aforesaid, subject to the condition that such lands are for ever thereafter to be kept free from buildings and other obstructions.

Where any lands are sold subject to such conditions as aforesaid, the following consequences shall ensue:

Such condition as aforesaid shall be deemed to attach for ever to any lands so sold, and no building or other structure, other than barns, hovels, or other like structures of wood, shall at any time be made or erected on any lands subject to such condition as aforesaid:

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**Changes to legislation:** There are currently no known outstanding effects for the Defence Acts Amendment Act 1873. (See end of Document for details)

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The said Secretary of State may at all times, by himself, his officers, agents, servants, and workmen, or any of them, and without payment of any compensation whatever, enter upon any lands subject to such condition as aforesaid, and pull down any present or future buildings or structures (other than as aforesaid) thereon, and cut down or grub up all or any of the trees thereon, and remove or alter all or any of the banks, fences, hedges and ditches thereon, and make underground or other drains therein, and generally level and clear the said lands, and do all such acts for levelling and clearing the same as may be deemed necessary or proper by the said Secretary of State, but in such manner, nevertheless, that evidence of the boundaries of the lands held by different owners may be preserved:

It shall not be lawful for any person to alter the level of the said lands, or do any act which may prejudicially affect any work done on the said lands under the authority [<sup>F1</sup>of this Act]

The said Secretary of State may at any time, if he think it expedient so to do, suspend the operation of, or extinguish any such condition as aforesaid when attached to land in pursuance of this Act.

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**Textual Amendments**

**F1** Words substituted by [S.I. 1964/488](#)

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**Modifications etc. (not altering text)**

**C4** A dagger appended to a marginal note means that it is no longer accurate

**2 Short title of Act.**

This Act may be cited for all purposes as “The Defence Acts Amendment Act, 1873,” and shall be construed as having incorporated therewith the <sup>M1</sup>Defence Acts, 1842 <sup>M2</sup>and 1860, so far as they are applicable.

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**Marginal Citations**

**M1** [1842 c. 94.](#)

**M2** [1860 c. 112.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Defence Acts Amendment Act 1873.