



Barracks Act 1890

1890 CHAPTER 25

Land and Works

1 Power for Secretary of State to carry into effect purposes of Act.

The Secretary of State for the War Department (herein-after called the Secretary of State) may forthwith proceed to carry into effect the purposes of this Act, and with a view to carrying the same into effect may acquire such lands and execute such works as he may deem expedient; and all lands acquired for the purposes of this Act shall vest in the Secretary of State on behalf of Her Majesty.

2 Power of Secretary of State for purchase of land.

With a view to the purchase of lands in the United Kingdom for the purposes of this Act, or for the purposes of artillery or rifle ranges, or for the purposes of drill or other military purposes of volunteer corps or of other portions of Her Majesty's military forces, the Lands Clauses Acts shall be incorporated with this Act, with the exceptions and additions and subject to the provisions following; (that is to say,)

- (1) There shall not be incorporated with this Act sections sixteen or seventeen of the Lands Clauses Consolidation Act, 1845, or the provisions of that Act with respect to affording access to the special Act, or sections fifteen or sixteen of the Lands Clauses Consolidation (Scotland) Act, 1845.
- (2) In the construction of this Act and the incorporated Acts this Act shall be deemed to be " the special Act," and the Secretary of State shall be deemed to be " the promoters of the undertaking."
- (3) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, and by section eighty-four of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be under the seal of the Secretary of State and shall be sufficient without the addition of the sureties in those sections mentioned.
- (4) The word " lands" shall in this Act and the incorporated Acts include any easement in lands.

Status: This is the original version (as it was originally enacted).

- (5) When compensation has been paid to any person in respect of any estate or interest in lands taken under this Act, the lands shall vest in the Secretary of State for all the estate and interest of that person, including any estate or interest therein held in trust by that person or capable of being conveyed by him in pursuance of any power. Nevertheless the Secretary of State may require that person to execute any conveyance which he might have been required to execute if this Act had not passed, and nothing in this section shall in any manner invalidate any such conveyance when executed.
- (6) The Secretary of State shall not put in force the provisions of the incorporated Acts with respect to the purchase of land compulsorily until he has obtained the sanction of Parliament in manner in this Act mentioned.
- (7) One month at the least before making any application to Parliament for sanction to the compulsory purchase of land under this Act the Secretary of State shall serve, in manner provided by the Lands Clauses Acts, a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken, and in general terms the purposes to which it is to be applied, and stating the intention of the Secretary of State to obtain the sanction of Parliament to the purchase thereof, and inquiring whether the person so served assents or dissents to the taking of his land, and requesting him to forward to the Secretary of State any objections he may have to his land being taken.
- (8) The Secretary of State shall, at some time after the service of the notice, make a local inquiry by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of the inquiry.
- (9) If after the inquiry has been made the Secretary of State is satisfied that the land ought to be taken, he may submit a Bill to Parliament containing provisions authorising him to take the land, and any such Bill shall be deemed to be a public Bill, and, if passed into an Act, to have conveyed to the Secretary of State the sanction of Parliament to purchase the land therein mentioned or referred to.

Provided that if, while the Bill is pending in either House of Parliament, a petition is presented against anything comprised therein, the Bill may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

3 Amendment of 49 Vict. c.5 as to grant of land for military purposes.

The persons and bodies of persons mentioned in section two of the Drill Grounds Act, 1886, as being authorised to grant land or a licence to use land for the purposes therein mentioned may, at their option, grant either land or a licence to use land for the purpose of artillery or rifle ranges, or for the purposes of drill or other military purposes of volunteer corps, or of other portions of Her Majesty's military forces, and the provisions of that section shall apply accordingly.

4 Power to settle compensation by arbitration.

Where land is acquired under the Defence Act, 1842, and the Acts amending the same, the compensation to be paid for the land may, if both parties agree, be settled by arbitration instead of by reference to a jury, and thereupon the provisions of the Lands Clauses Acts shall apply as in the case of an arbitration under those Acts.