Military Lands Act 1892

1892 CHAPTER 43 55 and 56 Vict

An Act to consolidate and amend certain enactments relating to the acquisition of land for military purposes. [27th June 1892]

Modifications etc. (not altering text)

C1 Act applied with modifications by S.R. & O. 1918/538 (Rev. I, p. 891: 1918 I, p. 66) (as amended by S.R. & O. 1923/1565 (Rev. I, p. 916: 1923, p. 11) and S.I. 1964/488) and S.I. 1965/1536

C2 All volunteer corps transferred to Territorial Force (renamed Territorial Army and now known as Territorial and Army Volunteer Reserve): Territorial and Reserve Forces Act 1907 (c. 9), **ss. 6**, Orders in Council under s. 29(1), Territorial Army and Militia Act 1921 (c. 37), **s. 1**

C3 The provisions of this Act as to the acquisition of land by or on behalf of volunteer corps applied with modifications to County Associations (now known as Territorial Auxiliary and Volunteer Reserve Associations) by Territorial Army (Military Lands) Regulations 1964: and Orders by Defence Council thereunder

C4 Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), **s. 3**

PART I

ACQUISITION OF LAND FOR MILITARY PURPOSES

1 Powers to purchase land.

(1) A Secretary of State may purchase land in the United Kingdom under this Act, for the military purposes of any portion of Her Majesty's military forces **[**[F1]or for the naval purposes of any portion of Her Majesty's naval forces.**]**

(2) A volunteer corps may, with the consent of the Secretary of State, themselves purchase land under this Act for military purposes.

(3) The council of a county or borough may, at the request of one or more volunteer corps, purchase under this Act, **[**[F2]and hold**]**[[F2]by agreement or, if so authorised by the Secretary of State, compulsorily,**]** land on behalf of the volunteer corps for military purposes **[**[F3]and may hold land on that behalf.**]**

Status: *Point in time view as at 28/11/2004.*
Changes to legislation: *There are currently no known outstanding effects for the Military Lands Act 1892. (See end of Document for details)*

(4) The Secretary of State shall, before giving his consent to the purchase of any land under this Act by a volunteer corps, send an inspector to the land for the purpose of ascertaining its capabilities of being used for military purposes with due regard to the safety and convenience of the public, and shall give or withhold his consent accordingly.

Textual Amendments

F1 Words added by S.I. 1964/488

F2 Words "by agreement" to "compulsorily" substituted for "and hold" (E.W.)(S.) by Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), **Sch. 4**

F3 Words added (E.W.)(S.) by Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), **Sch. 4**

Modifications etc. (not altering text)

C5 S. 1(3) amended by Military Lands Act 1900 (c. 56), **s. 1**

2 Machinery for purchase of land.

—For the purpose of the purchase of land under this Act, 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 [M1]Lands Clauses Consolidation Act, 1845, or the provisions of that Act with respect to affording access to the special Act.

(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, volunteer corps, or council of a county or borough, as the case may be (in this section referred to as "the purchaser"), shall be deemed to be the promoters of the undertaking.

(3) Where the Secretary of State is the purchaser—

(a) the bond required by section eighty-five of the Lands Clauses Consolidation 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.

(b) When compensation has been paid to any person in respect of any estate or interest in land taken under this Act, the land 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.

(4) The provisions of the incorporated Acts with respect to the purchase of land compulsorily shall not be put in force until a Provisional Order has been made and the sanction of Parliament has been obtained in manner in this Act mentioned.

(5) One month at the least before the making of the provisional Order, if the Secretary of State is the purchaser, and before the application for the Order in any other case, the purchaser 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 purchaser 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 purchaser any objections he may have to his land being taken.

(6) Where the Secretary of State is the purchaser, he shall, at some time after the service of the notice, cause a public local inquiry to be held 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.

(7) Where the purchaser is a volunteer corps **[**[F4]or the council of a county or borough**]**—

(a) The corps **[**[F4]or council**]** may, if they think fit, on compliance with the provisions of this section with respect to notices, present a petition to a Secretary of State. The petition shall state the land intended to be taken, and the purpose for which the land is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking the land, or who have returned no answer to the notice. The petition shall pray that the corps **[**[F4]or council**]** may, with reference to the land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and the prayer shall be supported by such evidence as the Secretary of State requires:

(b) On receipt of the petition and on due proof of the proper notices having been served, the Secretary of State shall take the petition into consideration, and may either dismiss the same, or direct a public local inquiry to be held by a competent officer as to the propriety of assenting to the prayer of the petition.

(8) Before a local inquiry is held in pursuance of this section the Secretary of State shall publish a notice of the intention to hold the inquiry—

(a) by affixing copies conspicuously on or in the immediate neighbourhood of the land proposed to be acquired; and

(b) by advertising the notice once at least in each of two successive weeks in some one and the same local newspaper circulating in the neighbourhood.

(9) If after the local inquiry has been held the Secretary of State is satisfied that the land ought to be taken, he may make a Provisional Order to that effect, authorising the taking of the land either by himself or by a volunteer corps **[**[F4]or by a council of a county or borough**]** as the case may be, and may submit a Bill to Parliament for the confirmation of the Provisional Order, but the Provisional Order shall not be of any effect unless and until it is confirmed by Parliament.

(10) If, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against anything comprised therein, the Bill, so far as relates to the Order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

Textual Amendments

F4 Words repealed (E.W.)(S.) by Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), **Sch. 6**

Modifications etc. (not altering text)

C6 S. 2 amended by Military Lands Act 1900 (c. 56), **s. 4**; excluded (E.W.)(S.) by Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), **Sch. 4**

Marginal Citations

M1 1845 c. 18.

3 Power to let land.

Land acquired under this Act may be let by a volunteer corps, or if acquired by the council of a county or borough by that council, in any manner consistent with the use thereof for military purposes.

[F5 4 Payment of expenses.

Any expenses incurred by the council of a county or borough for the purposes of this Act shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.]

Textual Amendments

F5 S. 4 repealed (E.W.) by Local Government Act 1933 (c. 51), s. 307, **Sch. 11 Pt. IV** and London Government Act 1939 (c. 40), s. 207, **Sch. 8**; and (S.) by Local Government (Scotland) Act 1947 (c. 43), s. 381, **Sch. 14**

5 Power of volunteer corps to borrow.

(1) A volunteer corps may, with the consent of the Secretary of State, and subject to such conditions as he may impose, borrow such money as may be required for the purpose of the purchase by them of land under this Act.

(2) The money shall be borrowed on the security of the land acquired by the volunteer corps, and also on the security of any grant to the corps out of money provided by Parliament.

Modifications etc. (not altering text)

C7 S. 5 extended by Military Lands Act 1897 (c. 6) and Military Lands Act 1900 (c. 56), **s. 1(2)(3)**

6 Powers of borough council to borrow.

The council of a borough may borrow for the purpose of acquiring land under this Act in like manner as they may borrow for the purposes of the [M2]Public Health Act, 1875, and the provisions of that Act shall apply accordingly, but the money shall be borrowed on the security of the borough fund or borough rate.

Modifications etc. (not altering text)

C8 S. 6 repealed (E.W.) by Local Government Act 1933 (c. 51), s. 307, **Sch. 11 Pt. IV**

Marginal Citations

M2 1875 c. 55.

7 . . . . . [F6]

Textual Amendments

F6 S. 7 repealed by National Loans Act 1968 (c. 13). Sch. 6 Pt. II

8 Provision as to disbandment of corps, &c.

(1) If a volunteer corps holding land under this Act is disbanded, the land shall, by virtue and subject to the provisions of this section, vest in the Secretary of State from the date of this disbandment, subject to the repayment of any money borrowed for the purchase of the land, and not already repaid, and the sums required for such repayment shall, if and so far as not provided by the sale of the land, be paid out of moneys provided by Parliament for Army services.

(2) A certificate of the Secretary of State that land has vested in him under this section shall be conclusive evidence of the fact certified.

[[F7](3) If the volunteer corps on whose behalf land is acquired under this Act by a county or borough council is disbanded, the council may either appropriate the land to any purpose approved by the Local Government Board, or sell it for the best price that can be reasonably obtained, and any money arising from the sale shall be applied towards repaying any money borrowed for the purchase of the land, and so far as not required for that purpose shall be applied to any purpose to which capital moneys are properly applicable, and which is approved by the Local Government Board.

[[F8]Provided that before so appropriating any such land or before selling any such land, if it is not so appropriated, the council shall offer to sell the same to the person then entitled to the land (if any) from which the same was originally severed, and thereupon sections one hundred and twenty-nine to one hundred and thirty-two, both inclusive, of the [M3]Lands Clauses Consolidation Act, 1845, shall apply as if the land were superfluous land and the council were the promoters of the undertaking within the meaning of those sections.**]]**

Textual Amendments

F7 S. 8(3) repealed (E.W.) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(1)(2), Sch. 11 para. 1, **Sch. 12 Pt. I**

F8 Proviso repealed (E.W.)(S.) by Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), **Sch. 6**

Marginal Citations

M3 1845 c. 18.

9 . . . . . [F9]

Status: *Point in time view as at 28/11/2004.*
Changes to legislation: *There are currently no known outstanding effects for the Military Lands Act 1892. (See end of Document for details)*

Textual Amendments

F9 S. 9 repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**

10 Provision as to land belonging to Crown, &c.

(1) *[F10 The Commissioners of Woods with the consent of the Treasury, as to land belonging to the Crown,]* . . . F11 and the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to the Duchy of Cornwall, as to land forming part of possessions of that duchy, may lease land for military purposes to a Secretary of State or a volunteer corps for a term not exceeding twenty-one years, but the lease shall cease to have effect if the land ceases to be used for military purposes.

(2) Where any land is vested in the Crown and is under the management of any commissioners or departments other than the Commissioners of Woods, and where land is held by any public department for the public service, the commissioners or department having the management of the lands may exercise, as regards the land, any powers which under this Act may be exercised as respects land belonging to the Crown by the Commissioners of Woods.

(3) The Commissioners of Works may lease to a Secretary of State or to a volunteer corps for military purposes any portion of such royal parks, gardens, and possessions as are under the management of those Commissioners, for a term not exceeding twenty-one years, and subject to such conditions as the Commissioners think fit; but the lease shall be at all times revocable by Her Majesty.

Textual Amendments

F10 Words repealed with saving by Crown Estate Act 1961 (c. 55), **Sch. 3 Pt. II** but reproduced for the purpose of construing the Act

F11 Words repealed by Duchy of Lancaster Act 1988 (c. 10, SIF 29:10), s. 1(4), **Sch.**

Modifications etc. (not altering text)

C9 S. 10 applied by Military Lands Act 1903 (c. 47), **s. 1(3)**

C10 Functions of Commissioners of Woods now exercisable by Crown Estate Commissioners: S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), Crown Estate Act 1956 (c. 73), **s. 1(1)** and Crown Estate Act 1961 (c. 55), **s. 1(1)**

C11 Functions of Commissioners of Works now exercisable by Secretary of State: S.R. & O. 1945/991 (Rev. XV, p. 232: 1945 I, p. 1414), S.I. 1962/1549 and 1970/1681

11 Power to lease land held for public purposes.

(1) Any person, body of persons, or authority holding land for ecclesiastical or public purposes may lease any such land to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, subject to the following provisions:

(a) An ecclesiastical corporation sole below the dignity of a bishop shall not grant any such lease without the consent in writing of the bishop to whose jurisdiction he is subject, and of the patron of the preferment to which the land belongs, or the guardians or trustees of such patron:

(b) F12

(c) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons duly convened may grant a lease under this section and execute any instrument for that purpose:

(d) . . . . . [F12]

(2) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.

Textual Amendments

F12 S. 11(1)(*b*)(*d*) repealed by Local Government Act 1933 (c. 51), s. 307, **Sch. 11 Pt. IV** and London Government Act 1939 (c. 40), s. 207, **Sch. 8**

Modifications etc. (not altering text)

C12 S. 11 applied by Military Lands Act 1903 (c. 47), **s. 1(3)**

12 Proof that land has ceased to be used for military purposes.

Any land leased under this Act shall be deemed to have ceased to be used for military purposes where there has not been such use for a period of one year, and a certificate of the fact of such non-user is given by a Secretary of State; and the certificate shall be conclusive evidence of the fact of such non-user.

[[F13]13

In relation to a footpath crossing or near to any land leased under this Act, **[**[F14]the Highways Act 1980**]** shall have effect as if in **[**[F15]section 116**]** thereof (which provides for the stopping up and diversion of highways) there were added to the grounds for stopping up or diverting a highway specified in subsection (1) the ground that the highway crosses or runs inconveniently or dangerously near to any such land:

Provided that—

(a) a magistrates' court shall not make an order under the said **[**[F15]section 116**]** authorising the stopping up or diversion of the footpath unless it is satisfied that a new footpath convenient to the public will be substituted therefor, or that the footpath as diverted will be convenient to the public, as the case may be, and

(b) if the order is made, an appeal shall not lie therefrom [F16]. . . under **[**[F17]section 317 of the said Act of 1980**]** on the ground that the new footpath, or the footpath as diverted, as the case may be, is not convenient to the public.

In this section 'footpath' has the same meaning as in the said Act of 1959.**]**

Textual Amendments

F13 S. 13 substituted (E.W.) by Highways Act 1959 (c. 25), **Sch. 22** and London Government Act 1963 (c. 33), **s. 16(2)** which Acts were repealed by Highways Act 1980 (c. 66, SIF 59), **Sch. 25**, the text following applies to Scotland.

F14 Words substituted (E.W.) by Highways Act 1980 (c. 66, SIF 59), **Sch. 24 para. 1**(*a*)

F15 Words substituted (E.W.) by Highways Act 1980 (c. 66, SIF 59), **Sch. 24 para. 1**(*a*)

F16 Words in s. 13 repealed (E.W.) (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1

F17 Words substituted (E.W.) by Highways Act 1980 (c. 66, SIF 59), **Sch. 24 para. 1**(*a*)

[F18 13 In relation to a footpath crossing or near to land leased under this Act, the Roads (Scotland) Act 1984 shall have effect as if in subsection one of section sixty-eight thereof (power of roads authorities to stop up roads by order) there were added to the grounds for stopping up a road the ground that the road crosses or runs inconveniently or dangerously near to such land. In this section "footpath"has the same meaning as in the said Act of 1984.**]**

Textual Amendments

F18 S. 13 substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 15(2)**; the text preceding applies to England and Wales.

PART II

BYELAWS AS TO LAND USED FOR MILITARY PURPOSES

Modifications etc. (not altering text)

C13 Pt. II applied with modifications by Military Lands Act 1900 (c. 56), **s. 2**; extended by Emergency Laws (Miscellaneous Provisions) Act 1953 (c. 47), s. 1, **Sch. 1 para. 8**, Atomic Energy Authority Act 1954 (c. 32), s. 6(4), **Sch. 3**, Defence (Transfer of Functions) Act 1964 (c. 15), **s2(3)**

C14 Pt. II (ss. 14–18) modified by Dockyard Services Act 1986 (c. 52, SIF 58), **s. 3(1)**(*b*)

C15 Power to apply Pt. II with modifications conferred by Supply Powers Act 1975 (c. 9, SIF 57), s. 2, **Sch. 1 Pt. I**

C16 Pt. II (ss. 14-18) amended (E.W.)(25.9.1991) by Atomic Weapons Establishment Act 1991 (c. 46, SIF 8), ss. 3, 6(2), **Sch. para.2** (with s. 1)

14 Power of Secretary of State to make byelaws as to use of land held for military purposes and securing safety of public.

(1) Where any land belonging to a Secretary of State or to a volunteer corps is for the time being appropriated by or with the consent of a Secretary of State for any military purpose, a Secretary of State may make byelaws for regulating the use of the land for the purposes to which it is appropriated, and for securing the public against danger arising from that use, with power to prohibit all intrusion on the land and all obstruction of the use thereof.

Provided that no byelaws promulgated under this section shall authorise the Secretary of State to take away or prejudicially affect any right of common.

(2) Where any such byelaws permit the public to use the land for any purpose when not used for the military purpose to which it is appropriated, those byelaws may also provide for the government of the land when so used by the public, and the preservation of order and good conduct thereon, and for the prevention of nuisances, obstructions, encampments, and encroachments thereon, and for the prevention of any injury to the same, or to anything growing or erected thereon, and for the prevention

of anything interfering with the orderly use thereof by the public for the purpose permitted by the byelaws.

(3) For the purposes of this section, "land belonging to a Secretary of State" means land under the management of a Secretary of State, whether vested in Her Majesty or in the Secretary of State, or in a person as trustee for Her Majesty or the Secretary of State; and "land belonging to a volunteer corps" means any land vested in that corps or in any person as trustee for that corps.

15 Application of byelaws where right of firing acquired.

Where a Secretary of State or a volunteer corps has for the time being the right of using for any military purpose any land vested in another person, this Part of this Act shall apply in like manner as if the land were vested in the Secretary of State or volunteer corps, and the same were appropriated for the said purpose, save that nothing therein or in any byelaws made thereunder shall injuriously affect the private rights of any person further or otherwise than is authorised by the grant of the right to use the land.

16 Byelaws as to highways.

(1) A byelaw under this Act shall not interfere with any highway, unless made with the consent of the authority having control of the repair of the roads of the town, district, parish, or other area in which the highway is situate, but where it appears to the authority that any highway crosses or runs inconveniently or dangerously near to any land the use of which can be regulated by byelaws under this Act, the authority may consent to a byelaw providing to such extent as seems reasonable for the temporary diversion from time to time of the highway, or for the restriction from time to time of the use thereof.

(2) any such highway if a footpath **[**[F19]within the meaning of **[**[F20]the Highways Act 1980**]]**, may (without prejudice to any other power of stopping up or diverting the same) be stopped up or diverted in the manner in which a footpath crossing or running inconveniently or dangerously near to any land leased under Part One of this Act may be stopped up or diverted.

Textual Amendments

F19 Words inserted (E.W.) by Highways Act 1959 (c. 52), **Sch. 22** and London Government Act 1963 (c. 33), **s. 16(2)**

F20 Words substituted (E.W.) by Highways Act 1980 (c. 66, SIF 59), **Sch. 24 para. 1(b)**

17 Notice and enforcement of byelaws.

(1) A Secretary of State, before making any byelaws under this Act, shall cause the proposed byelaws to be made known in the locality, and give an opportunity for objections being made to the same, and shall receive and consider all objections made; and when any such byelaws are made, shall cause the boundaries of the area to which the byelaws apply to be marked, and the byelaws to be published, in such manner as appears to him necessary to make them known to all persons in the locality; and shall provide for copies of the byelaws being sold at the price of one shilling for each copy to any person who desires to obtain the same.

(2) If any person commits an offence against any byelaw under this Act, he shall be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding **[**[F21]level 2 on the standard scale**]** and may be removed by any constable or officer authorised in manner provided by the byelaw from the area, whether land or water, to which the byelaw applies, and taken into custody without warrant, and brought before a court of summary jurisdiction to be dealt with according to law, and any vehicle, animal, vessel, or thing found in the area in contravention of any byelaw, may be removed by any constable or such officer as aforesaid, and on due proof of such contravention, be declared by a court of summary jurisdiction to be forfeited to Her Majesty.

(3) A byelaw under this Act shall be deemed to be a regulation within the meaning of the [M4]Documentary Evidence Act, 1868, and may be proved accordingly.

Textual Amendments

F21 Words substituted: (E.W.) by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 3**; and (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7D** (which 1975 Act was repealed (S.) (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with s. 3, Sch. 1 para. 10, **Sch. 2 Pt. III**)); and (N.I.) by virtue of The Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703), **arts. 5-10**

Modifications etc. (not altering text)

C17 By 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 10, **Sch. 2 Pt. III**, it is provided (S.) (1.4.1996) that s. 17(2) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein was a fine not exceeding level 2 on the standard scale

Marginal Citations

M4 1868 c. 37.

18 Byelaws in case of leased land.

(1) Where land has been leased under Part One of this Act, a byelaw made in respect of that land shall not be inconsistent with any condition contained in the instrument of lease.

(2) Where land has been leased under Part One of this Act subject to a condition that byelaws relating to the land shall be made with the consent of the lessor, or shall be made by the lessor subject to the approval of the Secretary of State, that condition shall be observed, and the lessor, acting with the approval of the Secretary of State, shall have the same power of making byelaws in relation to the land as is conferred by this Act on the Secretary of State.

PART III

SUPPLEMENTAL

19 . . . . . [F22]

Textual Amendments

F22 S. 19 repealed by Territorial Army and Militia Act 1921 (c. 37), s. 4(1), **Sch. 2**

[F23]20 . . . . . .

Textual Amendments

F23 S. 20 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1

21 Power to enter on land to fix alignment marks.

Where the Secretary of State certifies that it is necessary for the purposes of coast defence operations that alignment marks should be provided in any places upon the coast, the following provisions shall apply for that purpose:—

(a) Any person authorised by the Secretary of State may, after seven days' notice to the owner of the land, enter upon any land for the purpose of erecting, repairing, or replacing such alignment marks, and may do all things necessary for any such purpose, but shall do as little damage to the land as possible.

(b) Full compensation shall be paid to the owner of the land for any damage caused in or by the erection, repair, or replacement of such alignment marks, and in case of dispute the amount of compensation shall be determined by arbitration [F24]. . .

(c) If any person refuses to permit any authorised person to enter upon any land for the purpose of this section, or obstructs the erection, repair, or replacing of any such alignment marks, or destroys, displaces, damages, or obstructs, any such alignment marks, he shall be liable on summary conviction to a fine not exceeding **[**[F25]level 1 on the standard scale**]**.

Textual Amendments

F24 Words in s. 21(b) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4** (with s. 81(2)); S.I. 1996/3146, **art. 3**

F25 Words substituted: (E.W.) by virtue of Criminal Law Act 1977 (c. 45, SIF 39:1), **s. 31** and Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**; and (S.) by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289C**, 289G; and (N.I.) by virtue of The Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703), **arts. 5-10**

22 Saving for acquisition of land under other Acts.

All powers given by this Act shall be in addition to any other power to acquire land for military purposes conferred by any Act passed before this Act, and nothing contained in this Act shall prejudicially affect the powers vested in the Secretary of State for War under the Defence Acts and the Acts incorporated therewith.

23 Interpretation.

In this Act the expression "military purposes" includes rifle or artillery practice, the building and enlarging of barracks and camps, the erection of butts, targets, batteries, and other accommodation, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State.

In this Act and the enactments incorporated therewith the expression "land" includes any easement in or over lands, and for the purpose of Part One of this Act includes any right of firing over lands or other right of user.

Modifications etc. (not altering text)

C18 S. 23 amended as to definition of "land" by Military Lands Act 1900 (c. 56), **s. 3**

24 Saving for New Forest.

Nothing in this Act shall authorise the taking of any land in the New Forest . . . [F26]: Provided that nothing herein-before contained shall prevent the Secretary of State from proceeding at any time to acquire lands in the New Forest for the purposes of this Act by Provisional Order; but no such Provisional Order shall be of any effect unless and until the provisions of section two of this Act with respect to the taking of lands by the Secretary of State shall have been complied with: . . . [F27]

Textual Amendments

F26 Words repealed by Crown Estate Act 1961 (c. 55), **Sch. 3 Pt. II**

F27 Words repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**

25 Application to Scotland.

In the application of this Act to Scotland, the following provisions shall have effect:—

(1) The expression "council of a county or borough" means the county council of a county or the town council of a burgh, as defined by the [M5]Local Government (Scotland) Act 1889:

[[F28](1A) Any reference to an "estate" in land shall be construed as a reference to a right in land and as including a reference to ownership of land.**]**

(2) . . . . . [F29]

(3) For the purpose of acquiring land under this Act, a county council . . . [F30] and a town council . . . [F30] may borrow . . . [F30]

(4) The expression "Local Government Board" means Secretary for Scotland:

(5) A reference to any sections of the [M6]Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the [M7]Lands Clauses Consolidation (Scotland) Act, 1845:

(6) Section eleven of this Act shall not apply to Scotland, and in lieu thereof the following provision shall have effect, namely,—

Any person, body of persons or authority holding land for ecclesiastical or public purposes, may lease such land to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, subject to the following provisions:—

(a) The minister of a parish who shall be in possession of a glebe shall be entitled to grant such lease as if the words "twenty-one years" had been substituted for the words "eleven years" in the third section of the [M8]Glebe Lands (Scotland) Act, 1866, provided that in all other respects the provisions of the said third section be observed;

(b) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons, duly convened, may grant a lease under this section, and execute any instrument for that purpose;

(c) Where the land belongs to a county council or a town council, that council may grant a lease under this section with the consent of the Secretary for Scotland;

(d) A lease under this section shall cease to have effect if the land ceases to be used for military purpose

[[F31](7) The sheriff of the county shall give the consent and grant the certificate required under sub-section one of section thirteen of this Act, and sections forty-two and forty-three of the [M9] Roads and Bridges (Scotland) Act, 1878, shall be substituted for sub-section two of section thirteen of this Act: **]**

(8) The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court, or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts:

(9) Any dispute as to the amount of compensation under section **[**[F32]twenty-one**]** of this Act shall be determined in the manner provided by the [M10]Agricultural Holdings (Scotland) Act, 1883.

[[F33](10) In section 16 of this Act—

(a) for the references to "highway" there shall be substituted references to "road"; and

(b) after the word "footpath" in subsection (2) there shall be inserted the words "within the meaning of the Roads (Scotland) Act 1984"**]**

Textual Amendments

F28 S. 25(1A) added (S.) (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), **Sch. 12 para. 12** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F29 S. 25(2) repealed by Local Government (Scotland) Act 1947 (c. 43), s. 381, **Sch. 14**

F30 Words repealed by Local Government (Scotland) Act 1947 (c. 43), s. 381, **Sch. 14**

F31 S. 25(7) repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 15(3)**(*a*), Sch. 11

F32 Words substituted by Military Lands Act 1900 (c. 56), **s. 5**

F33 S. 25(10) added (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 15(3)**(*b*)

Modifications etc. (not altering text)

C19 Functions of Secretary for Scotland now exercisable by Secretary of State: Secretaries of State Act 1926 (c. 18), **s. 1**

Marginal Citations

M5 1889 c. 50.
M6 1845 c. 18.
M7 1845 c. 19.
M8 1866 c. 71.
M9 1878 c. 51.
M10 1883 c. 62.

26 Application to Ireland.

In the application of this Act to Ireland the following provisions shall have effect:—

(1) A reference to the [M11]Public Health Act 1875, shall be construed to mean a reference to the [M12]Public Health (Ireland) Act 1878;

(2) The expression Commissioners of Works means the Commissioners of Public Works in Ireland;

(3) An arbitration under this Act shall be carried out in accordance with the provisions of the Lands Clauses Acts;

(4) Section eleven of this Act shall not apply to Ireland, and in lieu thereof the following provisions shall have effect, namely—

Any person, body of persons, or authority holding land for public purposes may lease such land to a Secretary of State for military purposes for any term not exceeding twenty-one years, subject to the following provisions:—

(a) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons, duly convened, may grant a lease under this section and execute any instrument for that purpose;

(b) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.

(5) Section thirteen of this Act shall not apply to Ireland, but in lieu thereof the following provision shall have effect, namely—

Where a footpath crosses or runs inconveniently or dangerously near to any land leased under this Act, that footpath may be stopped up or diverted **[**[F34]under Article 40 of the Roads (Northern Ireland) Order 1980 as if the conditions set out in paragraph (1) of that Article were satisfied.**]**

Textual Amendments

F34 Words substituted by S.I. 1980/1085 (N.I. 11), **Sch. 8**

Modifications etc. (not altering text)

C20 Corporation of Commissioners of Public Works in Ireland dissolved and Corporation's functions now exercisable by Secretary of State: S.R. & O. 1945/992, 1277 (1945 I, pp. 1415, 1416) and S.I. 1970/1681

Marginal Citations

M11 1875 c. 55.

M12 1878 c. 22.

[F35]27 . . . . . .

Textual Amendments
F35 S. 27 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1

28 . . . . . [F36] land acquired in any manner under any enactment repealed by this Act shall be deemed to have been acquired in a similar manner under this Act, and any byelaws made under any enactment so repealed shall be deemed to have been made under this Act.

Textual Amendments
F36 Words repealed by Statute Law Revision Act 1908 (c. 49)

29 Short title.

This Act may be cited as the Military Lands Act 1892.

Status: *Point in time view as at 28/11/2004.*
Changes to legislation: *There are currently no known outstanding effects for the Military Lands Act 1892. (See end of Document for details)*

[F37][F37]SCHEDULE

Textual Amendments

F37 Sch. repealed by Statute Law Revision Act 1908 (c. 49)

. . . . . [F37]

Status:
Point in time view as at 28/11/2004.

Changes to legislation:
There are currently no known outstanding effects for the Military Lands Act 1892.