



Military Lands Act 1892

1892 CHAPTER 43 55 and 56 Vict

PART III

SUPPLEMENTAL

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 ^{M1}Local Government (Scotland) Act 1889:

[^{F1}(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) ^{F2}
- (3) For the purpose of acquiring land under this Act, a county council . . . ^{F3} and a town council . . . ^{F3} may borrow . . . ^{F3}
- (4) The expression “Local Government Board” means Secretary for Scotland:
- (5) A reference to any sections of the ^{M2}Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the ^{M3}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 ^{M4}Glebe Lands (Scotland)

Changes to legislation: There are currently no known outstanding effects for the Military Lands Act 1892, Section 25. (See end of Document for details)

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

[^{F4}(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 ^{M5} 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 [^{F5}twenty-one] of this Act shall be determined in the manner provided by the ^{M6}Agricultural Holdings (Scotland) Act, 1883.

[^{F6}(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

- F1** 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
- F2** S. 25(2) repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**
- F3** Words repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**
- F4** 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
- F5** Words substituted by [Military Lands Act 1900 \(c. 56\)](#), s. 5
- F6** 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)

- C1** Functions of Secretary for Scotland now exercisable by Secretary of State: [Secretaries of State Act 1926 \(c. 18\)](#), s. 1

Marginal Citations

- M1** 1889 c. 50.
M2 1845 c. 18.
M3 1845 c. 19.
M4 1866 c. 71.
M5 1878 c. 51.
M6 1883 c. 62.

Changes to legislation:

There are currently no known outstanding effects for the Military Lands Act 1892, Section 25.