



Defence Act 1854

1854 CHAPTER 67 17 and 18 Vict

An Act to facilitate the purchase of common, commonable, and other rights by the principal officers of Her Majesty's Ordnance. [31st July 1854]

Modifications etc. (not altering text)

- C1 Short title "The Defence Act 1854" given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act applied with modifications by [Requisitioned Land and War Works Act 1945 \(c. 43\)](#), ss. 32, 33, [Sch.](#), [Land Powers \(Defence\) Act 1958 \(c. 30\)](#), s. 13, [Sch. 2 para. 13](#) and S.I. 1965/1536
- C3 Functions of H.M. Ordnance now exercisable by Secretary of State for Defence: [Ordnance Board Transfer Act 1855 \(c. 117\)](#) and S.I. 1964/488
- C4 Preamble omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
- C5 Words of enactment repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)
- C6 [Defence Act 1842 \(c. 94\)](#) cited or referred to by its short title under authority of [Statute Law Revision Act 1893 \(c. 14\)](#), s. 3
- C7 Power to apply Act with modifications conferred by [Supply Powers Act 1975 \(c. 9, SIF 57\)](#), s. 2, [Sch. 1 Pt. 1](#)

1 Principal officers of Ordnance may avail themselves of certain powers contained in 8 & 9 Vict. c. 18 as to extinguishing rights of common, &c.

It shall be lawful for the principal officers for the time being of Her Majesty's Ordnance (if they shall think proper so to do) to use and avail themselves of all the powers and provisions contained in the Lands Clauses Consolidation Act, 1845, for the purpose of ascertaining, making, and paying compensation for and extinguishing all rights of common, commonable, and other rights in, over, or affecting any lands the soil of which has at any time been or shall hereafter be purchased or taken by the said principal officers, under the ^{M1}Defence Act, 1842; and for such purpose the principal officers for the time being of Her Majesty's Ordnance shall be deemed and taken to be promoters of an undertaking within the meaning of the Lands Clauses Consolidation Act, 1845, and all the powers and provisions of the last-mentioned Act may, if necessary, be treated as if they had been contained in the Defence Act, 1842, for the purpose of being used or made available by the said principal officers for the time being: Provided always, that nothing herein contained shall prejudice or affect

Changes to legislation: There are currently no known outstanding effects for the Defence Act 1854. (See end of Document for details)

the powers and authorities of the principal officers of Her Majesty's Ordnance for the time being under the last-mentioned statute.

Marginal Citations

M1 1842 c. 94.

2 Power of valuer appointed under Inclosure Act to cease on purchase of common rights by Ordnance.

And in case the said principal officers of Her Majesty's Board of Ordnance shall have purchased or shall hereafter purchase any land, and the common, commonable, and other rights in and over the same, and a valuer shall have been appointed in the matter of any inclosure proceeding in respect of such lands under the provisions of "The Acts for the Inclosure, Exchange, and Improvement of Land," the duties and powers of such valuer in relation to the land so purchased shall, upon payment of the purchase money for such common, commonable, and other rights over the same, cease and determine, and the Inclosure Commissioners for England and Wales shall, by an order under their seal, award such amount of compensation to such valuer as they shall deem just to be paid by the said principal officers; and such valuer shall be bound to accept the same as a full compensation for his services in the matter of the said inclosure, so far as respects the land and common, commonable, and other rights so purchased.

Modifications etc. (not altering text)

C8 Functions of Inclosure Commissioners for England and Wales under various enactments relating to, among other things, commons and the exchange of lands now exercisable by Secretary of State: [Settled Land Act 1882 \(c. 38\)](#), [s. 48\(1\)](#), [Board of Agriculture Act 1889 \(c. 30\)](#), [ss. 2\(1\)\(b\), 10](#), [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\)](#), [s. 1](#), [S.I. 1955/554 \(1955 I, p. 1200\)](#), [1965/143](#), [1967/156](#) and [1970/1681](#)

3 Purchase may be made although proceedings pending.

Any purchase of the soil of any lands, or of any common, commonable, or other rights in or over the same, which shall be made under the provisions of any Act of Parliament, shall be valid in law to all intents and purposes, although at the time of such purchase proceedings for an inclosure of such lands were or shall be proceeding.

Changes to legislation:

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