



Defence Act 1859

1859 CHAPTER 12 22 Vict

1^{F1}

Textual Amendments

F1 S. 1 repealed by [Military Lands Act 1892 \(c. 43\)](#), [Sch.](#)

2 ^{X1}† **Conveyances of land to Secretary of State for War as in Sched.(A).**

Conveyances of land in England and Ireland to be purchased by [^{F2}the Secretary of State for Defence] may be according to the form in the schedule (A.) to this Act, or as near thereto as the circumstances of the case admit; and all conveyances so made shall be effectual to vest the land thereby conveyed in [^{F2}the Secretary of State for Defence] and his successors, and shall operate to bar and destroy all such estates tail, and other estates, rights, titles, remainders, reversions, limitations, trusts, and interests whatsoever of and in the land comprised in such conveyances, as have been purchased or compensated for by the consideration given on the purchase; . . .^{F3}

Editorial Information

X1 A dagger appended to a marginal note means that it is no longer accurate.

Textual Amendments

F2 Words substituted by [S.I. 1964/488](#)

F3 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

3 † **Conveyances to the Secretary of State for War of land in Scotland as in Sched. (B).**

^{F4}... conveyances of lands and heritages in Scotland to be purchased by [^{F5}the Secretary of State for Defence] may be according to the form in the schedule (B.) to this Act, or as near thereto as the circumstances of the case admit; which ^{F4}... conveyances being

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duly executed and being registered in the . . . ^{F6} register of sasines kept for the . . . ^{F6} burgh, . . . ^{F6} in which the lands and heritages are locally situated, or in the general register of sasines for Scotland kept at Edinburgh, within sixty days from the last date thereof, which the respective keepers of the said registers are hereby authorized and required to do, shall give and constitute a good and undoubted right, and complete and valid ^{F4}... title in all time coming, to [^{F5}the Secretary of State for Defence] and his successors, to the lands and heritages therein described or referred to and intended to be thereby conveyed, any law or custom to the contrary notwithstanding ^{F4}...

Textual Amendments

F4 Words in s. 3 repealed (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

F5 Words substituted by [S.I. 1964/488](#)

F6 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

C1 A dagger appended to a marginal note means that it is no longer accurate

4 ^{F7}

Textual Amendments

F7 [S. 4](#) repealed by [S.I. 1964/488](#)

^{F8}5 Recovery of possession of land in England from tenants.

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Textual Amendments

F8 [S. 5](#) repealed by [S.I. 1991/724](#)Schedule Part 1

6 Recovery of possession of land in Ireland from tenants.

When any lease or agreement of or concerning land in Ireland vested in [^{F9}the Secretary of State for Defence] on behalf of Her Majesty is determined by expiration, notice, or forfeiture (except for nonpayment of rent), possession of such land may be recovered by or on behalf of [^{F9}the Secretary of State for Defence] either as provided by section seventy-two of the ^{M1}Civil Bills Court (Ireland) Act, 1851, in the case of lands holden by a tenant at a rent not exceeding fifty pounds per annum, and the tenant's interest wherein is determined, notwithstanding the rent payable under such lease or agreement may exceed that amount, and the provisions of the said Act shall be applicable accordingly, [^{F10}or as provided by section fifteen of the ^{M2}Summary Jurisdiction (Ireland) Act, 1851, for the recovery of possession of houses in certain towns and villages; and such last-mentioned provision shall be applicable in all cases to the recovery of land in Ireland holden under any such lease or agreement as aforesaid where such lease or agreement is determined as aforesaid, wherever such land may be situate, and at and for whatever rent and term the same may be holden; and

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notwithstanding anything to the contrary in the said provision, the justices authorized to issue a warrant for giving possession may by such warrant authorize such possession to be given forthwith, or on or before such day as the justices may think fit, to name, and may, if they think fit, issue such warrant notwithstanding the tenant may be willing to give such undertaking as therein mentioned.]

Textual Amendments

- F9** Words substituted by [S.I. 1964/488](#)
- F10** Words repealed (N.I.) by [S.I. 1978/1050 \(N.I. 20\)](#), [Sch. 10](#)

Marginal Citations

- M1** [1851 c. 57.](#)
- M2** [1851 c. 92.](#)

7 ^{X2}† **Nothing to lessen powers of Secretary of State for War.**

Nothing in this Act shall extend to take away, lessen, or prejudice any powers, rights, or authorities which would or might have been vested in or exercised by [^{F11}the Secretary of State for Defence] if this Act had not been passed.

Editorial Information

- X2** A dagger appended to a marginal note means that it is no longer accurate.

Textual Amendments

- F11** Words substituted by [S.I. 1964/488](#)

8 ^{F12}

Textual Amendments

- F12** [S. 8](#) repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

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Commencement Orders yet to be applied to the Defence Act 1859

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2](#) commences (2000 asp 5)