



Defence Act 1860

1860 CHAPTER 112 23 and 24 Vict

Ascertaining the Lands to be taken or to be kept free from Buildings.

[^{F1} **Lands to be taken and lands to be kept free from buildings to be ascertained, &c.**

On or before the thirty-first day of August 1861 the lands required to be taken absolutely for the construction of the said works and depot and arsenal, and the lands in the vicinity of the fortifications and works aforesaid, which are required to be kept free from buildings and other obstructions shall be ascertained by a declaration or declarations to be at any time, or from time to time, made and signed by Her Majesty's Principal Secretary of State for the War Department.]

Textual Amendments

F1 Ss. 1, 2, 4, 7 and 8 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#) but reproduced for the purpose of construing the remaining provisions of the Act

[^{F2} **Declaration of Secretary for War, what to show.**

Every such declaration shall specify and show, with the aid of a map or plan thereto annexed, constructed on a scale of not less than six inches to a mile, the lands to which the same relates, and shall distinguish what lands are required to be taken absolutely and what lands are required to be kept free from buildings and other obstructions.]

Textual Amendments

F2 Ss. 1, 2, 4, 7 and 8 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#) but reproduced for the purpose of construing the remaining provisions of the Act

F3

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding effects for the Defence Act 1860, Cross
Heading: Ascertaining the Lands to be taken or to be kept free from Buildings.. (See end of Document for details)*

Textual Amendments

F3 Ss. 3, 6, 39 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

[^{F4}**4** **Copy of declaration, &c. to be deposited with clerks of the peace, &c.**

The said Secretary of State shall within three months after the making of any such declaration cause copies thereof, and of the map or plan thereto annexed, to be deposited as hereinafter mentioned; (that is to say,)

There shall be deposited at the office of the clerk of the peace for every county in which any lands to which any such declaration relates are situate, a copy of such declaration, and of the map or plan thereto annexed:

There shall also be deposited with the parish clerk of every parish in England, or in the case of an extra-parochial place, with the parish clerk of some parish immediately adjoining thereto, and with the clerk of the union within which any parish is included in Ireland, a copy of so much of every such declaration, and of the map or plan thereto annexed, as relates to any lands situate in such parish or extra-parochial place.]

Textual Amendments

F4 Ss. 1, 2, 4, 7 and 8 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#) but reproduced for the purpose of construing the remaining provisions of the Act

5 Clerks of the peace, &c., to receive and hold copies so deposited as under 7 Will. 4 & 1 Vict. c. 83.

All clerks of the peace, parish clerks, and clerks of unions shall receive and retain the copies deposited with them as aforesaid, and permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as provided by the Parliamentary Documents Deposit Act, 1837, with respect to plans directed to be so deposited by the standing orders of either House of Parliament.

Modifications etc. (not altering text)

C1 S. 5 amended as to clerks of the peace and clerks of unions (N.I.) by [County Officers and Courts \(Ireland\) Act 1877 \(c. 56\)](#), [s. 8](#) and [Local Government \(Ireland\) Act 1898 \(c. 37\)](#), [s. 85\(1\)](#)

[^{F5}**6**

Textual Amendments

F5 Ss. 3, 6, 39 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Defence Act 1860, Cross Heading:
Ascertaining the Lands to be taken or to be kept free from Buildings..