



Defence Act 1860

1860 CHAPTER 112

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

I Lands to be taken and Lands to be kept free from Buildings to be ascertained by Declaration of Secretary for War.

On or before the Thirty-first Day of *August* One thousand eight hundred and sixty-one, the Lands required to be taken absolutely for the Construction of the said Works and Depôt or 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.

II Declaration, 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.

III Restriction on taking of certain Descriptions of Property.

Part only of any Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue appurtenant to and used and enjoyed as such with any House before the affixing as herein-after provided of Notice of any Declaration in relation thereto under this Act, shall not be taken from any Party if such Party be willing and able to sell the whole.

IV 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 herein-after mentioned; (that is to say,)

Status: This is the original version (as it was originally enacted).

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.

V Clerks of the Peace, &c. to receive and hold Copies so deposited as under 7 W.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 in Act passed in the Session holden in the Seventh Year of King *William* the Fourth and First Year of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*, with respect to Plans directed to be so deposited by the Standing Orders of either House of Parliament.

VI Notices to be affixed on Church Doors.

The said Secretary of State shall, within Three Months after the making of any such Declaration as aforesaid, cause Notice thereof to be affixed in some public and conspicuous Situation, on the Outside of the outer Door or outer Wall near the Door of every Church and Public Chapel (including Places of Public Worship not belonging to the Established Church) in the Parishes or Places in *England*, or in the usual Places for posting Public Notices in the Baronies, Cities, Towns, or Boroughs in *Ireland*, wherein the Lands comprised in such Declaration respectively lie:

Such Notice shall state the Fact of such Declaration having been made as aforesaid under this Act, and the Places where Copies of the said Declaration and of the Map or Plan thereto annexed, so far as the same affect Lands in such respective Parishes or Places, Baronies, Cities, Towns, or Boroughs, have been deposited as herein-before required.