
Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+N.I. - England, Wales and Northern Ireland extent S - Scotland extent

Changes to legislation: There are currently no known outstanding effects for the Defence Act 1842, Section 15. (See end of Document for details)



Defence Act 1842

1842 CHAPTER 94 5 and 6 Vict

15 **Compensation to be made where equitable rights are established; but not to exceed the purchase money received by such principal officers.** **E+W+N.I.**

Provided always that in case any person or persons shall have any just and legal or equitable right to any of the messuages, buildings, castles, forts, lines, or other fortifications, manors, lands, tenements, and hereditaments, which shall be so sold, exchanged, and conveyed as aforesaid, or to any part or parts thereof, or to any charge, incumbrance, or demand affecting the same, and not being under any of the disabilities herein-after mentioned, and shall within five years next after such right shall by law or equity accrue to or become vested in him, her, or them respectively, . . . ^{F1} persons within the age of twenty-one years, or out of the realm, or not of whole mind, at the time of such sale, exchange, and conveyance as aforesaid, shall, within five years next after they shall respectively come and be [^{F2} . . . ^{F3} at]the age of twenty-one years, out of prison, within this land, or of whole mind, make out and establish such right or claim to the satisfaction of the said principal officers, then and in such case the said principal officers shall make or cause to be made a fair and reasonable compensation or satisfaction for every such right and claim so made out and established as aforesaid; but such compensation or satisfaction shall not in any case exceed the amount of the purchase money or purchase monies which shall have been paid to and received by the said principal officers for the messuages, buildings, castles, forts, lines, or other fortifications, manors, lands, tenements, and hereditaments, in respect whereof such right or claim shall be so made out as aforesaid, or a proportional part thereof, exclusive of the value of any buildings or improvements which shall have been erected or made thereon for the use of the said ordnance or barrack departments, or for the defence of the realm.

Extent Information

E1 This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only.

Textual Amendments

F1 Words repealed (E.W.)(S.) by Statute Law (Repeals) Act 1969 (c. 52), s. 5(1), **Sch. Pt. III** and (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), **Sch. Pt. X**

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- F2** Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), **Sch. Pt. X**
- F3** Word repealed (E.W.)(S.) by Statute Law (Repeals) Act 1969 (c. 52), s. 5(1), **Sch. Pt. III** and (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), **Sch. Pt. X**

15 Compensation to be made where equitable rights are established; but not to exceed the purchase money received by such principal officers. **S**

Provided always that in case any person or persons shall have any just and legal or equitable right to any of the messuages, buildings, castles, forts, lines, or other fortifications, manors, lands, tenements, and hereditaments, which shall be so sold, exchanged, and conveyed as aforesaid, or to any part or parts thereof, or to any charge, incumbrance, or demand affecting the same, and not being under any of the disabilities herein-after mentioned, and shall within five years next after such right shall by law or equity accrue to or become vested in him, her, or them respectively, . . . ^{F4}[^{F5}or, being persons under legal disability by reason of nonage [^{F6}or mental incapacity]], or out of the realm, ^{F7}. . . at the time of such sale, exchange, and conveyance as aforesaid, shall, within five years next after they shall respectively [^{F5} cease to be under legal disability by reason of nonage [^{F6}or mental incapacity]or come and be], [^{F8}within this land]make out and establish such right or claim to the satisfaction of the said principal officers, then and in such case the said principal officers shall make or cause to be made a fair and reasonable compensation or satisfaction for every such right and claim so made out and established as aforesaid; but such compensation or satisfaction shall not in any case exceed the amount of the purchase money or purchase monies which shall have been paid to and received by the said principal officers for the messuages, buildings, castles, forts, lines, or other fortifications, manors, lands, tenements, and hereditaments, in respect whereof such right or claim shall be so made out as aforesaid, or a proportional part thereof, exclusive of the value of any buildings or improvements which shall have been erected or made thereon for the use of the said ordnance or barrack departments, or for the defence of the realm.

Subordinate Legislation Made

- P1** This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only.

Textual Amendments

- F4** Words repealed (E.W.)(S.) by Statute Law (Repeals) Act 1969 (c. 52), s. 5(1), **Sch. Pt. III** and (N.I.) by Statute Law Revision (Northern Ireland) Act 1976 (c. 12), **Sch. Pt. X**
- F5** Words in s. 15 substituted (S.) (25. 9. 1991) by Age of Legal Capacity (Scotland) Act 1991 (c. 50, SIF 49:8) ss. 10(1), 11(2), Schedule 1 para. 1 (with s. 1(3))
- F6** Words in s. 15 inserted (S.) (2.4.2001) by 2000 asp 4, s. 88(2), **Sch. 5 para. 2(1)(a)**; S.S.I. 2001/81, art. 2, **Sch.**
- F7** Words in s. 15 repealed (S.) (2.4.2001) by 2000 asp 4, s. 88(2), **Sch. 5 para. 2(1)(b)**; S.S.I. 2001/81, art. 2, **Sch.**
- F8** Words in s. 15 substituted (S.) (2.4.2001) by 2000 asp 4, s. 88(2), **Sch. 5 para. 2(1)(c)**; S.S.I. 2001/81, art. 2, **Sch.**

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Changes to legislation:

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