



# Military Lands Act 1892

1892 CHAPTER 43

## PART I

### *Acquisition of Land for Military Purposes*

#### **1 Powers to purchase land**

- (1) A Secretary of State may purchase land in the United Kingdom under this Act, for the military purposes of any portion of Her Majesty's military forces.
- (2) A volunteer corps may, with the "consent of the Secretary of State, themselves purchase land under this Act for military purposes.
- (3) The council of a county or borough may, at the request of one or more volunteer corps, purchase under this Act, and hold, land on behalf of the volunteer corps for military purposes.
- (4) The Secretary of State shall, before giving his consent to the purchase of any land under this Act by a volunteer corps, send an inspector to the land for the purpose of ascertaining its capabilities of being used for military purposes with due regard to the safety and convenience of the public, and shall give or withhold his consent accordingly.

#### **2 Machinery for purchase of land**

For the purpose of the purchase of land under this Act, the Lands Clauses Acts shall be incorporated with this Act, with the exceptions and additions and subject to the provisions following; (that is to say)

- (1) There shall not be incorporated with this Act sections sixteen or seventeen of the Lands Clauses Consolidation Act, 1845, or the provisions of that Act with respect to affording access to the special Act.
- (2) In the construction of this Act and the incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State, volunteer corps, or council of a county

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or borough, as the case may be (in this section referred to as " the purchaser"), shall be deemed to be the promoters of the undertaking.

- (3) Where the Secretary of State is the purchaser—
  - (a) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the seal of the Secretary of State, and shall be sufficient without the addition of the sureties in those sections mentioned.
  - (b) When compensation has been paid to any person in respect of any estate or interest in land taken under this Act, the land shall vest in the Secretary of State for all the estate and interest of that person, including any estate or interest therein held in trust by that person or capable of being conveyed by him in pursuance of any power. Nevertheless the Secretary of State may require that person to execute any conveyance which he might have been required to execute if this Act had not passed; and nothing in this section shall in any manner invalidate any such conveyance when executed.
- (4) The provisions of the incorporated Acts with respect to the purchase of land compulsorily shall not be put in force until a Provisional Order has been made and the sanction of Parliament has been obtained in manner in this Act mentioned.
- (5) One month at the least before the making of the Provisional Order, if the Secretary of State is the purchaser, and before the application for the Order in any other case, the purchaser shall serve, in manner provided by the Lands Clauses Acts, a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken, and in general terms the purposes to which it is to be applied, and stating the intention of the purchaser to obtain the sanction of Parliament to the purchase thereof, and inquiring whether the person so served assents or dissents to the taking of his land, and requesting him to forward to the purchaser any objections he may have to his land being taken.
- (6) Where the Secretary of State is the purchaser, he shall, at some time after the service of the notice, cause a public local inquiry to be held by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of the inquiry.
- (7) Where the purchaser is a volunteer corps or the council of a county or borough—
  - (a) The corps or council may, if they think fit, on compliance with the provisions of this section with respect to notices, present a petition to a Secretary of State. The petition shall state the land intended to be taken, and the purposes for which the land is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking the land, or who have returned no answer to the notice. The petition shall pray that the corps or council may, with reference to the land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and the prayer shall be supported by such evidence as the Secretary of State requires :
  - (b) On receipt of the petition and on due proof of the proper notices having been served, the Secretary of State shall take the petition into consideration, and may either dismiss the same, or direct a public local inquiry to be held by a competent officer as to the propriety of assenting to the prayer of the petition.
- (8) Before a local inquiry is held in pursuance of this section the Secretary of State shall publish a notice of the intention to hold the inquiry—

- (a) by affixing copies conspicuously on or in the immediate neighbourhood of the land proposed to be acquired; and
  - (b) by advertising the notice once at least in each of two successive weeks in some one and the same local newspaper circulating in the neighbourhood.
- (9) If after the local inquiry has been held the Secretary of State is satisfied that the land ought to be taken, he may make a Provisional Order to that effect, authorising the taking of the land either by himself or by a volunteer corps or by a council of a county or borough, as the case may be, and may submit a Bill to Parliament for the confirmation of the Provisional Order, but the Provisional Order shall not be of any effect unless and until it is confirmed by Parliament.
- (10) If, while the Bill confirming any such Order is pending in either House of Parliament, a petition is presented against anything comprised therein, the Bill, so far as relates to the Order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

### **3 Power to let land**

Land acquired under this Act may be let by a volunteer corps, or if acquired by the council of a county or borough by that council, in any manner consistent with the use thereof for military purposes.

### **4 Payment of expenses**

Any expenses incurred by the council of a county or borough for the purposes of this Act shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

### **5 Power of volunteer corps to borrow**

- (1) A volunteer corps may, with the consent of the Secretary of State, and subject to such conditions as he may impose, borrow such money as may be required for the purpose of the purchase by them of land under this Act.
- (2) The money shall be borrowed on the security of the land acquired by the volunteer corps, and also on the security of any grant to the corps out of money provided by Parliament.

### **6 Powers of borough council to borrow**

The council of a borough may borrow for the purpose of acquiring land under this Act in like manner as they may borrow for the purposes of the Public Health Act, 1875, and the provisions of that Act shall apply accordingly, but the money shall be borrowed on the security of the borough fund or borough rate.

### **7 Power for Public Works Loan Commissioners to lend**

- (1) The Public Works Loan Commissioners may in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed for the purposes of this Act, and may so lend on the security authorised by this Act without requiring any other security.

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- (2) Every loan by the Public Works Loan Commissioners under this Act shall be repaid within a period not exceeding fifty years, and shall bear interest at a rate not less than three and a half per centum per annum, or such other rate as may be fixed by a minute of the Treasury under section two of the Public Works Loans Act, 1879.

## **8 Provision as to disbandment of corps, &c**

- (1) If a volunteer corps holding land under this Act is disbanded, the land shall, by virtue and subject to the provisions of this section, vest in the Secretary of State from the date of the disbandment, subject to the repayment of any money borrowed, for the purchase of the land, and not already repaid, and the sums required for such repayment shall, if and so far as not provided by the sale of the land, be paid out of moneys provided by Parliament for Army services.
- (2) A certificate of the Secretary of State that land has vested in him under this section shall be conclusive evidence of the fact certified.
- (3) If the volunteer corps on whose behalf land is acquired under this Act by a county or borough council is disbanded, the council may either appropriate the land to any purpose approved by the Local Government Board, or sell it for the best price that can be reasonably obtained, and any money arising from the sale shall be applied towards repaying any money borrowed for the purchase of the land, and so far as not required for that purpose shall be applied to any purpose to which capital moneys are properly applicable, and which is approved by the Local Government Board.

Provided that before so appropriating any such land or before selling any such land, if it is not so appropriated, the council shall offer to sell the same to the person then entitled to the land (if any) from which the same was originally severed, and thereupon sections one hundred and twenty-nine to one hundred and thirty-two, both inclusive, of the Lands Clauses Consolidation Act, 1845, shall apply as if the land were superfluous land and the council were the promoters of the undertaking within the meaning of those sections.

## **9 Rules as to exercise of powers, &c. by volunteer corps**

- (1) Rules under section twenty-four of the Volunteer Act, 1863, may provide for the exercise of any powers and the performance of any duty under this Act by any officer of the volunteer corps on behalf of the corps, and may provide generally for the carrying into effect of this Act by a volunteer corps.
- (2) The powers given by section twenty-five of the Volunteer Act, 1863, to the commanding officer for the time being of a volunteer corps and his successors shall include a power to mortgage any land acquired under this Act and to do all things necessary for that purpose.

## **10 Provision as to land belonging to Crown, &c**

- (1) The Commissioners of Woods with the consent of the Treasury, as to land belonging to the Crown, the Chancellor and Council of the Duchy of Lancaster by deed under the hand and seal of the Chancellor, attested by the clerk of the Council, as to land forming part of possessions of the Duchy of Lancaster, and the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to the Duchy of Cornwall, as to land forming part of possessions of that duchy, may lease

land for military purposes to a Secretary of State or a volunteer corps for a term not exceeding twenty-one years, but the lease shall cease to have effect if the land ceases to be used for military purposes.

- (2) Where any land is vested in the Crown and is under the management of any commissioners or departments other than the Commissioners of Woods, and where land is held by any public department for the public service, the commissioners or department having the management of the lands may exercise, as regards the land, any powers which under this Act may be exercised as respects land belonging to the Crown by the Commissioners of Woods.
- (3) The Commissioners of Works may lease to a Secretary of State or to a volunteer corps for military purposes any portion of such royal parks, gardens, and possessions as are under the management of those Commissioners, for a term not exceeding twenty-one years, and subject to such conditions as the Commissioners think fit; but the lease shall be at all times revocable by Her Majesty.

## **11 Power to lease land held for public purposes**

- (1) Any person, body of persons, or authority holding land for ecclesiastical or public purposes may lease any such land to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, subject to the following provisions :
  - (a) An ecclesiastical corporation sole below the dignity of a bishop shall not grant any such lease without the consent in writing of the bishop to whose jurisdiction he is subject, and of the patron of the preferment to which the land belongs, or the guardians or trustees of such patron :
  - (b) A lease of parochial property shall be granted under and in accordance with the provisions of section three of the Union and Parish Property Act, 1835, and the Acts amending the same:
  - (c) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons duly convened may grant a lease under this section and execute any instrument for that purpose :
  - (d) Where the land belongs to an administrative county, the county council may grant a lease under this section with the consent of the Local Government Board.
- (2) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.

## **12 Proof that land has ceased to be used for military purposes**

Any land leased under this Act shall be deemed to have ceased to be used for military purposes where there has not been such use for a period of one year, and a certificate of the fact of such non-user is given by a Secretary of State; and the certificate shall be conclusive evidence of the fact of such non-user.

## **13 Power to stop or divert footpaths**

- (1) Where a footpath crosses or runs inconveniently or dangerously near to any land leased under this Act, that footpath may, with the consent of the vestry of the parish

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in which the same is situate, and on the certificate of two justices that the footpath to be substituted is convenient for the public, be stopped up or diverted.

- (2) The provisions of the Highway Act, 1835, as to the obtaining of a certificate and the stopping up or diverting a highway where a person other than the inhabitants or vestry are desirous of stopping up, diverting, or turning a highway shall apply so far as practicable to the obtaining of a certificate, and the stopping up or diverting a footpath under this section; with this exception, that the certificate of the justices shall be conclusive in cases where it states the fact of their having viewed the footpath to be stopped up or diverted, and that the proposed new footpath is convenient for the public.