



# Military Lands Act 1892

1892 CHAPTER 43 55 and 56 Vict

## PART III

### SUPPLEMENTAL

19 .....<sup>F1</sup>

#### Textual Amendments

**F1** S. 19 repealed by [Territorial Army and Militia Act 1921 \(c. 37\)](#), s. 4(1), [Sch. 2](#)

<sup>F2</sup>20 .....

#### Textual Amendments

**F2** S. 20 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group 1

## 21 Power to enter on land to fix alignment marks.

Where the Secretary of State certifies that it is necessary for the purposes of coast defence operations that alignment marks should be provided in any places upon the coast, the following provisions shall apply for that purpose:—

- (a) Any person authorised by the Secretary of State may, after seven days' notice to the owner of the land, enter upon any land for the purpose of erecting, repairing, or replacing such alignment marks, and may do all things necessary for any such purpose, but shall do as little damage to the land as possible.
- (b) Full compensation shall be paid to the owner of the land for any damage caused in or by the erection, repair, or replacement of such alignment marks, and in case of dispute the amount of compensation shall be determined by arbitration<sup>F3</sup> . . .

*Changes to legislation: There are currently no known outstanding effects for the Military Lands Act 1892, Part III. (See end of Document for details)*

- (c) If any person refuses to permit any authorised person to enter upon any land for the purpose of this section, or obstructs the erection, repair, or replacing of any such alignment marks, or destroys, displaces, damages, or obstructs, any such alignment marks, he shall be liable on summary conviction to a fine not exceeding [<sup>F4</sup>level 1 on the standard scale].

#### Textual Amendments

- F3** Words in s. 21(b) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4** (with s. 81(2)); S.I. 1996/3146, **art. 3**
- F4** Words substituted: (E.W.) by virtue of **Criminal Law Act 1977** (c. 45, SIF 39:1), **s. 31** and **Criminal Justice Act 1982** (c. 48, SIF 39:1), **s. 46**; and (S.) by virtue of **Criminal Procedure (Scotland) Act 1975** (c. 21, SIF 39:1), **s. 289C**, 289G; and (N.I.) by virtue of **The Fines and Penalties (Northern Ireland) Order 1984** (S.I. 1984/703), **arts. 5-10**

## 22 Saving for acquisition of land under other Acts.

All powers given by this Act shall be in addition to any other power to acquire land for military purposes conferred by any Act passed before this Act, and nothing contained in this Act shall prejudicially affect the powers vested in the Secretary of State for War under the Defence Acts and the Acts incorporated therewith.

## 23 Interpretation.

In this Act the expression “military purposes” includes rifle or artillery practice, the building and enlarging of barracks and camps, the erection of butts, targets, batteries, and other accommodation, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State.

In this Act and the enactments incorporated therewith the expression “land” includes any easement in or over lands, and for the purpose of Part One of this Act includes any right of firing over lands or other right of user.

#### Modifications etc. (not altering text)

- C1** S. 23 amended as to definition of “land” by **Military Lands Act 1900** (c. 56), **s. 3**

## 24 Saving for New Forest.

Nothing in this Act shall authorise the taking of any land in the New Forest . . . <sup>F5</sup>:  
 Provided that nothing herein-before contained shall prevent the Secretary of State from proceeding at any time to acquire lands in the New Forest for the purposes of this Act by Provisional Order; but no such Provisional Order shall be of any effect unless and until the provisions of section two of this Act with respect to the taking of lands by the Secretary of State shall have been complied with: . . . <sup>F6</sup>

#### Textual Amendments

- F5** Words repealed by **Crown Estate Act 1961** (c. 55), **Sch. 3 Pt. II**
- F6** Words repealed by **Statute Law (Repeals) Act 1973** (c. 39), s. 1(1), **Sch. 1 Pt. IX**

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## 25 Application to Scotland.

In the application of this Act to Scotland, the following provisions shall have effect:—

- (1) The expression “council of a county or borough” means the county council of a county or the town council of a burgh, as defined by the <sup>M1</sup>Local Government (Scotland) Act 1889:

[<sup>F7</sup>(1A) Any reference to an “estate” in land shall be construed as a reference to a right in land and as including a reference to ownership of land.]

(2) . . . . . <sup>F8</sup>

- (3) For the purpose of acquiring land under this Act, a county council . . . <sup>F9</sup> and a town council . . . <sup>F9</sup> may borrow . . . <sup>F9</sup>

(4) The expression “Local Government Board” means Secretary for Scotland:

- (5) A reference to any sections of the <sup>M2</sup>Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the <sup>M3</sup>Lands Clauses Consolidation (Scotland) Act, 1845:

- (6) Section eleven of this Act shall not apply to Scotland, and in lieu thereof the following provision shall have effect, namely,—

Any person, body of persons or authority holding land for ecclesiastical or public purposes, may lease 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) The minister of a parish who shall be in possession of a glebe shall be entitled to grant such lease as if the words “twenty-one years” had been substituted for the words “eleven years” in the third section of the <sup>M4</sup>Glebe Lands (Scotland) Act, 1866, provided that in all other respects the provisions of the said third section be observed;
- (b) 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;
- (c) Where the land belongs to a county council or a town council, that council may grant a lease under this section with the consent of the Secretary for Scotland;
- (d) A lease under this section shall cease to have effect if the land ceases to be used for military purpose

[<sup>F10</sup>(7) The sheriff of the county shall give the consent and grant the certificate required under sub-section one of section thirteen of this Act, and sections forty-two and forty-three of the <sup>M5</sup>Roads and Bridges (Scotland) Act, 1878, shall be substituted for sub-section two of section thirteen of this Act: ]

- (8) The expression “court of summary jurisdiction” means the sheriff or any two justices of the peace sitting in open court, or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts:

- (9) Any dispute as to the amount of compensation under section [<sup>F11</sup>twenty-one] of this Act shall be determined in the manner provided by the <sup>M6</sup>Agricultural Holdings (Scotland) Act, 1883.

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[<sup>F12</sup>(10) In section 16 of this Act—

- (a) for the references to “highway” there shall be substituted references to “road”;  
and
- (b) after the word “footpath” in subsection (2) there shall be inserted the words  
“within the meaning of the Roads (Scotland) Act 1984”]

#### Textual Amendments

- F7** S. 25(1A) added (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **Sch. 12 para. 12** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F8** S. 25(2) repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**
- F9** Words repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), s. 381, **Sch. 14**
- F10** S. 25(7) repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 15(3)(a)**, Sch. 11
- F11** Words substituted by [Military Lands Act 1900 \(c. 56\)](#), **s. 5**
- F12** S. 25(10) added (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 15(3)(b)**

#### Modifications etc. (not altering text)

- C2** Functions of Secretary for Scotland now exercisable by Secretary of State: [Secretaries of State Act 1926 \(c. 18\)](#), **s. 1**

#### Marginal Citations

- M1** 1889 c. 50.
- M2** 1845 c. 18.
- M3** 1845 c. 19.
- M4** 1866 c. 71.
- M5** 1878 c. 51.
- M6** 1883 c. 62.

## 26 Application to Ireland.

In the application of this Act to Ireland the following provisions shall have effect:—

- (1) A reference to the <sup>M7</sup>Public Health Act 1875, shall be construed to mean a reference to the <sup>M8</sup>Public Health (Ireland) Act 1878;
- (2) The expression Commissioners of Works means the Commissioners of Public Works in Ireland;
- (3) An arbitration under this Act shall be carried out in accordance with the provisions of the Lands Clauses Acts;
- (4) Section eleven of this Act shall not apply to Ireland, and in lieu thereof the following provisions shall have effect, namely—

Any person, body of persons, or authority holding land for public purposes may lease such land to a Secretary of State for military purposes for any term not exceeding twenty-one years, subject to the following provisions:—

- (a) 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;

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(b) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.

(5) Section thirteen of this Act shall not apply to Ireland, but in lieu thereof the following provision shall have effect, namely—

Where a footpath crosses or runs inconveniently or dangerously near to any land leased under this Act, that footpath may be stopped up or diverted [<sup>F13</sup> under Article 40 of the Roads (Northern Ireland) Order 1980 as if the conditions set out in paragraph (1) of that Article were satisfied.]

**Textual Amendments**

**F13** Words substituted by [S.I. 1980/1085 \(N.I. 11\)](#), [Sch. 8](#)

**Modifications etc. (not altering text)**

**C3** Corporation of Commissioners of Public Works in Ireland dissolved and Corporation's functions now exercisable by Secretary of State: S.R. & O. 1945/992, 1277 (1945 I, pp. 1415, 1416) and [S.I. 1970/1681](#)

**Marginal Citations**

**M7** [1875 c. 55.](#)

**M8** [1878 c. 22.](#)

<sup>F14</sup>27 .....

**Textual Amendments**

**F14** [S. 27](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group 1

28 .....<sup>F15</sup> land acquired in any manner under any enactment repealed by this Act shall be deemed to have been acquired in a similar manner under this Act, and any byelaws made under any enactment so repealed shall be deemed to have been made under this Act.

**Textual Amendments**

**F15** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

29 **Short title.**

This Act may be cited as the Military Lands Act 1892.

**Changes to legislation:**

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