CHAPTER 68.

An Act to make provision for defraying the Expenses of building Barracks and otherwise providing for the Localization of the Military Forces.

[10th August 1872.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, being desirous to provide for the building barracks and otherwise effecting the localization of the military forces of this kingdom, have cheerfully granted to Your Majesty the sum of three million five hundred thousand pounds, to be paid out of the Consolidated Fund towards defraying the expenses to be incurred in carrying into effect the several purposes relating to the building barracks and otherwise localizing the military forces specified in the schedule annexed hereto, and herein-after referred to as the purposes of this Act, and we have resolved that the said sum of three million five hundred thousand pounds shall be provided in manner herein-after mentioned; and we do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Military Forces Localization Act, 1872." Short title.

Land and Works.

2. The Secretary of State for the War Department may forthwith proceed to carry into effect the purposes of this Act, and with a view to carrying the same into effect may acquire such lands and execute such works as he may deem expedient; and all lands acquired for the purposes of this Act shall vest in the said Secretary of State on behalf of Her Majesty. Secretary of State for the War Department may carry into effect the purposes of the Act.

3. With a view to the purchase of lands for the purposes of this Act, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, in this Act referred to as "The Lands Clauses Consolidation Acts," shall be incorporated with this Act, with the exceptions and additions and subject to the provisions following; (that is to say,) Incorporation of Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

(1.) There shall not be incorporated with this Act the sections and provisions of the "Lands Clauses Consolidation Act, 1845," herein-after mentioned; (that is to say,) section sixteen, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force; section seventeen, whereby it is provided that the certificate of the justices shall be evidence that the capital has been subscribed; or the provisions relating to affording access to the special Act; and,

(2.) In the construction of this Act and the said incorporated Acts this Act shall be deemed to be "the special Act," and the said Secretary of State shall be deemed to be "the promoters of the undertaking;" and

(3.) 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 the said section mentioned.

(4.) The words "lands" shall in this Act and the said incorporated Acts include any easement in lands.

(5.) When compensation has been paid to any person in respect of any estate or interest in lands taken under this Act, such lands shall vest in the said Secretary of State for all the estate and interest of such person, including any estate or interest therein held in trust by such person or capable of being conveyed by him in pursuance of any power. Nevertheless the said Secretary of State may require such person to execute any conveyance which he might have been required to execute if this Act had not passed, and nothing in this section contained shall in any manner invalidate such conveyance when executed.

(6.) The said Secretary of State shall not put in force the provisions of the said incorporated Acts, with respect to the purchase of land compulsorily, until he has obtained the sanction of Parliament in manner in this Act mentioned.

Mode of obtaining sanction of Parliament for compulsory powers.

4. One month at the least before making any application to Parliament for their sanction to the compulsory purchase of land under this Act the said Secretary of State shall serve, in manner provided by the said Lands Clauses Consolidation 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 said Secretary of State 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 Secretary of State any objections he may have to his land being taken. The said Secretary of State shall also, at some time after the service of such notice, make a local inquiry 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 such inquiry; but if after such inquiry has been made the said Secretary of State is satisfied that the land ought to be taken, he may submit a bill to Parliament containing provisions authorising him to take such land, and such bill shall be deemed to be a public bill, and, if passed into an Act, to have conveyed to the said Secretary of State the sanction of Parliament to purchase the land therein mentioned or referred to.

Expenses of Act.

Issue of money out of Consolidated Fund for expenses of Act.

5. The Treasury shall from time to time issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof, such sums, not exceeding in the whole the said sum of three million five hundred thousand pounds, as may be required by the said Secretary of State for carrying into effect the purposes of this Act according to estimates to be approved by the Treasury.

Restrictions on applications of money issued.

6. In applying any moneys so issued as aforesaid to defray the expenses incurred in pursuance of this Act, regard shall be had to the several heads of expenditure set forth in the schedule hereto, and no greater sum shall be applied to the expenditure under any one of such heads than the estimated sum, except under a joint certificate of the said Secretary of State and the Treasury certifying that the excess so expended under any one head is compensated by a deficiency of expenditure under some other head, and that the total sum to be expended under this Act in carrying into effect all the provisions thereof will not exceed the said sum of three million five hundred thousand pounds.

Repayment to Consolidated Fund of money issued therefrom.

7. The Treasury may from time to time, as they think fit, repay to the Consolidated Fund all or any portion of the moneys issued thereout for the purposes of this Act, and may, with a view to provide moneys for such repayment, raise any sum not exceeding three million five hundred thousand pounds, or any portion thereof, by the creation of annuities for any term not exceeding thirty years, which annuities shall be charged upon the said Consolidated Fund or the growing produce thereof, or by the issue of Exchequer bonds or bills, as provided by the Act of the twenty-ninth year of the reign of Her present Majesty, chapter twenty-five, intituled "An Act to regulate and amend the several laws "regulating the preparation, issue, and payment of Exchequer bills and bonds," or by either of such means.

Commissioners for Reduction of National Debt may advance money on security of terminable annuities, &c.

8. The Commissioners for the Reduction of the National Debt may from time to time invest any moneys in their hands on account of savings banks and Post Office savings banks in the purchase of any of the securities created under the authority of this Act.

If such investment be made in terminable annuities, the amount of annuity to be created in respect thereof shall be certified to the Treasury under the hands of the Comptroller General or Assistant Comptroller, and of the Actuary of the National Debt Office, acting under the said Commissioners for the Reduction of the National Debt.

The annuities so created shall be inscribed in the books of the Governor and Company of the Bank of England, and be payable to the said Commissioners out of the Consolidated

Fund, or the growing produce thereof, at such times in each year as may from time to time be fixed by the Treasury.

The warrants of the Treasury issued under the authority of this Act shall be a sufficient authority to the Governor and Company of the Bank of England for doing the things thereby directed to be done for the purposes of this Act, and copies of such warrants shall be laid before both Houses of Parliament, if Parliament is then sitting, within ten days after the respective dates thereof, and, if not sitting, within ten days after the next meeting of Parliament.

Accounts.

Preparation and audit of accounts of expenditure under this Act.

9. The said Secretary of State shall, in every year in which any part of the said sum of three million five hundred thousand pounds is expended for the purposes of this Act, cause to be prepared and made up an account in such form as may be required by the Treasury showing as follows:

(1.) The money expended during the preceding year in pursuance of this Act, the mode in which such money was provided, and the securities (if any) created for providing the same; and

(2.) The purposes on which such moneys were expended under the heads set forth in the schedule hereto; and

(3.) The aggregate amount of money expended since the passing of this Act on the purposes thereof, and the aggregate amount of securities (if any) created for the purpose of providing for the same; and

(4.) The balance (if any) of three million five hundred thousand pounds remaining to be expended in pursuance of this Act.

The accounts of expenditure under this Act shall be audited by the Comptroller and Auditor General as appropriation accounts in manner directed by the Exchequer and Audit Departments Act, 1866.

Power for Counties and Boroughs to transfer Land.

Power for counties and boroughs to transfer buildings or land to Secretary of State.

10. The Commissioners of Lieutenancy of the city of London, the justices of any county, riding, division, or liberty of a county (in this section included under the term county), and the council of any municipal borough, may transfer to the said Secretary of State, for the purposes of this Act, upon such terms and with or without payment of a pecuniary consideration as they think expedient, any barracks, storehouses for arms or ammunition, or other buildings or land held in the case of a county for the public uses or purposes of such county, and in the case of a borough for the public uses or purposes of such borough; and any contracts, grants, or conveyances by or on behalf of the justices of a county may be made in manner provided by the County Property Acts, 1858, 1871.

Supplemental Provisions.

Lands to continue subject to land tax and rates.

11. All lands acquired by the said Secretary of State in pursuance of this Act, which were at the time of such acquisition subject to land tax, to poor or other rates, shall continue liable thereto.

Exemption of documents from stamp duty.

12. All contracts, conveyances, and other documents made in pursuance of or with a view to carrying into effect the purposes of this Act shall be exempted from stamp duty.

Saving of existing powers of Secretary of State.

13. Nothing in this Act contained shall affect the right of the said Secretary of State to exercise, with a view to carrying into effect all or any of the purposes of this Act, any powers of acquiring land or other powers vested in him by any Act passed previously to this Act.

Proviso as to application of Act to Ireland.

14. In the application of this Act to Ireland it is provided as follows:

(1.) The term "The Lands Clauses Consolidation Acts" shall mean "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railway and Traverse Act;" and the term "Company" in the said Acts shall be construed to mean the said Secretary of State:

(2.) Justices in section ten shall mean the grand jury of any county, county of a city, or town, and any contracts, grants, or conveyances, by or on behalf of any such grand jury, may be made by the foreman and any three members of such grand jury duly authorised thereunto by a presentment of such grand jury.

Proviso as to application of Act to Scotland.

15. In the application of this Act to Scotland it is provided as follows:

(1.) With a view to the purchase of lands in Scotland for the purposes of this Act, "The Lands Clauses Consolidation (Scotland), Act, 1845," (except sections fifteen and sixteen thereof,) and any Acts amending the same, shall be incorporated with this Act:

(2.) The bond required by section eighty-four of "The Lands Clauses Consolidation (Scotland) Act, 1845," shall be under the seal of the Secretary of State, and shall be sufficient without the addition of the securities in the said section mentioned:

(3.) The term "the said incorporated Acts" and the term "the said Lands Clauses Consolidation Acts" shall each of them include "The Lands Clauses Consolidation (Scotland) Act, 1845:"

(4.) "Easement in lands" shall mean servitude:

(5.) "Justices" in clause ten shall mean the commissioners of supply:

(6.) "Municipal borough" shall mean any royal burgh and any burgh returning or contributing to return a member to Parliament.

Definitions.

16. In this Act—

"The Treasury" means the Commissioners of Her Majesty's Treasury, or any two or more of them:

"The Secretary of State for the War Department" means Her Majesty's Principal Secretary of State for the time being to whom Her Majesty may think fit to entrust the seals of the War Department; or such one of Her Majesty's Principal Secretaries of State as may for the time being be administering the business of the War Department.

SCHEDULE referred to in this Act.

HEADS OF PROPOSED EXPENDITURE.

	£	£
1. Provision of depôt centres	1,297,200	1,627,200
Provision of depôt storehouses	330,000	
2. Training barracks for militia (also available for regular troops)	255,680	1,010,480
Barrack accommodation, to replace accommodation taken for depôt centres	754,800	
3. District store establishments		100,000
4. Purchase of land, &c.:—		
At depôt centres	204,000	554,000
For a metropolitan exercising ground	50,000	
For a tactical training station	300,000	
5. Contingent expenses		208,320
Total		£3,500,000