CHAPTER 43.

An Act to facilitate Military Manœuvres.

[6th August 1897.]

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:

Power to authorise execution of military manœuvres.

1.—(1.) Her Majesty may, by Order in Council, authorise the execution of military manœuvres within specified limits and during a specified period not exceeding three months. Provided that the same limits, or any part thereof, shall not be specified more than once in any period of five years.

(2.) Whenever it is proposed to make any such Order a draft thereof shall, not less than six months before the Order is to come into force, be sent to the council of each county, county borough, district, and parish, wholly or partly within the specified limits, and in the case of the New Forest to the court of verderers; and notice of this intention to make the Order shall, not less than three months before the Order is to come into force, be advertised in at least two newspapers circulating generally within the district.

(3.) The draft Order shall not be submitted to Her Majesty in Council until it has lain before each House of Parliament for thirty days on which that House is sitting, nor unless each House presents an address to Her Majesty praying that the Order may be made.

Powers exerciseable for purposes of manœuvres.

2. Where an Order in Council under this Act authorises the execution of military manœuvres, such persons as are under the authority of Her Majesty engaged in the manœuvres (in this Act referred to as the authorised forces) may under the direction of the Secretary of State within the specified limits and during the specified period,

(*a*) pass over, and encamp, construct military works, not of a permanent character, and execute military manœuvres on any authorised land; and

(*b*) supply themselves with water from any authorised sources of water, and, for that purpose, dam up any running water. Provided always, that such damming up of water does not interfere with the carrying on of any trade or industry, and that nothing in this Act shall authorise the taking of water from any source of supply belonging to a private owner, or public authority, except subject to the supply shown to be required by those entitled to use such water supply.

Provided as follows—

(1.) Nothing in this Act shall authorise entry on or interference with (except to the extent of using authorised roads) any dwelling-house, place of worship, school, factory, workshop, store or premises, used for the carrying on of any trade, business, or manufacture, farmyard, garden, orchard, pleasure ground or nursery ground, burial ground, ground attached to

any place of worship, or school, or any premises enclosed within the curtilage of or attached to any dwelling-house, or any enclosed wood or plantation.

(2.) The officer in command of the authorised forces shall take care that there is no interference with earthworks, ruins, or other remains of antiquarian or historical interest, or with any picturesque or valuable timber, or other natural features of exceptional interest or beauty, and shall be empowered to prevent trespass or damage to property by persons not belonging to the forces, and shall cause all lands used under the powers conferred by this Act to be restored as soon and as far as practicable to their previous condition.

(3.) Subject to the provisions of this Act with respect to—

(*a*) the closing of roads and footpaths; and

(*b*) obstruction of or interference with military manœuvres; and

(*c*) entering or remaining in a camp,

nothing in this Act shall prejudicially affect any public right or any right of common.

Power to close roads.

3.—(1.) Two justices of the peace, not being military officers in command of the forces, may, if they shall think fit, on the application of a commissioned officer in command of the authorised forces or of part thereof, by order, suspend, for a time not exceeding forty-eight hours, any right of way over any road or footpath within the specified limits and within their jurisdiction. Provided that any such order shall only be made with regard to any county, or main, or parish, road by at least two justices, not being military officers in command of the forces, sitting in petty sessions in the petty sessional division or divisions within which such road or part of road to be stopped is situate, and for a time not exceeding twelve hours, and after seven days notice of such intended application published in at least one newspaper circulating generally in the district, and subject to such terms and conditions as may be required by the said justices for the protection of individuals or of the public or of public bodies.

(2.) The officer in command of the authorised forces shall cause such public notice of the order as the justices may require to be given not less than twelve hours before the order comes into force, and shall give all reasonable facilities for traffic whilst the order is in force.

Military Manœuvres Commission.

4.—(1.) Whenever an Order in Council is made under this Act a commission (in this Act called the Military Manœuvres Commission) shall be formed consisting of as representative members (*a*) and (*b*):

(*a*) two persons appointed by the council of each county and one person appointed by the council of each county borough (if any) wholly or partly within the specified limits; and

(*b*) if those limits include any part of the New Forest, two persons appointed by the court of verderers; and

(*c*) such other persons, being resident owners or occupiers of land within those limits, as may be appointed by the Secretary

of State. Provided always that the persons appointed under the foregoing provisions of this section exceed in number the persons appointed by the Secretary of State.

(2.) The commission may act by three of their number, and notwithstanding any vacancy in their number.

(3.) Any question arising at any meeting of the commission shall be decided by the majority of those voting on the question, and if the votes are equal the chairman of the meeting shall have a second or casting vote.

Power of Commission to make orders and regulations.

5.—(1.) The Military Manœuvres Commission may make orders for determining what lands, roads, and sources of water are to be authorised lands, roads, and sources within the meaning of this Act.

(2.) Before any such order is made, a draft thereof shall be sent to the district council for each district wholly or partly within the specified limits, and be deposited by them for public inspection during at least two weeks at their office or some other suitable place fixed by them, and notice of the deposit, stating the mode of objecting to the order, shall be advertised for two successive weeks in at least two newspapers circulating generally within those limits.

(3.) The commission shall hold at least one public meeting to hear any objections to the draft order, and shall consider all objections made, and shall, if necessary, revise the draft order with reference thereto, and within a week of such meeting serve the revised draft on such district council.

(4.) The commission may also make regulations with respect to—

(*a*) the protection and maintenance of animals by securing them in folds or farmyards, or otherwise, and

(*b*) any matter which the commission may deem important for preventing damage to property and for carrying into effect the purposes of this Act.

(5.) Any person who, without reasonable cause, fails to comply with any such regulation shall not be entitled to compensation for any damage caused to his property by reason of his default.

(6.) All orders and regulations made by the commission shall be published in such manner as may appear to the commission most suitable for giving notice thereof to the persons affected thereby.

Compensation for damage.

6.—(1.) Where an Order in Council authorises the execution of military manœuvres, full compensation shall be made out of money to be provided by Parliament for any damage to person or property or interference with rights or privileges, arising from putting in force any of the provisions of this Act, and whether or not occasioned by the acts or defaults of the authorised forces, including therein all expenses reasonably incurred in protecting person, property, rights, and privileges, and any damage by reason of excessive weight or extraordinary traffic caused to any highway for the repair of which any public body or any individual is responsible.

(2.) The Military Manœuvres Commission shall, with the concurrence of the Treasury, appoint a compensation officer or

compensation officers to determine as speedily as possible any claim for compensation under this Act, and settle the amount payable.

(3.) The commission may make regulations with respect to the procedure for making and determining claims for compensation, for limiting the time within which claims must be made, and for regulating the mode in which compensation is to be paid.

(4.) If the amount of compensation is not settled by agreement between the compensation officer and the claimant, the difference between them shall be referred to arbitration, and for this purpose the service in manner directed by the regulations of a notice of claim for compensation shall be treated as a submission to arbitration within the meaning of the Arbitration Act, 1889, and that Act shall apply accordingly. 52 & 53 Vict. c. 44.

Offences.

7.—(1.) If, within the limits and during the period specified in an Order authorising military manœuvres under this Act, any person—

(*a*) wilfully and unlawfully obstructs or interferes with the execution of the manœuvres; or

(*b*) without due authority enters or remains in any camp,

he shall be liable on summary conviction to a fine not exceeding forty shillings, and he and any animal or vehicle under his charge may be removed by any constable, or by, or by order of, any commissioned officer of the authorised forces.

(2.) If within the limits and during the period aforesaid any person—

(*a*) without due authority moves any flag or other mark distinguishing, for the purposes of the manœuvres, any lands; or

(*b*) maliciously cuts or damages any telegraph wire laid down by or for the use of the authorised forces,

he shall be liable on summary conviction to a fine not exceeding five pounds.

Application to Scotland.

8. In the application of this Act to Scotland—

(1.) References to a county borough shall be construed as references to a royal burgh, parliamentary burgh, or burgh under the Burgh Police (Scotland) Act, 1892. The expressions "council of district" or "district council" shall mean the district committee acting under the Local Government (Scotland) Act, 1889, or the county council where no such district committee exists. The expression "petty sessions" and "petty sessional division or divisions" shall mean justice of peace court. 55 & 56 Vict. c. 55. 52 & 53 Vict. c. 50.

(2.) Cases of compensation not settled by agreement shall be settled as questions of disputed compensation under sub-section ten of section twenty-five of the Local Government (Scotland) Act, 1894. 57 & 58 Vict. c. 58.

Application to Ireland.

9. In the application of this Act to Ireland—

(1) persons, not more than three in number, appointed by the boards of guardians of any poor law union, wholly or partly within the specified limits, shall be members of the Military Manœuvres Commission in lieu of the persons appointed by the county council;

(2) subject as aforesaid, references to a county council shall be construed as references to a board of guardians, and references to the area under a county council as references to the poor law union, and the references to county boroughs, parishes, and districts, or to their councils, shall not have effect;

52 & 53 Vict. c. 49. 19 & 20 Vict. c. 102.

(3) references to the Arbitration Act, 1889, shall be construed as references to the Common Law Procedure Amendment Act (Ireland), 1856, as amended by any subsequent enactment.

Short title.

10. This Act may be cited as the Military Manœuvres Act, 1897.

CHAPTER 44.

An Act for giving Facilities for a Pure Water Supply in Rural Districts. [6th August 1897.]

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:

Lands may be charged by owners for water supply. 27 & 28 Vict. c. 114.

1. Where any person who is a landowner within the meaning of the Improvement of Land Act, 1864 (in this Act referred to as the principal Act), contributes any money towards the expenses incurred by a district council for the purpose of supplying water to any lands of such landowner, whether together with other lands or not, the amount so contributed may, with the sanction of the Board of Agriculture given under this Act, be charged on the land of the landowner so supplied with water in the same manner, as nearly as may be, and with the like effect as in the case of a charge under the principal Act.

Charge to be in favour of district council.

2. Where the landowner and the district council agree that the contribution shall be payable by half-yearly instalments, the charge under this Act may be granted in favour of the district council, to secure the payment to them of such contribution, and the sums payable in respect of the charge shall be in addition to any sums which may be payable for the water supply by way of water rate or water rent.

Time limit for charge.

3. A charge under this Act shall not be made for any term exceeding twenty-five years.

Sanctioning of charge by Board of Agriculture.

4. When the supply of water to the lands of the landowner will be beneficial to persons residing or engaged in labour on such lands, the Board may, if they think fit, sanction the charge, although it may not be shown that the supply of the water will effect a direct yearly increase in the value of the lands or be productive of a yearly revenue to the owner of the lands exceeding the yearly amount proposed to be charged thereon.

Power of Board of Agriculture to execute charge.

5. Where the annual sum to be made payable under a charge proposed to be granted by virtue of this Act in respect of the supply of water to any house or houses does not exceed the amount