Short titles and construction.

5. This Act may be cited as the Supreme Court of Judicature Act, 1891, and shall be construed as one with the Supreme Court of Judicature Acts, 1873 to 1890, which Acts, with this Act, may be cited together as the Judicature Acts, 1873 to 1891.

CHAPTER 54.

An Act to facilitate the Acquisition of Ranges by Volunteer Corps and others. [5th August 1891.]

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 for volunteer corps to purchase land.

1. A volunteer corps may, with the consent of the Secretary of State, purchase land under this Act for military purposes.

Acquisition of land for volunteer corps by county council, &c.

2. The council of a county or borough may, at the request of one or more volunteer corps, purchase and hold lands on behalf of such volunteer corps for military purposes.

Machinery for purchase of land.

3.—(1.) For the purpose of purchase of land by a volunteer corps 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,—

(*a.*) 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, or sections fifteen or sixteen of the Lands Clauses Consolidation (Scotland) Act, 1845 :

8 & 9 Vict. c. 18.

8 & 9 Vict. c. 19.

(*b.*) In the construction of this Act and the incorporated Acts this Act shall be deemed to be the special Act, and the volunteer corps shall be deemed to be the promoters of the undertaking :

(*c.*) The volunteer corps shall not put in force the provisions of the incorporated Acts with respect to the purchase of land compulsorily until they have obtained the sanction of Parliament in manner in this Act mentioned :

(*d.*) One month at the least before making any application to Parliament for sanction to the compulsory purchase of land under this Act, the volunteer corps 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 volunteer corps 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 volunteer corps any objections he may have to his land being taken :

(*e.*) On compliance with the provisions of this section with respect to notices, the volunteer corps may, if they think fit, present a petition to the Secretary of State. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice. The petition shall pray that the volunteer corps may, with reference to such lands, 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:

(*f.*) 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 local inquiry to be made by a competent officer as to the propriety of assenting to the prayer of the petition:

(*g.*) If after the inquiry has been made the Secretary of State is satisfied that the land ought to be taken, he shall submit a Bill to Parliament containing provisions authorising the volunteer corps to take the land, and any such Bill shall be deemed to be a public Bill, and, if passed into an Act, to have conveyed the sanction of Parliament to purchase the land therein mentioned or referred to:

Provided that if, while the Bill is pending in either House of Parliament, a petition is presented against anything comprised therein, the Bill may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(2.) The foregoing provisions of this section shall apply for the purpose of the purchase of land under this Act by the council of a county or borough, with the substitution of the council of the county or borough for the volunteer corps.

Power to let land.

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

Payment of expenses.

5. 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.

Power of volunteer corps to borrow.

6.—(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.

Powers of borough council to borrow.

7. The council of a borough may borrow on the security of the borough fund or borough rate 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.

38 & 39 Vict. c. 55.

Power for Public Works Loan Commissioners to lend.
38 & 39 Vict. c. 89.

8.—(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.

(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 cent. 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.

42 & 43 Vict. c. 77.

Provision as to disbandment of corps, &c.

9.—(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 are 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 lands (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.

8 & 9 Vict. c. 18.

Powers as to grants of land and rights over land.
49 & 50 Vict. c. 5.
48 & 49 Vict. c. 36.

10. The powers exerciseable by the persons and bodies of persons mentioned in section two of the Drill Grounds Act, 1886, and the power to make byelaws conferred by the Artillery and Rifle Ranges Act, 1885, may be exercised with respect to any lands, notwithstanding any prohibition or restriction contained in any local or personal Act, or in any Act specially relating to such persons, bodies, or lands, and notwithstanding any common or other rights or easements over the lands:

Provided that if, by the exercise of any such power, any pecuniary interest in any such prohibition or restriction, or any common or other right or easement over land, is prejudicially affected, full compensation shall be paid therefor, and the Lands Clauses Acts shall apply as if the land had been acquired in pursuance of those Acts, and the interest, right, or easement were an interest omitted to be purchased.

Where any lands are vested in the Crown and are under the management of any commissioners or department other than the Commissioners of Woods, and where lands are held by any public department for the public service, the commissioners or department having the management of such lands may exercise, as regards those lands, any power which, under Part V. of the Volunteer Act, 1863, or section two of the Drill Grounds Act, 1886, or the Barracks Act, 1890, or this Act, may be exercised, as respects lands belonging to the Crown, by the Commissioners of Woods. 26 & 27 Vict. c. 65. 53 & 54 Vict. c. 25.

11.—(1.) Where any land is acquired, either under the Defence Act, 1842, and the Acts amending the same, or for military purposes under any Act with which the Lands Clauses Acts are incorporated, the person or authority acquiring the land may require that the compensation to be paid for the land be settled by arbitration and not by reference to a jury, and thereupon the provisions of the Lands Clauses Acts with reference to arbitration shall, if not already applicable, apply for the purpose of settling the compensation. Power to have compensation settled by arbitration. 5 & 6 Vict. c. 94.

(2.) Section four of the Barracks Act, 1890, is hereby repealed.

12. 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 :— Power to enter on lands to fix alignment marks.

(*a.*) Any person authorised by the Secretary of State may, after seven days' notice to the owner of the lands, enter upon any lands 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 lands as possible.

(*b.*) Full compensation shall be paid to the owner of the lands 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 under the Arbitration Act, 1889. 52 & 53 Vict. c. 49.

(*c.*) If any person refuses to permit any authorised person to enter upon any lands 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 five pounds.

13.—(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. Rules as to exercise of powers, &c. by 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.

Application to yeomanry corps.

14. Part V. of the Volunteer Act, 1863, and this Act shall apply in the case of a yeomanry corps as if it were a volunteer corps; and all land acquired by a yeomanry corps shall vest in the commanding officer of the corps for the time being and his successors in office, with power for him to sue and make contracts and conveyances, and to do all other lawful acts relating thereto.

Definitions.

15.—(1.) In this Act the expression "military purposes" includes rifle or artillery practice on or under ground, the erection of butts, targets, batteries, and other accommodation for such practice, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State.

(2.) In this Act and the enactments incorporated therewith the expression "land" includes any easement in or over lands, and, in particular, any right of firing over lands or other right of user.

Saving.

16. 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.

Short title.

17. This Act may be cited as the Ranges Act, 1891.

CHAPTER 55.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-two, and to appropriate the Supplies granted in this Session of Parliament. [5th August 1891.]

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, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and 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:

Grant out of Consolidated Fund.

Issue of £32,335,139 out of the Consolidated Fund.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and