



# Defence of the Realm (Acquisition of Land) Act 1916

## 1916 CHAPTER 63

### 3 Power to acquire land permanently

- (1) Subject to the provisions of this Act it shall be lawful to acquire by agreement or compulsorily on behalf of His Majesty—
  - (a) any land in the possession of an occupying department or any interest in such land ;
  - (b) any land on over or under which any buildings works or improvements have, for purposes connected with the present war, been erected constructed or made wholly or partly at the expense of the State, or any interest in such land ;
- (2) Where any land or any interest in land is or has been so acquired any adjoining or neighbouring land (whether belonging to the same owner or not), or any right of access, or other easement or right which appears to the Commission to be required for the proper enjoyment of the land or interest so acquired, or any interest therein, may, with the consent of the Commission, also be acquired.
- (3) The power to acquire land, or an interest therein, under this section shall include power to acquire the land or interest either with or without all or any of the mines or minerals lying thereunder as the purchasing department may determine, and if the surface is acquired apart from the mines and minerals either without any right of support or with such right of support as the department may require.
- (4) The power of acquisition conferred by this section shall be exercisable—
  - (a) in the case of land in the possession of an occupying department or of land and rights required for the proper enjoyment thereof, by the occupying department at any time whilst the department is in possession, but not later than three years after the termination of the present war;
  - (b) in the case of other land or rights, by the Admiralty or Army Council or the Minister of Munitions at any time during the present war or within twelve months after the termination thereof.

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*Status: This is the original version (as it was originally enacted).*

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- (5) For the purposes of the acquisition of land and interests therein under this section, the provisions of the Lands Clauses Acts, subject to the modifications set out in the Schedule to this Act, shall be incorporated with this Act.
- (6) Where any buildings, works, or improvements have, for purposes connected with the present war, been erected, constructed, or made wholly or partly at the expense of the State, on, over, or under any land, no person shall without the consent of a Government department remove, destroy, alter, or dispose of the buildings, works, or improvements whilst the right of acquiring the land conferred by this section remains in force.
- (7) Any person having power (whether subject to any consent or conditions or not) to sell land authorised to be acquired by any Government department may, subject to the like consent and conditions, grant or demise the land in perpetuity or for any term of years to the Government department at such fee farm or other rent, secured by such condition of re-entry or otherwise as may be agreed Upon, and with or without a right of renewal, or grant to the Government department an option to acquire the land:

Provided that, where the power to sell arises under the Settled Lands Acts, 1882 to 1890, the powers conferred by this section shall be exercised only with the consent of the trustees of the settlement for the purposes of those Acts, or with the sanction of the court.