



Defence of the Realm (Acquisition of Land) Act 1916

1916 CHAPTER 63

4 User of land acquired

Any land which, or an interest- in which, has been acquired under this Act may be used by any Government department for the purpose for which it was used during the war or for any other purpose for which it could have been used had the land been acquired under the Defence Acts, 1842 to 1873, or the Military Lands Acts, 1892 to 1903, notwithstanding that such user could, but for this Act, have been restrained as being in contravention of any covenant or for any other reason, and no person interested in any adjoining or neighbouring land or entitled to any riparian rights shall be entitled to restrain such user; but if, apart from this Act, any such person would have been entitled to restrain such user, then, if application for the purpose is made within three years after the date of the acquisition of the land under this Act or after the commencement of the user causing the depreciation, whichever may be the later, he shall,—

- (i) if the land is used for a purpose for which it could have been used had the land been acquired under the Defence Acts, 1842 to 1873, or the Military Lands Acts, 1892 to 1903, be entitled to such compensation in respect of any breach of a restrictive covenant or damage caused by the pollution, abstraction, or diversion of water, or by the emission of noxious fumes, as in default of agreement may be determined in manner provided by this Act; and
- (ii) if the land is used for any other purpose, be entitled to such compensation in respect of any damage occasioned by such user as in default of agreement may be determined in manner provided by this Act:

Provided that—

- (a) where such compensation is claimed in respect of any land, the department may, at any time before such claim is determined, and on payment of all costs properly incurred by the claimant in respect of his claim, require the claimant to sell the land or his interest therein at such price as would have been proper if the value of the land had not been so depreciated, such price in default of agreement to be determined in like manner as if the land had been acquired under section three of this Act; and

Status: This is the original version (as it was originally enacted).

- (b) nothing in this section shall be construed as depriving any person of any right to recover damages in respect of any injury to property caused by accident due to such user as aforesaid ; and
- (c) in the user of land or an interest in land acquired under this Act the provisions of the Alkali, &c. Works Regulation Act, 1906, and the Rivers Pollution Prevention Acts, 1876 and 1893, and of any local Act dealing with the like matters, shall be complied with, and those Acts shall apply accordingly, and nothing in this section shall affect the powers conferred by any Act, whether public general or local, on any local authority, board of conservancy, or other public authority, with respect to the prevention of the pollution of rivers, or the abatement of nuisances caused by the emission of smoke or other noxious fumes.