



Defence of the Realm (Aquisition of Land) Act 1916

1916 CHAPTER 63 6 and 7 Geo 5

6 Provisions as to highways.

- (1) Where, in the exercise or purported exercise of any prerogative right of His Majesty or any powers conferred by or under any enactment relating to the defence of the realm, or by agreement, or otherwise, for purposes connected with the present war, any railway or tramway or any cable line or pipes have been laid along, across, over, or under any public highway, it shall be lawful after the termination of the war for the railway or tramway or the cable line or pipes to continue to be used and maintained along, across, over, or under the highway, subject to such conditions as the Board of Trade in the case of railways and tramways, and in other cases as the Commission after giving the local authority and the authority or person responsible for the maintenance of the highway or of any other railway or tramway laid thereon an opportunity of being heard, may by order prescribe, and any such authority or person may apply to the Board or Commission to make such an order:

Provided that where any such railway or tramway crosses the roadway on the level it shall not be lawful to use the crossing after the expiration of two years from the termination of the present war without the consent of the local authority.

- (2) In the event of the use of any such railway or tramway being discontinued, the Government department by whom it was laid down or used shall take up and remove the rails and restore the highway on which they are laid to the satisfaction of the authority or person responsible for the maintenance of such highway.
- (3) Where in exercise of any such right or powers as aforesaid any public highway has been closed, it may be kept closed after the termination of the present war, but not, by virtue of this section, beyond the expiration of twelve months after such termination unless the consent of the Commission is obtained, and the Commission before giving such consent shall give to the local authority and the authority or person responsible for the maintenance of the highway an opportunity of being heard, and the Commission may require as a condition of their consent the provision of another highway in the place of the highway so closed, and any person interested in any land adjoining any highway so closed who suffers loss or damage in consequence of the closing thereof

Changes to legislation: There are currently no known outstanding effects for the Defence of the Realm (Aquisition of Land) Act 1916, Section 6. (See end of Document for details)

shall be entitled to such compensation as, in default of agreement, may be determined in manner provided by this Act to be the amount of such loss or damage.

- (4) For the purposes of this section the expression “local authority” means, in the case of a borough or urban district, the council of the borough or urban district and elsewhere the county council.
- (5) Where any such railway, tramway, cable line, or pipes have been laid along, across, over, or under any public highway, or a public highway has been closed, in pursuance of an agreement with, or subject to any undertaking given to, the authority or person responsible for the maintenance of the highway, nothing in this section shall authorise the continuance of the user of the railway, tramway, cable line, or pipes, or the continuance of the closing of the highway beyond the time specified in the agreement or undertaking without the consent of the authority or person so responsible.

Modifications etc. (not altering text)

- C1** Functions of Board of Trade under s. 6 now exercisable by Secretary of State: [Ministry of Transport Act 1919 \(c. 50\), s. 2\(1\)](#), S.R. & O. 1919/1440 (Rev. XV, p. 21: 1919 II, p. 849) and [S.I. 1970/1681](#)
- C2** Commission (Railway and Canal Commission) abolished and its functions now exercisable by High Court (E.W.) and by Court of Session (S.): [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\), s. 1\(1\)](#)
- C3** War of 1914–1918 terminated on 31st August 1921: S.R. & O. 1921/1276 (Rev. XVII, p. 364: 1921, p. 1348)

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