



Requisitioned Land and War Works Act 1948

1948 CHAPTER 17

General provisions as to Requisitioned Land and War Works Act, 1945

1 Continuance of provisions of Act of 1945

- (1) The proviso to subsection (5) of section five of the Transitional Powers Act (under which the continuance and extension to transitional purposes under that Act of the powers exercisable under Parts II, V and VI of the Act of 1945 does not have effect unless it is certified that work was done or land was used for the purposes specified in subsection (1) of section one of the first-mentioned Act) is hereby repealed; and any reference in the said subsection (5) to the purposes so specified shall include a reference to the additional purposes specified in subsection (1) of section one of the Supplies and Services (Extended Purposes) Act, 1947.

- (2) The following provisions of the Act of 1945, that is to say—
- (a) section thirty-five (which temporarily amends the procedure for acquisition under the Defence Acts); and
 - (b) sections forty and forty-one (which provide, where notice to treat is given before the expiration of two years from the end of the war period, for the adjustment of compensation so as to eliminate the effect of government war work),

shall have effect as if the expression " war period " included any period during which the Transitional Powers Act is in force; and paragraph 18 of the Fifth Schedule to the Fire Services Act, 1947, (which in relation to the acquisition of land by fire authorities continues the provisions of the said sections forty and forty-one in like manner as they are continued by this subsection) is hereby repealed.

- (3) Sections thirty-three and thirty-four of the Act of 1945 (which confer power to acquire easements and restrictive rights and to acquire particular levels and reversionary interests) shall have permanent effect.

2 Acquisition of agricultural land where use in existing units is affected by government war work

The following subsection shall be added to section six of the Act of 1945 (which provides for the acquisition of land depreciated by government war work in order to secure its rehabilitation):—

“(3) Whether there are government war works on the land or not, in the case of land which is being used for agriculture (as defined in the Agriculture Act, 1947) or for forestry, or which, if not being so used, was being so used at any time after the twenty-third day of August, nineteen hundred and thirty-nine and in the opinion of the Minister of Agriculture and Fisheries ought to be brought back into such use, the power of acquisition shall be exercisable where the said Minister is satisfied that—

- (a) the effect on the land of government war work or government war use is such that without a permanent adjustment of boundaries between the land and other land the most efficient use of the land either for agriculture (as defined as aforesaid) or for forestry will be prevented, and
- (b) the adjustment is only likely to be made if the land is acquired by virtue of this Part of this Act.”

3 Highways

(1) Where a Minister certifies as respects any highway—

- (a) that in the circumstances existing at a time before the twenty-fourth day of February, nineteen hundred and forty-six an order could have been made under Regulation sixteen, fifty-two or sixty-nine A of the Defence (General) Regulations, 1939, as in force at that time, stopping up or diverting the highway; and
- (b) that the exercise of the right to use the highway has been continuously prevented since that time, but without the making of such an order;

then section fifteen of the Act of 1945 (which provides for the permanent stopping up or diversion of highways stopped up in. the exercise of emergency powers) shall apply as if the exercise of the right to use the highway had been prevented in pursuance of such an order.

(2) For the purposes of the said section fifteen, and of sections sixteen and twenty-one of the Act of 1945 (which provide for the retention of railways, cables and pipes where a highway is not stopped up and for the temporary continuation of orders for the stopping up or diversion of highways), the expression " war period " in the Act of 1945 shall include any period during which the Transitional Powers Act is in force.

4 Discharge or modification of easements over land acquired under Defence Acts

(1) Subject to the provisions of this section, the provisions of Part II of the Act of 1945 as to the discharge of modification of restrictions on the user of land arising by' virtue of contract, and of section forty-one of that Act as to' the adjustment of compensation on the discharge or modification of such restrictions, shall apply to easements over land which a Minister has acquired under the said Part II or has power so to acquire, or would have power so to acquire if he did not already own it, as if an easement were such a restriction.

- (2) Subject to the provisions of this section, where a Minister having power, otherwise than by virtue of the said Part II, to acquire land under the Defence Acts has so acquired or proposes so to acquire any land which is subject to an easement, he may, by notice served on the persons and in the manner on whom and in which under those Acts notice to treat would be required to be served for the compulsory acquisition of the dominant tenement, extinguish the easement or modify it in such manner and to such extent as may be specified in the notice; and the provisions of subsections (3) and (4) of section seven of the Act of 1945 (which provide for compensation where a restriction is discharged or modified under that section) and the said section forty-one thereof shall with the prescribed adaptations apply where an easement is extinguished or modified under this subsection.
- (3) Where apart from this subsection any easement, being a right of way or right of laying down, erecting, continuing or maintaining any apparatus on, under or over land, could be extinguished or modified under either of the two last foregoing subsections, and any interest in the dominant tenement is vested in the person carrying on a statutory undertaking (as defined in the Town and Country Planning Act, 1947) for the purpose of the carrying on thereof, the following provisions of the Town and Country Planning Act, 1944, that is to say—
- (a) section twenty-five (which relates to the extinguishment of rights of way and rights as to apparatus of statutory undertakers and to compensation therefor),
 - (b) sections twenty-six and twenty-seven (which relate to the extension and modification of powers and duties of statutory undertakers and the relief of statutory undertakers from obligations the fulfilment of which has been rendered impracticable), and
 - (c) the Schedules referred to in those sections,
- shall, with the prescribed adaptations, apply as respects the interest of the person carrying on the statutory undertaking, and shall so apply in substitution for any corresponding provisions of the Act of 1945 or of subsection (2) of this section.

5 Application of Part VIII of Act of 1945 to compensation to certain tenants in Northern Ireland

In the case of a notice to quit given under section seven of the Northern Ireland Land Act, 1929 (which provides for the giving of notice to tenants in certain cases subject to the payment of compensation of an amount calculated by reference to the rateable value of the holding and any buildings thereon) at any time during the period during which, on the compulsory acquisition of land by a Minister, compensation falls to be adjusted in accordance with Part VIII of the Act of 1945 (which provides for adjusting compensation to offset changes in value due to government war work and other circumstances arising while a Minister or person acting under him is in occupation of land) the said Part VIII shall apply in assessing the compensation under the said section seven as if references in the said Part VIII to the compulsory acquisition of land as therein mentioned were references to the service of notice to quit under the said section seven, and as if references to the land acquired were references to the holding or part of the holding to which the notice to quit relates:

Provided that this section shall not have effect where the amount of the compensation in consequence of a notice to quit given before the commencement of this Act has been agreed or determined before the seventeenth day of January, nineteen hundred and forty-eight.

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

6 Minor and consequential amendments

The Act of 1945 shall have effect subject to the amendments specified in the Schedule to this Act, being minor amendments and amendments consequential on the foregoing provisions of this Act.