

SCHEDULE

Section 6.

MINOR AND CONSEQUENTIAL AMENDMENTS OF ACT OF 1945

- 1 For the purposes of subsection (2) of section eight and of subsection (4) of section seventeen (which require proposals of a Minister to exercise the powers under the Act to be referred to the War Works Commission where an objection is made) and of any other provision referring to an objection such as is mentioned in either of those subsections, no account shall be, or be deemed ever to have been, required to be taken of an objection which is withdrawn.
- 2 In section eleven, in subsection (3) (which lays down the principles on which the War Works Commission are to act in considering proposals for the acquisition of land on the grounds specified in section six), for the words from " on the ground that " to " total or partial rehabilitation thereof" there shall be substituted the words " under section six of this Act ".
- 3 In section thirteen (which provides for disregarding work done' on land possession of which has been taken for agricultural purposes by the Minister of Agriculture and Fisheries or by the War Agricultural Executive Committee) the reference to the War Agricultural Executive Committee shall include a reference to a County Agricultural Executive Committee established under the Agriculture Act, 1947.
- 4 As respects Scotland, in the said section thirteen the reference to the War Agricultural Executive Committee shall include a reference to any committee exercising under any enactment relating to Scotland (whether passed before or after the commencement of this Act) and corresponding to the Agriculture Act, 1947, functions similar to those exercised by a County Agricultural Executive Committee established under the last-mentioned Act.
- 5 In section fourteen, in subsection (3), the words " or the order is made " are hereby repealed.
- 6 (1) Where in pursuance of an order made under section fifteen any highway is permanently stopped up or diverted, and immediately before the date on which the order became operative there was under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster General, the Postmaster General shall have the same powers in respect of that line as if the highway had not been stopped up or diverted.

Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line should be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.
- (2) In this paragraph the expression "alter" has the same meaning as in the Telegraph Act, 1878.
- (3) Nothing in this paragraph shall be construed as limiting the powers conferred by Part IV (which relates to telegraphic lines constructed in the exercise of emergency powers).
- 7 In section twenty-one, in subsection (1) (which provides for the temporary continuance of orders made under Defence Regulations for the stopping up or diversion of highways notwithstanding the expiration or revocation of the Defence Regulation in question), the reference to the revocation of a Defence

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

Regulation shall include, and be deemed always to have included, a reference to any amendment thereof narrowing the power to make orders thereunder.

8 In section twenty-nine, in subsection (1) (which, where work has been done on land or the value of land has been diminished, confers for certain purposes a right, as against all persons interested in the land, to enter on any land of which a Minister is not in possession) the words " in the land " where they first occur are hereby repealed.

9 The powers conferred by the Act of 1945 to acquire easements shall include power in the like manner and subject to the like provisions to acquire rights, as against all persons affected or to be affected, to take water from a watercourse for the benefit of any land, whether contiguous thereto or not, for the like purposes and to the like extent as water could be taken by virtue of ownership of land contiguous to the watercourse at the place where it is proposed to take the water.

10 (1) The power of a Minister under section fifty-two to make good to any person interested in land the whole or part of expenditure incurred by him in dealing with the land with a view to its rehabilitation shall be extended in accordance with the following sub-paragraph.

(2) Where—

- (a) under subsection (3) of section seventy-five of the Town and Country Planning Act, 1947 (which relates to the exercise by local planning authorities of powers to require owners or occupiers to remove government war works) an authority is liable to bear the whole or any part of the cost of taking the steps required by an enforcement notice relating to such works (whether the steps are taken by the authority or by a person entitled to recover expenditure from the authority), and
- (b) in the opinion of a Minister it is expedient in the public interest that the steps should be taken,

the said power of the Minister shall include power to undertake, either absolutely or subject to such conditions as he may specify, to make good to the authority the whole or any part of the cost which they are liable to bear as aforesaid.