



Requisitioned Land and War Works Act 1948

1948 CHAPTER 17 11 and 12 Geo 6

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

- 4 Discharge or modification of easements over land acquired under Defence Acts.**
- (1) . . . ^{F1}
- (2) Subject to the provisions of this section, where a Minister having power, . . . ^{F2}, 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 ^{M1}Town and Country Planning Act, 1947) for the purpose of the carrying on thereof, the following provisions of the ^{M2}Town and Country Planning Act, 1944, that is to say—
- section twenty-five (which relates to the extinguishment of rights of way and rights as to apparatus of statutory undertakers and to compensation therefor),
 - 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
 - the Schedules referred to in those sections,

Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1948, Section 4. (See end of Document for details)

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.

Textual Amendments

- F1** S. 4(1) repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**
F2 S. 4(2) words repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**

Modifications etc. (not altering text)

- C1** S. 4 extended by Post Office Act 1969 (c. 48), s. 76, **Sch. 4 para. 93(1)** and Civil Aviation Act 1971 (c. 75), s. 18(1), **Sch. 5 para. 5(e)**
C2 S. 4 extended by Civil Aviation Act 1982 (c. 16, SIF 9), **Sch. 2 para. 4**
C3 S. 4 extended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(v), **Sch. 8 para. 33**
C4 S. 4 extended (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 25 para. 1(2)(iii)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
C5 S. 4 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 1(1)(v), Sch. 17 paras. 33, **35(1)**
C6 S. 4 amended (E.W.S.) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(iv)**; S.I. 1996/218, **art. 2**
C7 S. 4 extended (1.4.1992) by S.I. 1992/231, art. 95(1), **Sch. 12 para.2**; S.R. 1992/117, **art. 3(1)**.
C8 S. 4 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 1**; S.I. 2001/869, **art. 2**

Marginal Citations

- M1** 1947 c. 51.
M2 1944 c. 47.

Changes to legislation:

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