



Compensation (Defence) Act 1939

1939 CHAPTER 75 2 and 3 Geo 6

Right to, and measure of, compensation

2 Compensation in respect of taking possession of land.

- (1) The compensation payable under this Act in respect of the taking possession of any land shall be the aggregate of the following sums, that is to say,—
- (a) a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the land, during the period for which possession of the land is retained in the exercise of emergency powers, under a lease granted immediately before the beginning of that period, whereby the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent, and
 - (b) a sum equal to the cost of making good any damage to the land which may have occurred during the period for which possession thereof is so retained (except in so far as the damage has been made good during that period by a person acting on behalf of His Majesty), no account being taken of fair wear and tear or of damage caused by war operations, and
 - (c) in a case where the land is agricultural land, a sum equal to the amount (if any) which might reasonably have been expected to be payable in addition to rent by an incoming tenant, in respect of things previously done for the purpose of the cultivation of the land, and in respect of seeds, tillages, growing crops and other similar matters, under a lease of the land granted immediately before possession thereof was taken in the exercise of emergency powers, and
 - (d) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of His Majesty, for the purpose of compliance with any directions given on behalf of His Majesty in connection with the taking possession of the land:

..... F1

- (2) Any compensation under paragraph (a) of the preceding subsection shall be considered as accruing due from day to day during the period for which the possession of the land is taken in the exercise of emergency powers, and be apportionable in respect of time

Changes to legislation: There are currently no known outstanding effects for the Compensation (Defence) Act 1939, Section 2. (See end of Document for details)

accordingly, and shall be paid to the person who for the time being would be entitled to occupy the land but for the fact that possession thereof is retained in the exercise of such powers; but this subsection shall not operate so as to require the making of payments at intervals of less than three months.

For the purposes of the enactments relating to income tax . . . ^{F2} any compensation under the said paragraph (a) shall be deemed to be rent payable for the land, the Crown shall be deemed to pay it as tenant occupier, and the person receiving it shall be deemed to receive it as landlord.

- (3) Any compensation under paragraph (b) of subsection (1) of this section shall accrue due at the end of the period for which possession of the land is retained in the exercise of emergency powers, and shall be paid to the person who is then the owner of the land.
- (4) Any compensation under paragraph (c) of subsection (1) of this section shall accrue due at the time when possession of the land is taken in the exercise of emergency powers, and shall be paid to the person who, immediately before that time, was the occupier of the land.
- (5) Any compensation under paragraph (d) of subsection (1) of this section shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

Textual Amendments

- F1** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. IX**
- F2** Words repealed by [Finance Act 1963 \(c. 25\)](#), s. **73(7)(b)**, (8)(b), Schs. 13 Pt. I 14 Pt. IV

Modifications etc. (not altering text)

- C1** S. 2 applied with modifications by [Public Works \(Festival of Britain\) Act 1949 \(c. 26\)](#), s. **5(8)(b)** and [War Damaged Sites Act 1949 \(c. 84\)](#), s. **5(1)(2)**
- C2** S. 2(1)(a) amended by [Landlord and Tenant \(Requisitioned Land\) Act 1942 \(c. 13\)](#), ss. **6–8**
- C3** S. 2(1)(b) amended by [Landlord and Tenant \(Requisitioned Land\) Act 1942 \(c. 13\)](#), s. 7, [Town and Country Planning Act 1954 \(c. 72\)](#), s. **53** and [Town and Country Planning \(Scotland\) Act 1954 \(c. 73\)](#), s.**55**; modified by [Requisitioned Land and War Works Act 1945 \(c. 43\)](#), s. **52(1)** and excluded by [Requisitioned Land and War Works Act 1945, \(c. 43\) s.47](#)

Changes to legislation:

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