



Compensation (Defence) Act 1939

1939 CHAPTER 75 2 and 3 Geo 6

Right to, and measure of, compensation

3 Compensation in respect of the doing of work on land.

- (1) Compensation under this Act in respect of the doing of any work on any land shall be payable only if the annual value of the land is diminished by reason of the doing of the work.
- (2) The compensation payable under this Act in respect of the doing of any work on any land shall, in the first instance, be a sum calculated by reference to the diminution of the annual value of the land ascribable to the doing of the work; and shall be paid in instalments, quarterly in arrear, to the person who for the time being is entitled to occupy the land.

Any compensation under this subsection shall be considered as accruing due from day to day, and shall be apportionable in respect of time accordingly.

- (3) If, at any time after compensation under the preceding subsection has become payable by reason of the doing of any work on any land, a person acting on behalf of His Majesty—
 - (a) causes the land to be restored, so far as practicable, to the condition in which it would be but for the doing of the work, or
 - (b) serves on the person for the time being entitled to occupy the land a written notice of intention to discharge the liability for the compensation by making, not earlier than a date specified in the notice, payment of a lump sum in accordance with the following provisions of this section,

the period in respect of which compensation is payable under the preceding subsection by reason of the doing of the work shall end with the date immediately preceding the date on which the restoration is completed or, as the case may be, the date specified in the notice.

- (4) Where, by virtue of the operation of the last preceding subsection in relation to any work done on any land, the period in respect of which compensation under subsection (1) of this section is payable by reason of the doing of the work comes

Changes to legislation: There are currently no known outstanding effects for the Compensation (Defence) Act 1939, Section 3. (See end of Document for details)

to an end, then if, at the expiration of that period, the value of any estate or interest which a person then has in the land is less than it would be but for the doing of the work, there shall be paid to him, by way of compensation under this Act, a sum equal to the amount of the said depreciation in the value of the estate or interest; and that compensation shall be taken to accrue due at the expiration of the said period.

- (5) As soon as may be after effecting any restoration or serving any notice in pursuance of subsection (3) of this section, the person by whom the restoration was effected or the notice was served shall cause the fact of the restoration or the contents of the notice, as the case may be, to be published in such manner as he thinks best adapted for informing persons affected.
- (6) In determining for the purposes of this section whether the annual value of any land is diminished by reason of the doing of any work thereon, and in assessing any compensation under this section in respect of the doing of any work on any land, it shall be assumed that the land cannot be restored to the condition in which it would be but for the doing of the work.
- (7) For the purposes of this section, no account shall be taken of any diminution or depreciation in value ascribable only to loss of pleasure or amenity.
- (8) No compensation under this section shall, in relation to any land, be payable in respect of any period for which possession of that land is taken on behalf of His Majesty in the exercise of emergency powers.
- (9) In this section—
- (a) the expression “annual value” means, in relation to any land, the rent at which the land might reasonably be expected to let from year to year, if the tenant undertook to pay all usual tenant’s rates and taxes and to bear the costs 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) the expression “diminution of the annual value” means, in relation to the doing of any work on any land, the amount by which the annual value of the land is less than it would be if the work had not been done.

Modifications etc. (not altering text)

- C1** S. 3 amended by Requisitioned Land and War Works Act 1945 (c. 43), ss. 48, 52(2); excluded retrospectively by Requisitioned Land and War Works Act 1948 (c. 17), s. 11(2)
- C2** S. 3(2) excluded by Requisitioned Land and War Works Act 1948 (c. 17), s. 13(2)(4)
- C3** S. 3(4) excluded by Requisitioned Land and War Works Act 1948 (c. 17), s. 13(5)
- C4** S. 3(6) restricted by Requisitioned Land and War Works Act 1945 (c. 43), s. 49

Changes to legislation:

There are currently no known outstanding effects for the Compensation (Defence) Act 1939, Section 3.