



# Requisitioned Land and War Works Act 1945

1945 CHAPTER 43

## PART IV

TELEGRAPHIC LINES.

### 23 General provision as to telegraphic lines.

Where in the exercise of emergency powers the Postmaster General has constructed any telegraphic line, then, subject to the provisions of this Part of this Act, the line shall, as from the end of the war period or such earlier date as may be fixed in relation thereto by the Postmaster General, be treated as having been constructed, with all necessary consents, under and in accordance with the Telegraph Acts, 1863 to 1943, and those Acts shall apply in relation thereto accordingly:

Provided that—

- (a) the line shall not, for the purposes of any agreement made before the passing of this Act for regulating the exercise by the Postmaster General of his rights under those Acts, be treated as having been so constructed; and
- (b) nothing in this section shall affect the application in relation to the line of the Compensation (Defence) Act, 1939.

### 24 Power of owners, and c, to require removal of telegraphic lines.

Subject to the provisions of the next succeeding section, at any time after the Telegraph Acts, 1863 to 1943, have become applicable to a telegraphic line in pursuance of the last preceding section, any person whose consent would, if the line were then to be constructed, be required under the said Acts to the construction thereof, may, by notice in writing, require the Postmaster General to remove the line not later than three months from the date of the service of the notice and, unless that person consents to the withdrawal of the notice, the Postmaster General shall remove the line accordingly:

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*Status: This is the original version (as it was originally enacted).*

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Provided that if, within the said three months, the Postmaster General serves a notice on that person requiring him so to consent—

- (a) a difference shall be deemed to have arisen between the Postmaster General and that person; and
- (b) the provisions of sections three, four and five of the Telegraph Act, 1878, and of section one of the Telegraph (Construction) Act, 1916 (which provide for the determination of differences as to the placing of telegraphs, posts and telegraphic lines), shall, with any necessary adaptations, apply as if it were a difference arising under the first-mentioned Act, and as if the references in the said provisions' to consent to the placing of telegraphs or posts or a telegraphic line were references to consent to the withdrawal of the notice; and
- (c) the Postmaster General shall not be bound to remove the line until three months from the final determination of any proceedings taken under or by virtue of the said provisions,

and for the purposes of this proviso, proceedings shall not be deemed to be finally determined until the time allowed for appealing has expired or, where an appeal is brought, until the appeal is itself finally determined.

## **25 Deep lines.**

- (1) Where any line constructed by the Postmaster General in the exercise of emergency powers is a deep line, then, subject to the provisions of this section, no compensation shall be payable to any person, whether under the Compensation (Defence) Act, 1939, or otherwise, by reason of the construction, maintenance or use thereof.

This subsection shall be deemed to have had effect as from the beginning of the war period.

- (2) No obligation imposed on the Postmaster General or power conferred on any other person to remove or alter a telegraphic line (whether the obligation is imposed or the power is conferred by or under any Act, including this Act or a local or personal Act, or by or under any agreement or otherwise) shall apply to a deep line constructed in the exercise of emergency powers, but where, after the end of the war period, any person proves that he would, but for the provisions of this subsection, have power to remove or alter, or require the removal or alteration of, any deep line or any part of a deep line, being a line or part in respect of which no compensation has previously been paid under this subsection, the Postmaster General shall pay to him and to every other person then having an estate or interest in the land through or under which that line or part passes a sum equal to the amount by which the values of their respective estates and interests in that land are diminished by the operation of this subsection in relation to that line or part.
- (3) If any government war works constructed below the surface of any land in connection with the construction of, but not forming part of, a deep line, remain in the land after the completion of the line, and any person having an estate or interest in the land, proves that the presence of those works in the land interferes or is likely to interfere with any existing or proposed works of his on the land, then, unless compensation has already been paid in respect of the said government war works, the Postmaster General shall pay to him and to every other person then having an estate or interest in the land a sum equal to the amount by which the values of their respective estates and interests in the land are diminished by the presence of the said government war works in that land.

- (4) The amount and application of any compensation payable under this section shall be determined in accordance with section seven of the Telegraph Act, 1863, as amended by or under any subsequent enactment.
- (5) In this section, the expression " deep line " means a telegraphic line which for the greater part of its course consists of a tunnel containing wires used for the purpose of telegraphic communication and running at a depth of more than thirty feet below ground level, that is to say, below the level of the ground in its natural state or, where the ground is covered with water, below the level of the surface of that water, taken, where the water is tidal, at high tide on an ordinary spring tide.