



Requisitioned Land and War Works Act 1945

1945 CHAPTER 43

PART X

MISCELLANEOUS AND GENERAL.

59 Interpretation, and &c.

- (1) In this Act, except in so far as the contrary is expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

" common " includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green;

" the Defence Acts " means any of the provisions of the Defence Acts, 1842 to 1935, as amended, extended or applied by or under any enactment, including this Act, and includes the provisions of section seven of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of section seven of the Militia (Lands and Buildings) Act, 1873, and, in the case of the Admiralty, the provisions of sections nine to nineteen of the Admiralty Lands and Works Act, 1864;

" Defence Regulation " means a Regulation made under the Emergency Powers (Defence) Act, 1939, or the Emergency Powers (Defence) Acts, 1939 and 1940;

" drainage board " means a drainage board constituted, or to be treated as having been constituted, under the Land Drainage Act, 1930;

" dwelling-house " means any such permanent building or part of a permanent building as is used as a dwelling, not being the whole or any part of a hotel or boarding-house or the whole or any part of any premises in respect of which a justices' licence for the sale of any intoxicating liquor has been granted in accordance with the Licensing (Consolidation) Act, 1910, and is in force or is, by virtue of section ten of the Finance Act, 1942, in suspense by reason of war circumstances;

Status: This is the original version (as it was originally enacted).

" emergency powers " means emergency powers for the purposes of the Compensation (Defence) Act, 1939, exercised during the war period or, in the case of powers conferred by this Act, during any period during which those powers are exercisable;

" fuel or field garden allotment " means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

" government war use " means, in relation to land, any use to which that land is put during the war period by or by arrangement with a Minister, or under emergency powers;

" government war work " means work done during the war period for war purposes by or by arrangement with a Minister or under emergency powers;

" government war works " means works constructed in the course of government war work;

" local authority " means the council of a county, county borough, metropolitan borough or county district, or the Common Council of the City of London;

" local planning authority " means in relation to any land with respect to, which a planning scheme is in force, the responsible authority under the scheme, and, in relation to other land, the interim development authority within the meaning of the Town and Country Planning (Interim Development) Act, 1943;

" Minister " means a Minister of the Crown and includes the Admiralty, the Commissioners of Works, the Board of Trade and the Board of Education, but does not include a Minister of Northern Ireland;

" open space " means any land laid out as a public garden or used for the purposes of public recreation, or land being a disused burial ground;

" telegraphic line " has the same meaning as in the Telegraph Act, 1878;

" war period " means the period during which the Emergency Powers (Defence) Act, 1939, is in force;

" war purposes " means any purposes connected with any war in which His Majesty is engaged during the war period, whether or not at the relevant time that war had begun;

" works " includes buildings, structures and improvements (and, in particular, underground works and telegraphic lines), and references to the construction of works shall be construed accordingly.

- (2) For the purposes of this Act, the doing of work on land means the doing of any work on, over or below the surface of the land, and, in particular, includes the making of any erection or excavation, the placing of any thing, and the maintenance, removal, demolition, pulling down, destruction or rendering useless of any thing on, over or below that surface.
- (3) Any reference in this Act to an easement includes a reference to a right to support for any land or for any buildings or works and a right to withdraw support from any land or from any buildings or works, and any such right obtained under the Defence Acts shall be deemed for all purposes to be an easement.
- (4) Where a Minister has acquired or has power to acquire any land under the Defence Acts or would have power so to acquire any land if he did not already own it, and that land contains part of a continuous main or pipe or the whole or part of works used in connection therewith, any rights necessary for or incidental to the maintenance or use of any part of the main or pipe which is in, over or under land not owned or acquired by

the Minister may, subject to and in accordance with the provisions of this Act relating to the acquisition of easements, be acquired by him as, and, if so acquired by him, shall be deemed for all purposes to be, easements for the benefit of such of the first-mentioned land as he owns or acquires:

Provided that in relation to the acquisition of any such rights, the reference in paragraph (a) of subsection (1) of section seven of this Act to easements which are in the opinion of the Minister essential to the full enjoyment of the land therein mentioned shall be construed as a reference to easements which in the opinion of the Minister are essential to the full enjoyment of the main or pipe.

- (5) A covenant to limit the growth of trees or other vegetation on any land shall be deemed for the purposes of this Act to confer a right restrictive of the user of that land, and any reference in this Act to a right restrictive of the user of land shall be construed accordingly, and any such covenant as aforesaid obtained under the Defence Acts shall be deemed for all purposes to be a restrictive covenant.
- (6) Any reference in this Act to a value payment falling to be made under the War Damage Act, 1943, in respect of any damage does not include a reference to a case where such a payment would fall to be made but for the fact that the value of the hereditament in the state in which it was immediately after the occurrence of the damage is no less than its value in the state in which it was immediately before the occurrence of the damage, or, in a case where section seventeen of the War Damage Act, 1943, applies, in the state in which it was immediately before the beginning of the period of requisition.
- (7) Words, in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which by virtue of the Sixth Schedule to the Town and Country Planning Act, 1944, or any other enactment, is deemed to be so served.
- (8) The powers conferred by this Act shall be in addition to, and not in derogation of, any powers exercisable by virtue of any other Act or at common law.