



Compensation (Defence) Act 1939

1939 CHAPTER 75

General and Supplementary Provisions

10 Interest on compensation

Any compensation under this Act shall carry interest, as from the date on which it accrues due until payment, at such rate not exceeding five per cent. per annum as the Treasury may from time to time by order prescribe.

11 Limitation of time for claiming compensation

No claim for any compensation under this Act shall be entertained unless notice of the claim has, in such form and manner as may be prescribed, been given to the prescribed authority within the period of six months, or such longer period as the Treasury may, either generally or in relation to any particular claim or class of claims, allow, beginning in either case with the date on which the compensation accrues due or the date of the passing of this Act, whichever is the later.

12 Exclusion of compensation under Act in certain cases

- (1) No person shall, by virtue of this Act, be entitled to compensation in respect of the acquisition on behalf of His Majesty of any currency, gold or securities, or in respect of the taking control on behalf of His Majesty of any railway undertaking or any undertaking carried on by any person by whom a railway undertaking is carried on, or of any part of such an undertaking as aforesaid.
- (2) No compensation shall, by virtue of this Act, be payable to any person in respect of any loss of, or damage to, property, if and so far as that person has become entitled, apart from the provisions of this Act, to recover any sum by way of damages or indemnity in respect of that loss or damage or is, at the time of the occurrence of the loss, or damage, required under any contract with the Crown to be insured in respect thereof.

13 Provisions as to property subject to hire-purchase agreements

In a case where any property in respect of the requisition or acquisition of which compensation is required by the preceding provisions of this Act to be paid to the person who is the owner of the property immediately before the requisition or acquisition, is then in the possession of some other person by virtue of a hire-purchase agreement, that person may, by a notice given in the prescribed form and manner to the prescribed authority, within the period limited by this Act in relation to the making of any claim by the owner for payment of the compensation, make a claim to have apportioned to him such part of the compensation as may be specified in his claim; and, in default of agreement between the parties, the last-mentioned claim shall be referred to the tribunal constituted under this Act which has jurisdiction in the matter of any such claim by the owner, and thereupon that tribunal may apportion the compensation between the owner and the other person in such manner as appears to it to be just.

14 Provisions as to property subject to mortgages, pledges, and c

Where any sum by way of compensation is paid in accordance with any provisions of this Act requiring compensation to be paid to the owner of any property, then, if at the time when the compensation accrues due, the property is subject to any mortgage, pledge, lien or other similar obligation, the sum so paid shall be deemed to be comprised in that mortgage, pledge, lien or other obligation.

15 Compensation payable apart from the Act

The provisions of this Act shall be without prejudice to any agreement for the making of any payment (whether by way of compensation or otherwise) in respect of the doing of anything on behalf of His Majesty in the exercise of emergency powers; but, where compensation in respect of the doing of anything as aforesaid, would, apart from this section, be payable both under this Act and under some other enactment or rule- of law, then, subject to any such agreement as aforesaid, the compensation shall be payable in accordance with this Act and not otherwise.

16 Service of notices

Any notice which by this Act is required or authorised to be served on any person may be served by post.

17 Interpretation

- (1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say—

" agricultural land " means any land used as arable, meadow or pasture land, land used for a plantation or a wood or for the growth of saleable underwood, or land used for the purpose of poultry farming, market gardens, nursery grounds, orchards or allotments, including allotment gardens within the meaning of the Allotments Act, 1922;

" aircraft " means any flying machine, glider or airship or any balloon (whether fixed or free);

" the emergency " means the emergency that was the occasion of the passing of this Act;

" emergency powers " means any power conferred by—

- (a) regulations made under the Emergency Powers (Defence) Act, 1939, as part of the law of the United Kingdom,
- (b) section fifty-two of the Telegraph Act, 1863, or
- (c) section seven of the Air Navigation Act, 1920, as amended by any subsequent enactment,

or any power exercisable by virtue of the prerogative of the Crown;

"exercise " includes purported exercise;

" fair wear and tear, " in relation to any property possession of which is taken on behalf of His Majesty or which is requisitioned on behalf of His Majesty, means such fair wear and tear as might have been expected to occur but for the fact that possession of the property was so taken or that the property was so requisitioned, as the case may be;

" goods " means chattels other than vessels, vehicles and aircraft;

" the High Court " means the High Court of Justice in England;

" hire-purchase agreement " has the same meaning as in the Hire Purchase Act, 1938;

" land " includes (without prejudice to any of the provisions of section three of the Interpretation Act, 1889,) land covered with water, and parts of houses or buildings;

" owner " means—

- (a) in relation to land, the person who is receiving the rackrent of the land, whether on his own account or as agent or trustee for any other person, or who would so receive the rackrent of the land if it were let at a rackrent, or
- (b) in relation to any property other than land, the person entitled to sell the property, it being assumed not to be subject to any mortgage, pledge, lien or other similar obligation ;

and in this definition the expression " rackrent " has the same meaning as in the Public Health Act, 1936;

" prescribed " means prescribed by rules made by the Treasury;

" requisition " means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

" ship " and " vessel " have respectively the same meanings as in the Merchant Shipping Act, 1894; and

" war operations " means action taken by an enemy, or action taken in combating an enemy or in repelling an imagined attack by an enemy.

- (2) For the purposes of this Act, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in the exercise of emergency powers.

18 Application to Scotland and Northern Ireland

- (1) For the purpose of the application of this Act to Scotland, the expression " chattels " means corporeal moveables; the expression " hire purchase agreement" means any contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies or would apply if the limitation as to value contained in section one of the said Act were

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

omitted; the reference in the last preceding section to the Allotments Act, 1922 shall be construed as a reference to the Allotments (Scotland) Act, 1922; and the expression "owner", where used in relation to land, has the like meaning as in the Public Health (Scotland) Act, 1897.

- (2) Sections seven and nine of this Act shall have effect, in their application to proceedings in Scotland before a tribunal constituted under this Act, as if for references to the Lord Chancellor and to the High Court there were respectively substituted references to the Lord President of the Court of Session and to the Court of Session.
- (3) For the purpose of the application of this Act to Northern Ireland, the expression "rackrent," where used in relation to land, has the same meaning as in the Public Health (Ireland) Act, 1878.

19 Extension of Act to Me of Man and Channel Islands

- (1) His Majesty may by Order in Council direct that this Act shall extend to the Isle of Man or any of the Channel Islands, with such exception, adaptations and modifications as may be specified in the Order.
- (2) Any Order in Council under this section may be varied or revoked by a subsequent Order of His Majesty in Council.

20 Short title and commencement

- (1) This Act may be cited as the Compensation (Defence) Act, 1939.
- (2) This Act shall be deemed to have come into operation on the twenty-fourth day of August, nineteen hundred and thirty-nine.