



Defence of the Realm (Acquisition of Land) Act 1920

1920 CHAPTER 79

1 Power to dispose of land free from restrictive covenant.

- (1) Where land which, or an interest in which, has been or is hereafter acquired under the Defence of the Realm (Acquisition of Land) Act, 1916 (hereinafter referred to as the principal Act), was immediately before its acquisition subject to a restrictive covenant which before the fourth day of November, nineteen hundred and twenty, had lawfully been contravened, and the land or interest therein is disposed of in pursuance of the powers conferred by section five of that Act, it may be disposed of free from the restriction imposed by the covenant, and shall be deemed to have been so disposed of, if expressed to be disposed of in pursuance of the powers conferred by the principal Act and this Act but not otherwise :

Provided that, where the covenant is one entered into for the protection and maintenance of any building scheme, or for the preservation of the amenities of any dwelling-house in the occupation of a person entitled to enforce the covenant, this section shall not apply unless the Railway and Canal Commission, on the application of the occupying department, and having regard to all the circumstances of the case, direct that it shall apply.

- (2) Where any such land or interest is disposed of free from such restriction, no person shall have the right of enforcing the covenant against the person to whom the land or interest is disposed of or his successors in title, but if at any time after such disposition any person who, but for this section, would have had a right to enforce the covenant, establishes such right, there shall be paid to him compensation to be determined in manner provided by the Lands Clauses Act as modified by the principal Act and the Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to interests in lands which have been omitted to be purchased, and upon payment of such compensation the right shall, as against him and all persons deriving title through him, be absolutely discharged :

Provided that, in assessing the compensation, the official arbitrator shall take into consideration any compensation which may have been paid or be payable in respect of the covenant under section four of the principal Act. Any compensation payable

Status: This is the original version (as it was originally enacted).

under the foregoing provisions shall be paid out of moneys provided by Parliament, but the sum to be expended in respect thereof shall not exceed fifty thousand pounds.

- (3) In the application of this section to Scotland " restrictive covenant " shall mean any obligation imposed by way of real burden or reservation or condition running with or affecting the land, whereby any restriction on the alienation or transfer of possession of the land, or on the use or enjoyment thereof, is effected.