



# Compensation (Defence) Act 1939

## 1939 CHAPTER 75

### *General and Supplementary Provisions*

#### **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;

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*Status: This is the original version (as it was originally enacted).*

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" 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.