



Requisitioned Land and War Works Act 1945

1945 CHAPTER 43

PART IX

AMENDMENTS OF COMPENSATION (DEFENCE) ACT, 1939.

45 Increase in rental compensation under s. 2 of Compensation (Defence) Act, 1939.

(1) Where, before the passing of this Act, possession has been taken of any land in the exercise of emergency powers and the compensation payable in respect, thereof under paragraph (a) of subsection (1) of section two of the Compensation (Defence) Act, 1939, has (whether by agreement or otherwise) been determined by reference to a level of rental Values which is both—

- (a) less than that obtaining in respect of comparable land on the thirty-first day of March, nineteen hundred and thirty-nine; and
- (b) less than the level of rental values obtaining in respect of comparable land on the appointed day,

any compensation payable under the said paragraph in respect of the taking of possession of the land which accrues on or after -the appointed day shall be determined by reference to the level of rental values obtaining in respect of comparable land on the said thirty-first day of March or that obtaining in respect thereof on the appointed day, whichever is the lower, and the compensation shall be determined accordingly:

Provided that this section shall not apply in relation to any land unless, not later than six months after the appointed day or after the end of the period for which possession of the land is retained in the exercise of emergency powers, whichever is the later, a person who, as at some date not earlier than the appointed day, would be entitled to occupy the land but for the fact that possession thereof is or was so retained, gives notice in such form and manner and to such authority as may be prescribed by rules made by the Treasury under the said Act that he desires that this section should apply in relation to the land.

Status: This is the original version (as it was originally enacted).

- (2) In this section the expression " the appointed day " means such day (not later than the end of the war period) as the Treasury may appoint.

46 Effect on compensation of reservation of rights under Part VI.

Where any land is in the possession of a Minister or of a person occupying or using it under the authority of a Minister and the Minister by a notice served in accordance with the provisions of Part VI of this Act reserves his rights thereunder to remove works constructed or things placed on, over or below the surface of the land or to do other work for the purpose of restoring the land

- (a) on the land ceasing to be in the possession of a Minister or person occupying or using it under the authority of a Minister,; compensation shall not be payable under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, in respect of the damage, if any, done to the said land; but
- (b) the provisions of section three of the said Act shall apply as if the damage had been damage to the land by work done thereon in the exercise of emergency powers while it was not in the possession of a Minister or person occupying or using it under the authority of a Minister.

47 Compensation under s. 2 of Compensation (Defence) Act, 1939, for removal of fixed machinery or plant.

Where the damage in respect of which a sum falls, or would but for this section fall, to be paid under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, consists wholly or in part of the removal of fixed machinery or plant, such reduction, if any, in that compensation shall be made as may appear to the General Claims Tribunal to be just having regard to the way in which the machinery or plant has in fact been dealt with, the likelihood of the machinery or plant being in fact replaced on the land and the reasonableness of replacing it thereon, and any other circumstances which , may appear to the Tribunal to be relevant:

Provided that nothing in this section shall authorise the making of any reduction if the making thereof would be inconsistent with any provision of any such agreement as is mentioned in section fifteen of the said Act.

48 Successive works to be dealt with as one.

- (1) For the purposes of section three of the Compensation (Defence) Act, 1939, the doing on any land of work to which that section applies, or would apply if the annual value of the land were diminished by reason of the doing of the work, shall be treated as a single operation with the doing of any other such work (whether before or after) except—
- (a) work done before in respect of which any person has, by virtue of subsection (3) of that section or by virtue of any agreement, become entitled to receive from the Crown a lump sum by way of compensation; and
 - (b) work done before consisting of the construction of works in respect of which an amount has been paid to the Minister under Part II of this Act in pursuance of a report of the Commission;

and, on the doing of the later work, any award by the General Claims Tribunal of compensation under that section in respect of the earlier work may, except as respects compensation accruing before the doing of the later work, be varied accordingly on the application of the Crown or of any other person interested:

Provided that the power to vary awards conferred by this subsection shall not apply to any award made before the passing of this Act in respect of any land, unless (whether before or after the passing of this Act) further work to which the said section three applies has been done on that land since the doing thereon of the latest work to which any such award relates.

- (2) Where during the war period any works have been constructed or other thing placed in, on or over any land by or by arrangement with a Minister otherwise than in the exercise of emergency powers, then, unless it has been expressly agreed that the Crown is to have no interest in the works or thing so constructed or placed, or the works or thing have or has been so constructed or placed in the exercise of powers conferred by any Act, the preceding subsection shall have effect as if the construction or placing were work done on the land in the exercise of emergency powers.

49 Lump sum compensation under s. 3 of Compensation (Defence) Act, 1939.

Subsection (6) of section three of the Compensation (Defence) Act, 1939 (which directs that in assessing compensation under that section it shall be assumed that the land cannot be restored to the condition in which it would be but for the doing of the work) shall not apply, and shall be deemed never to have applied, to compensation under subsection (4) thereof (which provides for the payment of a lump sum where the land is not restored by the Crown).

50 Definition of work done on land.

The Compensation (Defence) Act, 1939, shall have effect and be deemed always to have had effect as if for subsection (2) of section seventeen thereof (which defines the expression " the doing of work on land ") there were substituted the following subsection—

- “(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”.