



Land Powers (Defence) Act 1958

1958 CHAPTER 30 6 and 7 Eliz 2

Miscellaneous and general

21 Power to enter and survey land.

(1) Where by virtue of any of the provisions of this Act any duty is to be performed, or any power exercised, by a Minister, any person duly authorised in writing by that Minister may, at any reasonable time, enter upon any land, other than land covered by buildings, for the purpose of surveying that land in connection with, or with proposals for, the performance or exercise of that duty or power, and the provisions of the Fourth Schedule to this Act shall have effect in relation to the powers conferred by this subsection.

[^{F1}(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).]

(2) Nothing in this section shall be construed as derogating from any right of entry under any other enactment, including any enactment contained in this Act.

Textual Amendments

F1 S. 21(1A) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 14 para. 4](#); [S.I. 2016/733](#), [reg. 3\(h\)](#) (with [reg. 6](#))

^{F2}22 Abolition and transfer of jurisdiction of General Claims Tribunal.

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Textual Amendments

F2 S. 22 omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 27](#) (with [Sch. 5](#))

Changes to legislation: There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Cross Heading: Miscellaneous and general. (See end of Document for details)

23 Provisions as to service.

- (1) Any document required or authorised to be served on any person under this Act or, by virtue of this Act, under any other enactment may be served either by delivering it to that person, or by leaving it at his proper address, or by post, so, however, that the document shall not be duly served by post unless it is sent by registered letter.
- (2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.
- (3) For the purposes of this section and of the application thereto of section twenty-six of the ^{M1}Interpretation Act, 1889, the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last-known address of the person to be served:
Provided that, where the person to be served has furnished an address for service, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.
- (4) Where any such document as aforesaid is to be served by a Minister upon the owner, lessee or occupier of any land and that Minister is satisfied in relation to that land that reasonable inquiry has been made and that it is not practicable to ascertain whether or not there is, or what is the name or address of, any person who is the owner, lessee or occupier of that land, the document shall be deemed to have been duly served on any such person on whom it has for that reason not been served in accordance with the foregoing provisions of this section if it is addressed to all or such as may be appropriate of the following, that is to say, “the owners”, “any lessee” and “any occupier” of the land (describing it), and is delivered to some responsible person on the land or, where there is no such person on the land to whom it may be delivered, if the document or a copy thereof so addressed is affixed to some conspicuous object on the land.

Modifications etc. (not altering text)

C1 S. 23(1) amended by [Recorded Delivery Service Act 1962 \(c. 27\)](#), s. 1, [Sch. para. 1](#)

Marginal Citations

M1 1889 c. 63.

24 Regulations and orders.

- (1) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any power to make orders conferred by any provision of this Act shall include power to vary or revoke any previous order made under that provision.

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25 Interpretation —general and in relation to Scotland and Northern Ireland.

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the following meanings respectively, that is to say:—

[^{F3}“the appropriate tribunal” means—

- (a) in the application of this Act to England and Wales, the Upper Tribunal;
- (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;
- (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;]

“defence purposes” includes any purpose of any of Her Majesty’s naval, military or air forces, the service of any visiting force within the meaning of Part I of the ^{M2}Visiting Forces Act, 1952, and any purpose of the Minister of Supply connected with the service of any of the forces aforesaid;

“enactment” includes an enactment of the Parliament of Northern Ireland;

“land” includes land covered by water;

“manoeuvres commission” has the meaning assigned by subsection (1) of section three of this Act;

“manoeuvres Order” means an Order in Council authorising the execution of manoeuvres made under section one of the ^{M3}Military Manoeuvres Act, 1897;

“Minister” (except where the reference is to a particular Minister) means any Minister of the Crown . . . ^{F4}

“occupier” in relation to any land which is not occupied means the person for the time being entitled to possession of that land;

“oil installations” means any works for the storage or transmission of oil (including oil pipe-lines and works accessory to oil pipe-lines) and any works for giving access to, or otherwise required in connection with, any such works;

“oil pipe-line” means any main or pipe for the transmission of oil, or for the transmission of water or any other substance in connection with the storage or transmission of oil, or any part of such a main or pipe;

“owner” in relation to any land—

- (a) in the case of land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term of which exceeds three years;
- (b) in the case of land in Scotland, includes any person who, under the Lands Clauses Acts, would be enabled to sell and convey the land to the promoters of an undertaking and a tenant of the land under a lease the unexpired term of which exceeds three years;

“wayleave order” has the meaning assigned by subsection (1) of section fourteen of this Act.

(2) In the application of this Act to Scotland—

- (a) the expression “chattels” means corporeal moveables;
- (b) the expression “easement” means a servitude or similar right;

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- [^{F5}(bb) any reference to an “interest” in land, however expressed, shall be construed as a reference to a right in, or interest in, land and as including a reference to ownership of land;]
- ^{F6}(c)
- (3) In the application of this Act to Northern Ireland—
- ^{F7}(a)
- (b) references to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland;
- (c) any reference to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.
- (4) References in this Act to the maintenance of an oil pipe-line or of works accessory thereto shall be construed as including references to the replacing thereof, and the provisions of this Act shall apply to anything laid, installed or constructed by way of replacement as they previously applied to the thing replaced.
- (5) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

Textual Amendments

- F3** Words in s. 25(1) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 28(a)** (with Sch. 5)
- F4** Words repealed with saving by [S.I. 1964/488](#)
- F5** S. 25(2)(bb) inserted (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **Sch. 12 paras. 21** (with ss. 58, 62, 75); [S.S.I. 2003/456](#), art. 2
- F6** S. 25(2)(c) omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 28(b)** (with Sch. 5)
- F7** S. 25(3)(a) omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 28(c)** (with Sch. 5)

Modifications etc. (not altering text)

- C2** Definition of “defence purposes” extended by [S.I. 1965/1536](#)
- C3** Functions of official arbitrator appointed under s. 1 of [Acquisition of Land \(Assessment of Compensation\) Act 1919 \(c. 57\)](#) now exercisable by Lands Tribunal for Northern Ireland (N.I.): [Lands Tribunal and Compensation Act \(Northern Ireland\) 1964 \(c. 29\)](#), **s. 6(1)(c)**

Marginal Citations

- M2** 1952 c. 67
- M3** 1897 c. 43.

26 Expenses.

- (1) There shall be defrayed out of moneys provided by Parliament—
- (a) any expenditure attributable to the provisions of this Act incurred by any Minister of Her Majesty’s Government in the United Kingdom; . . . ^{F8} and

Changes to legislation: There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Cross Heading: Miscellaneous and general. (See end of Document for details)

- (b) any increase so attributable in the sums payable out of moneys so provided under Part I of the ^{M4}Local Government Act, 1948, or the ^{M5}Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the ^{M6}Valuation and Rating (Scotland) Act, 1956.
- (2) Any amount recovered under this Act by any such Minister as aforesaid or by the Admiralty shall be paid into the Exchequer.

Textual Amendments

F8 Words repealed with saving by [S.I. 1964/488](#)

Marginal Citations

M4 1948 c. 26.

M5 1954 c. 13.

M6 1956 c. 60.

27 Short title and extent.

- (1) This Act may be cited as the Land Powers (Defence) Act 1958.
- (2) Sections . . . ^{F9} six and twelve of this Act . . . ^{F9} shall not extend to Northern Ireland.

Textual Amendments

F9 Words repealed by [Manoeuvres Act 1958 \(7 & 8 Eliz. 2 c. 7\), s. 10\(2\)\(c\)](#)

Changes to legislation:

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