

*Changes to legislation:* There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Part II. (See end of Document for details)

## SCHEDULES

### SECOND SCHEDULE **U.K.**

#### PROVISIONS WITH RESPECT TO CERTAIN ORDERS

#### PART II **U.K.**

##### ACQUISITION OF LAND, ETC., UNDER CERTAIN ORDERS

- 12 The provisions of this Part of this Schedule shall apply where an order is made under section thirteen . . . <sup>F1</sup> of this Act for the purpose of the acquisition of any land, or of any easement over or right restrictive of the user of any land, by the Minister of Power . . . <sup>F1</sup>

#### Textual Amendments

**F1** Words repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 8 Pt. II](#)

- 13 The following enactments, that is to say—
- (a) the <sup>M1</sup>Defence Act, 1842, except sections five, six, <sup>F2</sup> . . . twenty-three, thirty-seven, thirty-nine and forty-one;
  - (b) the <sup>M2</sup>Defence Act, 1854;
  - (c) the <sup>M3</sup>Defence Act, 1859;
  - (d) section seven of the <sup>M4</sup>Lands Clauses Consolidation Acts Amendment Act, 1860, with the omission from the proviso thereto of the words from “authorize” to “1842, or”;
  - (e) section forty-six of the <sup>M5</sup>Defence Act, 1860, and the provisions thereby applied;
  - (f) section seven of the <sup>M6</sup>Militia (Lands and Buildings) Act, 1873;
  - (g) the <sup>M7</sup>Defence Acts Amendment Act, 1873;
  - (h) Part VII of the <sup>M8</sup>Requisitioned Land and War Works Act, 1945,
- shall have effect for the purpose of the acquisition, holding, management, use and disposal in any manner of the land, easement or right to which the order applies as if references in those enactments in whatever terms to the principal officers of Her Majesty’s Ordnance or to the Secretary of State for the War Department or to the Ordnance department included references to the Minister of Power . . . <sup>F3</sup> and to his department.

#### Textual Amendments

**F2** Word in [Sch. 2 para. 13\(a\)](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.XIII](#).

**F3** Words repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 8 Pt. II](#)

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**Modifications etc. (not altering text)**

- C1** Functions of H.M. Ordnance now exercisable by Secretary of State for Defence: [Ordnance Board Transfer Act 1855 \(c. 117\)](#) and [S.I. 1964/488](#)

**Marginal Citations**

- M1** 1842 c. 94.  
**M2** 1854 c. 67.  
**M3** 1859 (22 Vict.) c. 12.  
**M4** 1860 c. 106.  
**M5** 1860 c. 112.  
**M6** 1873 c. 68.  
**M7** 1873 c. 72.  
**M8** 1945 c. 43.

- 14 Notice to treat for the compulsory acquisition under the enactments aforesaid of any land, easement or right to which the order applies may be served notwithstanding that the provisions of section sixteen of the <sup>M9</sup>Defence Act, 1842, with respect to the surveying and marking out of land have not been complied with, and references in the enactments aforesaid to land surveyed and marked out under that section shall be construed as including references to land described in a notice to treat for the acquisition thereof.

**Marginal Citations**

- M9** 1842 c. 94.

- 15 At any time after serving any such notice to treat as aforesaid for the acquisition of any land, easement or right which falls to be served on any owner, lessee or occupier of any land affected and after serving on every owner, lessee or occupier of that land not less than fourteen days' notice, the Minister of Power . . . <sup>F4</sup> may enter on and take possession of, or exercise any of the rights to be acquired with respect to, the land (or such part thereof as is specified in the last-mentioned notice) without previous consent or compliance with any relevant requirements of any of the enactments aforesaid, but subject to the payment of the like compensation as would have been payable if those requirements had been complied with, and, where possession is taken of the land, subject to the payment of interest on that compensation from the date of entry at the rate for the time being in force for the purposes of the following enactment, that is to say—
- (a) in the case of land in England or Wales, subsection (2) of section fifty-seven of the <sup>M10</sup>Town and Country Planning Act, 1947;
  - (b) in the case of land in Scotland, subsection (2) of section fifty-four of the <sup>M11</sup>Town and Country Planning (Scotland) Act, 1947;
  - (c) in the case of land in Northern Ireland, subsection (1) of section fourteen of the Administrative and Financial Provisions Act (Northern Ireland), 1956.

**Textual Amendments**

- F4** Words repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 8 Pt. II](#)

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**Marginal Citations**

**M10** 1947 c. 51.

**M11** 1947 c. 53.

- 16 Where any such notice to treat or of intended entry as aforesaid is required to be served on an owner of land which is ecclesiastical property as defined in paragraph 2 of this Schedule, a like notice shall be served on the [<sup>F5</sup>Church Commissioners [<sup>F5</sup>Diocesan Board of Finance for the diocese in which the land is situated]]; and any compensation in respect of the acquisition which, apart from this paragraph, would have been payable to the owner of the land shall be paid to the [<sup>F5</sup>Church Commissioners [<sup>F5</sup>Diocesan Board of Finance for the diocese in which the land is situated]] to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

**Textual Amendments**

**F5** Words in Sch. 2 para. 16 substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 5 para. 5(b)**; 2006 No. 2, Instrument made by Archbishops

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