



Land Powers (Defence) Act 1958

1958 CHAPTER 30 6 and 7 Eliz 2

Miscellaneous and general

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:—

[^{F1}“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 ^{M1}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 ^{M2}Military Manoeuvres Act, 1897;

“Minister” (except where the reference is to a particular Minister) means any Minister of the Crown . . . ^{F2}

“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;

Changes to legislation: There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Section 25. (See end of Document for details)

“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 of 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;

[^{F3}(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;]

^{F4}(c)

(3) In the application of this Act to Northern Ireland—

^{F5}(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

F1 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)

F2 Words repealed with saving by [S.I. 1964/488](#)

F3 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.I. 2003/456](#), art. 2

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- F4** 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)
- F5** 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)

- C1** Definition of “defence purposes” extended by S.I. 1965/1536
- C2** 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

- M1** 1952 c. 67
- M2** 1897 c. 43.

Changes to legislation:

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