



Compensation (Defence) Act 1939

1939 CHAPTER 75 2 and 3 Geo 6

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 ^{M1}Allotments Act, 1922;

“aircraft” means any flying machine, glider or airship or any balloon (whether fixed or free);

[^{F1}“conditional sale agreement” means an agreement for the sale of goods which a consumer credit agreement within the meaning of the Consumer Credit Act 1974 under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise may be specified in the agreement are fulfilled;]

“the emergency” means the emergency that was the occasion of the passing of this Act;

“emergency powers” means any power conferred by—

- (a) ^{F2}
- (b) ^{F3}
- (c) section seven of the ^{M2}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,

Changes to legislation: There are currently no known outstanding effects for the Compensation (Defence) Act 1939, Section 17. (See end of Document for details)

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;

[^{F4}“hire-purchase agreement” means an agreement which is a consumer credit agreement within the meaning of the Consumer Credit Act 1974, other than a conditional sale agreement, under which—

- (a) goods are bailed or (in Scotland) hired in return for periodical payments by the person to whom they are bailed or hired, and
- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs—
 - (i) the exercise of an option to purchase by that person,
 - (ii) the doing of any other specified act by any party to the agreement,
 - (iii) the happening of any other specified event;]

“land” includes (without prejudice to any of the provisions of section three of the ^{M3}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 ^{M4}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” [^{F5}have the same meaning as “ship” in the Merchant Shipping Act 1995]; 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.

[^{F6}(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 anything, and the maintenance, removal, demolition, pulling down, destruction or rendering useless of any thing, on, over or below that surface.]

Textual Amendments

- F1** Definition of “conditional sale agreement” inserted by [Consumer Credit Act 1974 \(c. 39, SIF 60\)](#), [Sch. 4 Pt. I para. 8](#)
- F2** In the definition of “emergency powers” para. (a) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XX](#)
- F3** In the definition of “emergency powers” para. (b) repealed by virtue of [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), [Sch. 1 Pt. IX](#) and [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), s. 1, [Sch. 1 Pt. XX](#)

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- F4** Definition of “hire-purchase agreement” substituted by [Consumer Credit Act 1974 \(c. 39, SIF 60\)](#), [Sch. 4 Pt. I para. 8](#)
- F5** Words in definition of “ship” and “vessel” substituted (1.1.1996) by [1995 c. 21, ss. 314\(2\), 316\(3\)](#), [Sch. 13 para. 18](#) (with [s. 312\(1\)](#))
- F6** [S. 17\(2\)](#) substituted by [Requisitioned Land and War Works Act 1945 \(c. 43\)](#), [s. 50](#)

Modifications etc. (not altering text)

- C1** [S. 17](#) applied with modifications by [Public Works \(Festival of Britain\) Act 1949 \(c. 26\)](#), [s. 5\(8\)\(b\)](#)

Marginal Citations

- M1** [1922 c. 51](#).
- M2** [1920 c. 80](#).
- M3** [1889 c. 63](#).
- M4** [1936 c. 49](#).

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