



# Requisitioned Land and War Works Act 1945

1945 CHAPTER 43 8 and 9 Geo 6

F1

An Act to authorise the acquisition of certain land used or dealt with for war purposes and to make other provision as to such land; to remove doubts as to the powers of certain Ministers to acquire land under the Defence Act, 1842; to amend certain of the enactments relating to compensation in respect of land; and for purposes connected with the matters aforesaid. [15th June 1945]

## Textual Amendments

F1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

## Modifications etc. (not altering text)

C1 Act modified (1.4.1996) by [S.I. 1996/593, reg. 2, Sch. 1](#)

## PART I

### THE WAR WORKS COMMISSION

1—3. .... F2

## Textual Amendments

F2 [Ss. 1–14, 26, 27, 28\(2\)\(3\)\(b\), 29–31, 35, 51, 56, 60\(5\)–\(8\)\(13\) and 61\(2\)\(3\)\(5\)](#) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

## PART II

### NEW TEMPORARY POWERS OF ACQUISITION OF LAND BY MINISTERS

4—14. ....<sup>F3</sup>

#### Textual Amendments

**F3** Ss. 1–14, 26, 27, 28(2)(3)(b), 29–31, 35, 51, 56, 60(5)–(8)(13) and 61(2)(3)(5) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

## PART III

### HIGHWAYS

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

- C2** Pt. III applied with modifications (N.I.) by [Northern Ireland Act 1947 \(c. 37\), s. 12, Sch. 2](#)
- C3** Commission (War Works Commission) dissolved on 1st October 1964: [S.I. 1964/1578](#)
- C4** Ministry of War Transport dissolved on 1st April 1946 and functions of Minister under Pt. III now exercisable by Secretary of State; S.R. & O. 1946/395 (Rev. XV, p. 229: 1946 I, p. 1009), [S.I. 1953/1204](#) (1953 I, p. 1225), 1955/1955 (1955 I, p. 1205), 1959/1768 (1959 I, p. 1793) and 1970/1681

## 15 Stopping up or diversion of highways.

- (1) Subject to the provisions of this Part of this Act and in particular to the provisions thereof relating to the publication of proposals and reference thereof to the Commission, where any highway has been stopped up or diverted in the exercise of emergency powers, the Minister of War Transport may, if he is satisfied that in the public interest it is necessary or expedient so to do, by order authorise the permanent stopping up or diversion of the highway.
- (2) An order under this section may provide for all or any of the following matters, that is to say,—
  - (a) for requiring, as a substitute for any highway stopped up under the order, the provision or improvement of another highway or other highways;
  - (b) for directing that any highway to be provided or improved, or any highway provided or improved before the making of the order, as a substitute for any highway stopped up under the order, shall be repairable by the inhabitants at large, and for specifying the authority which is to be the highway authority therefor;
  - (c) for directing that any highway to be provided or improved, or any highway provided or improved before the making of the order, as a substitute for a trunk road stopped up under the order shall itself be a trunk road for all or any of the purposes of the [<sup>F4M1</sup>Trunk Roads Act, 1936][<sup>F4</sup>provisions of the Roads (Scotland) Act 1984 relating to trunk roads];
  - (d) for the retention or removal of any cables, wires, mains or pipes placed along, across, over or under the stopped up or diverted highway, and for

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- the extinction, modification or preservation of any rights as to the use or maintenance of those cables, wires, mains or pipes;
- (e) if any highway other than the original highway is to be or has been provided or improved, or if the original highway is to be permanently diverted, for authorising or requiring the provision of cables, wires, mains or pipes laid along, across, over or under the said other highway, or, as the case may be, the highway as diverted, in lieu of any cables, wires, mains or pipes removed from the original highway, and for conferring rights as to the use or maintenance of cables, wires, mains or pipes so provided;
- (f) for requiring, out of moneys provided by Parliament or by specified authorities or persons—
- (i) the payment of, or the making of contributions in respect of, the cost of doing any work required to be done by the order or any increased expenditure to be incurred which is ascribable to the doing of any such work or to the provision or improvement, before the making of the order, of any highway as a substitute for any highway stopped up under the order; or
- (ii) the repayment of, or the making of contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section one or section two of the <sup>M2</sup>Restriction of Ribbon Development Act, 1935, as respects any highway stopped up or diverted under the order.
- (3) An order under this section may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the order, including provisions authorising the compulsory acquisition of land.

#### Textual Amendments

- F4** Words provisions of the Roads (Scotland) Act 1984 relating to trunk roads substituted (S.) for Trunk Roads Act, 1936 by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 33(2)**

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

- C5** [S. 15](#) applied by [Requisitioned Land and War Works Act 1948 \(c. 17\)](#), **s. 3(1)**; amended by [Requisitioned Land and War Works Act 1948 \(c. 17\)](#), **Sch. para. 6(1)**; extended by [Land Powers \(Defence\) Act 1958 \(c. 30\)](#), s. 9(1)(a)(3)(4), **Sch. 4**
- C6** [S. 15\(2\)\(a\)](#) amended by [Land Powers \(Defence\) Act 1958 \(c. 30\)](#), **s. 9(2)**

#### Marginal Citations

- M1** [1936 c. 5.](#)
- M2** [1935 c. 47.](#)

## 16 Retention of railway, tramway, etc., on highway where highway not stopped up or diverted.

- (1) Subject to the provisions of this Part of this Act, where, in the exercise of emergency powers or, for war purposes, by agreement or otherwise, any railway or tramway or any cable, wire, main or pipe has been placed along, across, over or under any highway, the Minister of War Transport may, if he is satisfied that in the public interest it is necessary or expedient so to do, by order authorise the railway, tramway, cable, wire,

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main or pipe to be used and maintained along, across, over or under the highway, unless and until other provision in that behalf is made by or under any Act (whether public general or local), subject, however to such conditions and limitations, if any, as may be specified in the order.

- (2) Any such order may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the order.

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

- C7** Power to exclude s. 16(E.W.)(S.) given by [Requisitioned Land and War Works Act 1948 \(c. 17\)](#), s. [15\(4\)\(c\)](#)
- C8** [S. 16](#) extended by [Land Powers \(Defence\) Act 1958 \(c. 30\)](#), s. [9\(1\)\(b\)\(4\)](#)

**17 Publication of proposed orders and reference to Commission.**

- (1) Before making any order under this Part of this Act, the Minister shall publish his proposals by causing notice thereof—
- (a) to be advertised in two or more newspapers circulating in the locality in which the highways to which the proposals relate are or will be situated; and
  - (b) to be sent to every local authority in whose area any such highway as aforesaid is or will be situated and to any water, [<sup>F5</sup>sewerage]gas or electricity undertakers having any cables, wires, mains or pipes laid along, across, over or under any such highway as aforesaid; and
  - [<sup>F6</sup>(bb) to be sent to the National Rivers Authority where the National Rivers Authority has any mains or pipes laid along, across, over or under any such highways as aforesaid; and]
  - (c) to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order; and
  - (d) [<sup>F7</sup>in the case of an order authorising the compulsory acquisition of land, to be served on every person—
    - (i) who is an owner, lessee, tenant (whatever the tenancy period) or occupier of any of the land proposed to be compulsorily acquired;
    - (ii) to whom the Minister would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat; or
    - (iii) who the Minister thinks is likely to be entitled to make a claim for compensation under section 10 of that Act if the order is confirmed and the compulsory acquisition takes place, so far as he is known to the Minister after making diligent inquiry.]

In this subsection the expression local authority includes a parish council and the parish meeting of a rural parish not having a separate parish council.

- (2) Any such notice shall specify the place where copies of a draft of the proposed order may be obtained, and shall state that the order will be made unless, within such period (not being less than three months from the date of the publication) as may be specified in the notice, written notice of objection to the order is given by any person to the Minister.

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- (3) Any notice required to be served under paragraph (d) of subsection (1) of this section may be served either—
- (a) by delivering it to the person on whom it is to be served; or
  - (b) by leaving it at the usual or last known place of abode of that person; or
  - (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
  - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office; or
  - (e) if it is not practicable after reasonable inquiry to ascertain the name or address of the person on whom it should be served, by addressing it to him by the description of owner or lessee<sup>F8</sup> or “tenant” or occupier of <sup>F9</sup> or “person interested” in, the land (describing it) to which it relates and by delivering it to some person on the land, or, if there is no person on the land to whom it can be delivered, by displaying it in a prominent position on the land.
- (4) . . . <sup>F10</sup>

#### Textual Amendments

- F5** Word sewerage inserted (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), s. 190, **Sch. 25 para. 8(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F6** S. 17(1)(bb) inserted (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), s. 190, Sch. 25 para. 8(b) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F7** S. 17(1)(d) substituted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004](#) ([Corresponding Amendments](#)) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 2(a)** (with art. 1(3))
- F8** Words in s. 17(3)(e) inserted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004](#) ([Corresponding Amendments](#)) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 2(b)(i)** (with art. 1(3))
- F9** Words in s. 17(3)(e) inserted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004](#) ([Corresponding Amendments](#)) Order 2007 (S.I. 2007/1519), art. 1(1), **Sch. para. 2(b)(ii)** (with art. 1(3))
- F10** S. 17(4) repealed by [Statute Law \(Repeals\) Act 1989](#) (c. 43), s. 1(1), **Sch. 1 Pt. VII**

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

- C9** S. 17(1)(b) amended by [Gas Act 1986](#) (c. 44, SIF 44:2), s. 67(1)(3), **Sch. 7 para. 2(2)(a)**, Sch. 8 para. 33
- C10** S. 17(1)(b) amended by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(1)(3), **Sch. 16 para. 2(4)(b)(9)**, Sch. 17 paras. 33, 35(1) S. 17(1)(b) amended (E.W.S.) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(2)(a)**; [S.I. 1996/218](#), **art. 2**
- C11** S. 17(3)(c)(d) amended by [Recorded Delivery Service Act 1962](#) (c. 27), s. 1(1), **Sch.**

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#### Textual Amendments

**F11** S. 18 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)

### 19 Validity and date of operation of orders under Part III.

- (1) As soon as may be after making an order under this Part of this Act, the Minister shall publish in the manner specified in subsection (1) of section seventeen of this Act a notice that the order has been made and that copies thereof may be obtained from a place specified in the notice on payment of such sum (not exceeding one shilling) as may be so specified.
- (2) If any person aggrieved by any such order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Part of this Act or that any requirement of this Part of this Act has not been complied with in relation to the order, he may, within six weeks from the date on which the notice aforesaid is last published in a newspaper in accordance with subsection (1) of this section, make an application to the High Court, and on any such application the Court—
  - (a) may by an interim order suspend the operation of the order or any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
  - (b) if satisfied that the order of any provision contained therein is not within the powers of this Part of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Part of this Act not having been complied with, may quash the order of any provision contained therein, either generally or in so far as it affects any property of the applicant.
- (3) Subject to the provisions of the last preceding subsection, an order under this Part of this Act shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever and shall become operative on the date on which such notice is last published as aforesaid.

### 20 Duration of power to make orders.

- (1) No order shall be made under this Part of this Act except in pursuance of proposals published in accordance with the provisions of this Part of this Act before the expiration of two years from the end of the war period.
- (2) No order authorising the permanent stopping up or diversion of a highway shall be made under this Part of this Act after the highway has ceased to be temporarily stopped up or diverted (whether under emergency powers or by virtue of the next succeeding section) and no order authorising the permanent use and maintenance along, across, over or under a highway of a railway, tramway, cable, wire, main or pipe shall be made under this Part of this Act after the railway, tramway, cable, wire, main or pipe, as the case may be, has been abandoned.

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

**C12** S. 20(1) excluded by [Land Powers \(Defence\) Act 1958 \(c. 30\), s. 9\(1\)](#)

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21 ..... F12

**Textual Amendments**F12 S. 21 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), [Sch. 1 Pt. IX](#)22 **Savings.**

(1) Nothing in this Part of this Act shall apply to any telegraphic line placed or maintained by virtue of any of the provisions of the Telegraph Acts, 1863 to 1943.

(2) . . . F13

**Textual Amendments**F13 S. 22(2) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)**Modifications etc. (not altering text)**C13 Style and title of Minister of Agriculture and Fisheries now changed to Minister of Agriculture, Fisheries and Food by [S.I. 1955/554](#) (1955 I, p. 1200)**PART IV**

23— ..... F14

25.

**Textual Amendments**F14 Pt. IV (ss. 23–25) repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 7 Pt. I](#)**PART V****NEW TEMPORARY PROCEDURE FOR ACQUISITION OF LAND BY LOCAL AUTHORITIES**

26, 27. .... F15

**Textual Amendments**F15 Ss. 1–14, 26, 27, 28(2)(3)(b), 29–31, 35, 51, 56, 60(5)–(8)(13) and 61(2)(3)(5) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

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## PART VI

### TEMPORARY POWERS AS TO MAINTENANCE, USE AND REMOVAL OF WORKS, &C.

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

**C14** [Pt. VI](#) applied by [S.I. 1965/1536](#)

#### 28 Maintenance and use of works and continuance in possession.

(1) Where government war works have been constructed on any land, any Minister may maintain and use, or authorise the maintenance and use of, those works for the purposes of the public service or for any purpose for which they were maintained or used in the exercise of emergency powers.

(2) ..... **F16**

(3) In connection with the use of any works or land under this section—

(a) any person having the use of the works or land may continue to exercise and enjoy all such rights and advantages as, immediately before the use under this section began, were, by agreement or otherwise, being exercised or enjoyed in connection with the use of the works or land for war purposes by the person then having the use thereof (including, but without prejudice to the generality of the preceding words, rights and advantages as to the taking of water, whether for the purposes of a water undertaking or for other purposes); and

(b) ..... **F16**

#### Textual Amendments

**F16** [Ss. 1–14, 26, 27, 28\(2\)\(3\)\(b\), 29–31, 35, 51, 56, 60\(5\)–\(8\)\(13\) and 61\(2\)\(3\)\(5\)](#) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

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

**C15** [S. 28](#) applied by [Requisitioned Land and War Works Act 1948 \(c. 17\)](#), [s. 12\(4\)\(5\)](#)

**C16** [S. 28\(1\)\(3\)\(a\)](#) has permanent effect in relation to government oil pipe lines; [Requisitioned Land and War Works Act 1948 \(c. 17\)](#), [s. 12\(1\)](#)

**C17** [S. 28\(2\)](#) applied by [Requisitioned Land and War Works Act 1948 \(c. 17\)](#), [s. 7\(3\)](#)

29—31 ..... **F17**

#### Textual Amendments

**F17** [Ss. 1–14, 26, 27, 28\(2\)\(3\)\(b\), 29–31, 35, 51, 56, 60\(5\)–\(8\)\(13\) and 61\(2\)\(3\)\(5\)](#) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

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## PART VII

### APPLICATION AND AMENDMENTS OF DEFENCE ACTS, &C.

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

- C18** Pt. VII applied with modifications by [Land Powers \(Defence\) Act 1958 \(c. 30\)](#), s. 13, [Sch. 2 para. 13](#) and [S.I. 1965/1536](#)

### 32 Application of Defence Acts to acquisitions by virtue of Part II.

- (1) Subject to the provisions of this and the next succeeding section, the provisions of the Defence Acts specified in the Schedule to this Act shall have effect as if references 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 War Transport . . . <sup>F18</sup> and the Minister of Works and to their respective departments, so as to confer on those Ministers any powers, rights or privileges in relation to the acquisition of land by virtue of Part II of this Act and in relation to the holding, management, use and disposal in any manner of land so acquired, which under the said provisions are vested in the Secretary of State for War as respects land which, apart from the said Part II, he has power to acquire under the Defence Acts.
- (2) Subject to the provisions of this and the next succeeding section, the Defence Acts shall, in relation to the said Ministers and to any Minister who, apart from the said Part II, has power to acquire land under the Defence Acts, have effect as if any acquisition by virtue of the said Part II were an acquisition under those Acts for the purposes of the department of the Minister in question or the defence of the realm.
- (3) Notwithstanding anything in the preceding provisions of this section, nothing in section fourteen of the <sup>M3</sup>Defence Act, 1842 (which provides for the resale, free of incumbrances of land acquired under that Act) . . . <sup>F19</sup>, shall enable any land acquired by virtue of Part II of this Act to be disposed of free from any restriction as to user of that land or as to building thereon.

#### Textual Amendments

- F18** Words repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 11 Pt. II](#)

- F19** Words repealed by [S.I. 1964/488](#)

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

- C19** Ministry of War Transport dissolved on 1st April 1946 and functions of Minister now exercisable by Secretary of State: S.R. & O. 1946/375 (Rev. XV, p. 229: 1946 I, p. 1009), [S.I. 1953/1204](#) (1953 I, p. 1225), 1959/1768 (1959 I, p. 1793) and 1970/1681
- C20** Functions of Minister of Works now exercisable by Secretary of State; [S.I. 1962/1549](#) and 1970/1681

#### Marginal Citations

- M3** [1842 c. 94](#).

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### 33 Modifications of Defence Acts in relation to acquisitions not by virtue of Part II.

- (1) The power of any Minister to acquire land under the Defence Acts for any purpose . . . <sup>F20</sup>shall, . . . <sup>F20</sup>, include power to acquire for the same purpose, in accordance with the provisions in that behalf contained in this Part of this Act, any easement over or right restrictive of the user of any land, being an easement or right which he requires for that purpose.
- (2) It is hereby declared that any power of any Minister to acquire under the Defence Acts, . . . <sup>F20</sup>, land for any purpose is not affected by the fact that his office is a temporary one or that, after the expiration of a certain period, some other Minister may be the Minister concerned, or that he can obtain or has obtained possession apart from those Acts.

#### Textual Amendments

**F20** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. IX](#)

### 34 Power to acquire particular levels only and reversionary interests.

- (1) . . . <sup>F21</sup>, the surface of any land may be acquired under the Defence Acts without the minerals or subjacent strata or any part thereof and (subject to the provisions of [<sup>F22</sup>section 10(3) of the Coal Industry Act 1994]) the minerals or subjacent strata or any part thereof may be acquired under those Acts without the surface.
- (2) Without prejudice to any power in that behalf exercisable under the Defence Acts apart from this section, where a Minister or any person on behalf of a Minister is in possession of any land under a lease or tenancy . . . <sup>F21</sup>, any interest reversionary thereon may be acquired under the Defence Acts.

#### Textual Amendments

**F21** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. IX](#)

**F22** Words in [s. 34\(1\)](#) substituted (31.10.1994) by [1994 c. 21, s. 67, Sch. 9 para. 2](#) (with [s. 40\(7\)](#)); [S.I. 1994/2553, art. 2](#)

### 35 ..... <sup>F23</sup>

#### Textual Amendments

**F23** [Ss. 1–14, 26, 27, 28\(2\)\(3\)\(b\), 29–31, 35, 51, 56, 60\(5\)–\(8\)\(13\) and 61\(2\)\(3\)\(5\)](#) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

### 36 Notice to treat to acquire easements or other rights.

- (1) Where, under the Defence Acts, a Minister has power to acquire an easement over or right restrictive of the user of any land, he may, with a view to the creation by grant to him, or covenant with him, of the easement or right, serve a notice to treat for the acquisition of the easement or right on the persons who would, under the said Acts

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or otherwise, be entitled to sell the land to be adversely affected by the easement or right, or otherwise have any interest in the land.

- (2) Any power of any persons under the Defence Acts to sell or convey land shall be deemed to include power to create by grant to, or covenant with, a Minister any easement or right which that Minister has power to acquire under those Acts.
- (3) A notice to treat for the acquisition under the Defence Acts of an easement relating to water may be addressed generally to all persons interested in any land which will be adversely affected by the easement, and, if so addressed, shall, without prejudice to any other mode for the service thereof, be deemed to be duly served on all the persons to whom it is addressed if it is published in the London Gazette and in such other manner (whether in newspapers or otherwise) as is, in the opinion of the Minister, best adapted for informing persons affected.

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

**C21** [S. 36](#) extended (23.6.1999) by [S.I. 1999/1736](#), [art. 5\(1\)](#)

**37 Method of compulsory acquisition of easements and rights.**

- (1) If, in the opinion of the Minister, he will be unable, or unable without undue delay, to acquire any such easement or right as aforesaid by agreement, he may, at any time after two months from the service of the notice to treat, execute a deed poll conferring on himself and, except so far as otherwise expressed, his successors in title, the easement or right in question.
- (2) A deed poll so executed shall have the like effect as, and shall for the purposes of the <sup>M4</sup><sup>F24</sup>Land Registration Act 2002], and the <sup>M5</sup>Land Charges Act, 1925, be deemed to be, a deed of grant or covenant entered into with the Minister by all necessary parties.
- (3) <sup>F25</sup>Where any of the land adversely affected by an easement or right conferred as aforesaid is registered land, then, notwithstanding anything in section sixty-four of the Land Registration Act, 1925, the grant of the easement may be registered and notice thereof entered in the register, or, as the case may be, notice of the right may be so entered, without the production of any land certificate outstanding in respect of that land, without prejudice, however, to the power of the registrar to compel the production of the certificate for the purposes mentioned in that section.]
- (4) A statement in a deed poll executed under this section that the requirements of subsection (3) of the last preceding section have been complied with shall, except for the purposes of proceedings commenced not later than two years after the execution thereof, be conclusive evidence that those requirements have been complied with.
- (5) Where the Minister executes a deed poll under this section, he shall give notice of the effect thereof in such manner as is in his opinion best adapted for informing persons affected.

**Textual Amendments**

- F24** Words in s. 37(2) substituted (E.W.) (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 4\(2\)](#) (with s. 129); [S.I. 2003/1725](#), art. 2(1)
- F25** S. 37(3) repealed (E.W.) (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 11 para. 4\(3\)](#), [13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), art. 2(1)

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

**C22** S. 37 extended (23.6.1999) by [S.I. 1999/1736, art. 5\(1\)](#)

#### **Marginal Citations**

**M4** [1925 c. 21.](#)

**M5** [1925 c. 22.](#)

### **38 Miscellaneous provisions as to easements and rights acquired under Defence Acts.**

#### **(1) Where—**

- (a) a right restrictive of the user of any land has been acquired by a Minister under the Defence Acts, whether by the execution of a deed poll or otherwise; and
- (b) between the date of the notice to treat and the acquisition of that right, any works have been constructed on, over or below the surface of the land adversely affected by the right; and
- (c) the construction of the works would have been an infringement of the right if it had taken place after the acquisition thereof,

the Minister shall be entitled to remove the works and to recover the costs reasonably incurred by him in so doing from the person by whom the works were constructed.

- (2) A Minister may, with or without consideration, release either wholly or partly an easement or restrictive right acquired under the Defence Acts.

- (3) Section eighty-four of the <sup>M6</sup>Law of Property Act, 1925 (which relates to the discharge or modification of restrictive covenants) shall not apply to [<sup>F26</sup>any restriction created or imposed under the Defence Acts or under section 13 (acquisition of land for oil installations) of the <sup>M7</sup>Land Powers (Defence) Act 1958] so long as [<sup>F26</sup>the restriction] is enforceable by a Minister against the persons for the time being entitled to the land adversely affected thereby; but nothing in this subsection shall affect the operation of subsection (11) of the said section eighty-four (which excepts from the operation of that section, inter alia, restrictions created for naval, military or air force purposes).

#### **Textual Amendments**

**F26** Words substituted by [Law of Property Act 1969 \(c. 59\), s. 28\(10\)](#)

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

**C23** [S. 38](#) extended (23.6.1999) by [S.I. 1999/1736, art. 5\(1\)](#)

#### **Marginal Citations**

**M6** [1925 c. 20.](#)

**M7** [1958 c. 30.](#)

### **39 Compensation for acquisition of easements and rights.**

Where an easement over or right restrictive of the user of any land is acquired under the Defence Acts, any person having an interest in that land shall, if the value of his interest is diminished by the acquisition of the easement or right, be entitled to receive from the Minister acquiring the easement or right compensation in respect of the diminution.

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

**C24** [S. 39](#) extended (23.6.1999) by [S.I. 1999/1736](#), [art. 5\(1\)](#)

**PART VIII**

**ADJUSTMENT OF COMPENSATION ON ACQUISITION OF LAND**

**40—** ..... **F27**  
**43.**

**Textual Amendments**

**F27** [Ss. 40–43](#) repealed by [Statute Law \(Repeals\) Act 1973](#) (c. 39), s. 1(1), [Sch. 1 Pt. IX](#)

**44** ..... **F28**

**Textual Amendments**

**F28** [S. 44](#) repealed by [Statute Law Revision Act 1950](#) (14 Geo. 6 c. 6)

**PART IX**

**AMENDMENTS OF COMPENSATION (DEFENCE) ACT, 1939**

**45, 46.** ..... **F29**

**Textual Amendments**

**F29** [Ss. 45, 46](#) repealed by [Statute Law \(Repeals\) Act 1973](#) (c. 39), s. 1(1), [Sch. 1 Pt. IX](#)

**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<sup>M8</sup> 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 [<sup>F30</sup>appropriate 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:

*Status: Point in time view as at 01/06/2009.*

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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.

#### Textual Amendments

**F30** Words in s. 47 substituted (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. 7** (with Sch. 5)

#### Marginal Citations

**M8** 1939 c. 75.

### 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 [<sup>F31</sup>appropriate 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.

#### Textual Amendments

**F31** Words in s. 48(1) substituted (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. 8** (with Sch. 5)

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

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

Subsection (6) of section three of the <sup>M9</sup>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).

##### Marginal Citations

M9 1939 c. 75.

#### 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.”

### PART X

#### MISCELLANEOUS AND GENERAL

51 ..... F32

##### Textual Amendments

F32 Ss. 1–14, 26, 27, 28(2)(3)(b), 29–31, 35, 51, 56, 60(5)–(8)(13) and 61(2)(3)(5) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

#### [<sup>F33</sup>52 Power of Ministers to defray cost of rehabilitation of land in certain circumstances.

- (1) Where land has been damaged by government war work done thereon or by government war use thereof and either—
- (a) a person has, in connection with proposals for the acquisition of the land by virtue of Part II of this Act, given an undertaking in pursuance of a report of the Commission to deal with the land in a particular manner with a view to the total or partial rehabilitation thereof; or
  - (b) in the opinion of a Minister it is expedient in the public interest that the land should be dealt with in a particular manner with a view to the total or partial rehabilitation thereof.

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

the Minister may undertake, either absolutely or subject to such conditions as he may specify, to make good to any person interested in the land the whole or any part of any expenses incurred by that person in dealing with the land in that manner, in so far, in a case to which section two of the <sup>M10</sup>Compensation (Defence) Act, 1939, applies, as those expenses exceed any sum paid or payable under paragraph (b) of subsection (1) of that section in respect of the damage.

- (2) For the purpose of section three of the Compensation (Defence) Act, 1939, any work the expenses of which are made good under this section shall be deemed to have been done by a person acting on behalf of His Majesty.]

#### Textual Amendments

- F33** S. 52 repealed (S.) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), [Sch. 4 Pt. I](#) and repealed (E.W.) (with saving) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), [ss. 48\(1\)\(a\)\(2\)\(a\)](#), 49(2), Sch. 12 Pt. III

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

- C25** S. 52 extended by [Requisitioned Land and War Works Act 1948 \(c. 17\)](#), [Sch. para. 10\(1\)](#)
- C26** Functions of Minister of Health under s. 52 now exercisable by Secretary of State: [S.I. 1951/753](#), 1900 (1951 I, pp. 1354, 1347), 1965/319 and 1970/1681
- C27** S. 52; All functions of a Minister of the Crown are, so far as exercisable in relation to Wales, transferred (1.7.1999) to the Assembly by virtue of [S.I. 1999/672](#), art. 2(a), [Sch. 1](#) (with art. 2(b)-(f))

#### Marginal Citations

- M10** [1939 c. 75](#).

### 53 Provision of land in lieu of land acquired under Defence Acts.

- (1) Where a Minister proposes to acquire any land under the Defence Acts, he may acquire under those Acts by agreement any land with a view to the exchange thereof for all or any of the first-mentioned land:  
Provided that, where the first-mentioned land consists of or includes the whole or any part of any common to which the public have rights of access or of any open space, the power conferred by this subsection shall be extended so as to authorise the purchase of land with a view to its being substituted for the first-mentioned land otherwise than by way of exchange.

- (2) Where a Minister provides land in substitution for land acquired by him under the Defence Acts which is or forms part of a common, open space or fuel or field garden allotment, he may by order provide for vesting the first-mentioned land in the persons in whom the second-mentioned land was vested, subject to the same rights, trusts and incidents as attached to the second-mentioned land:

Provided that where the land is provided otherwise than by way of exchange, the persons in whom the land is to be vested shall be such as may be specified in the order and the rights, trusts and incidents to which the land is to be subject shall be such as may be so specified, being rights, trusts and incidents which in the opinion of the Minister are as nearly as may be the same, so far as regards the rights of the public, as those which attached to the land acquired.

- (3) . . . <sup>F34</sup>

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

#### Textual Amendments

**F34** S. 53(3) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XIII

**54** ..... **F35**

#### Textual Amendments

**F35** S. 54 repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), Sch. 1 Pt. IX

**F36** **55** .....

#### Textual Amendments

**F36** S. 55 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII.

**56** ..... **F37**

#### Textual Amendments

**F37** Ss. 1–14, 26, 27, 28(2)(3)(b), 29–31, 35, 51, 56, 60(5)–(8)(13) and 61(2)(3)(5) repealed by Statute Law (Repeals) Act 1971 (c. 52)

#### **57 Expenses.**

(1) There shall be defrayed out of moneys provided by the Parliament of the United Kingdom—

- (a) any expenses incurred under or by virtue of this Act by any Minister . . . **F38**;
- (b) any compensation payable under or by virtue of this Act by any Minister;
- (c) any increase attributable to this Act in any compensation payable by the Crown under any other Act; and
- (d) ..... **F39**

(2) Any sum paid under this Act to any Minister shall be paid into the Exchequer of the United Kingdom.

#### Textual Amendments

**F38** Words repealed by Miscellaneous Financial Provisions Act 1955 (4 & 5 Eliz. 2 c. 6), Sch. 2 Pt. II

**F39** S. 57(1)(d) repealed by Miscellaneous Financial Provisions Act 1955 (4 & 5 Eliz. 2 c. 6), Sch. 2 Pt. II

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

## 58 Evidence.

- (1) For the purposes of this Act, a certificate by any Minister as to what government war work has been done on any land, as to what government war use has been made of any land, as to what damage has occurred on any land owing to government war use thereof, as to the periods for which any land was in his possession or in that of any other Minister or in the possession of any person occupying or using it under his authority or that of any other Minister, and as to whether any specified works were constructed on, over or below the surface of any land wholly or partly at the expense of the Crown or by arrangement with any Minister, shall be evidence of the facts therein stated.
- (2) Every document purporting to be a certificate authorised or required by this Act and to be signed by or on behalf of a Minister or other person shall be received in evidence and shall, until the contrary is proved, be deemed to be such a certificate of that Minister or person, and in any legal proceedings (including arbitrations) the production of a document purporting to be certified by or on behalf of the Minister or person having power to give any such certificate as aforesaid to be a true copy of such a certificate shall, unless the contrary is proved, be sufficient evidence of the certificate.

## 59 Interpretation, etc.

- (1) In this Act, except in so far as the contrary is expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

[<sup>F40</sup>“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;]

common includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green;

the Defence Acts means any of the provisions of the Defence Acts, 1842 to 1935, as amended, extended or applied by or under any enactment, including this Act, and includes the provisions of section seven of the <sup>M11</sup>Lands Clauses Consolidation Acts Amendment Act, 1860, and of section seven of the <sup>M12</sup>Militia (Lands and Buildings) Act, 1873, . . . <sup>F41</sup>

<sup>F42</sup>

<sup>F43</sup>

. . .

<sup>F42</sup>

emergency powers means emergency powers for the purposes of the <sup>M13</sup>Compensation (Defence) Act, 1939, exercised during the war period or, in the case of powers conferred by this Act, during any period during which those powers are exercisable;

fuel or field garden allotment means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

government war use means, in relation to land, any use to which that land is put during the war period by or by arrangement with a Minister, or under emergency powers;

government war work means work done during the war period for war purposes by or by arrangement with a Minister or under emergency powers;

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

government war works means works constructed in the course of government war work;

local authority means the council of a county, . . . <sup>F44</sup>borough or . . . <sup>F45</sup>district, or the Common Council of the City of London [<sup>F46</sup>but in relation to Wales means a county or county borough];

<sup>F47</sup>

Minister means a Minister of the Crown and includes . . . <sup>F48</sup> the Commissioners of Works, the Board of Trade and the Board of Education, but does not include a Minister of Northern Ireland;

open space means any land laid out as a public garden or used for the purposes of public recreation, or land being a disused burial ground;

telegraphic line has the same meaning as in the <sup>M14</sup>Telegraph Act, 1878;

war period means the period during which the Emergency Powers (Defence) Act, 1939, is in force;

war purposes means any purposes connected with any war in which His Majesty is engaged during the war period, whether or not at the relevant time that war had begun:

works includes buildings, structures and improvements (and, in particular, underground works and telegraphic lines), and references to the construction of works shall be construed accordingly.

- (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.
- (3) Any reference in this Act to an easement includes a reference to a right to support for any land or for any buildings or works and a right to withdraw support from any land or from any buildings or works, and any such right obtained under the Defence Acts shall be deemed for all purposes to be an easement.
- (4) Where a Minister has acquired or has power to acquire any land under the Defence Acts or would have power so to acquire any land if he did not already own it, and that land contains part of a continuous main or pipe or the whole or part of works used in connection therewith, any rights necessary for or incidental to the maintenance or use of any part of the main or pipe which is in, over or under land not owned or acquired by the Minister may, subject to and in accordance with the provisions of this Act relating to the acquisition of easements, be acquired by him as, and, if so acquired by him, shall be deemed for all purposes to be, easements for the benefit of such of the first-mentioned land as he owns or acquires:  
Provided that in relation to the acquisition of any such rights, the reference in paragraph (a) of subsection (1) of section seven of this Act to easements which are in the opinion of the Minister essential to the full enjoyment of the land therein mentioned shall be construed as a reference to easements which in the opinion of the Minister are essential to the full enjoyment of the main or pipe.
- (5) A covenant to limit the growth of trees or other vegetation on any land shall be deemed for the purposes of this Act to confer a right restrictive of the user of that land, and any reference in this Act to a right restrictive of the user of land shall be construed accordingly, and any such covenant as aforesaid obtained under the Defence Acts shall be deemed for all purposes to be a restrictive covenant.

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

(6) . . . <sup>F49</sup>

(7) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which by virtue of the Sixth Schedule to the Town and Country Planning Act, 1944, or any other enactment, is deemed to be so served.

(8) The powers conferred by this Act shall be in addition to, and not in derogation of, any powers exercisable by virtue of any other Act or at common law.

#### Textual Amendments

- F40** Words in [s. 59\(1\)](#) 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. 9](#) (with [Sch. 5](#))
- F41** Words repealed by [S.I. 1964/488](#)
- F42** Definitions of Defence Regulation and dwelling-house repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)
- F43** [S. 59\(1\)](#): definition repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIII](#).
- F44** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XII](#)
- F45** Word repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. XII](#)
- F46** Words in definition of local authority in [s. 59\(1\)](#) added (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 9](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 4, [Sch. 2](#)
- F47** Definition of local planning authority repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)
- F48** Words repealed with saving by [S.I. 1964/488](#)
- F49** [S. 59\(6\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

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

- C28** Definition of government war works amended (E.W.)(S.) retrospectively by [Land Powers \(Defence\) Act 1958 \(c. 30\)](#), [s. 12\(1\)](#)
- C29** Functions of Commissioners of Works now exercisable by Secretary of State: [S.R. & O. 1945/991 \(Rev. XV, p. 232: 1945 I, p. 1414\)](#), [S.I. 1962/1549](#) and 1970/1681

#### Marginal Citations

- M11** [1860 c. 106](#).
- M12** [1873 c. 68](#).
- M13** [1939 c. 75](#).
- M14** [1878 c. 76](#).

## 60 Application to Scotland

- (1) This Act shall apply to Scotland subject to the modifications set out in this Section.
- (2) For any reference to the Minister of Health, to the Minister of Agriculture and Fisheries, to the Minister of Town and Country Planning or to the Minister of Education there shall be substituted a reference to the Secretary of State; and for any reference to the High Court there shall be substituted a reference to the Court of Session.
- (3) . . . <sup>F50</sup>; [<sup>F51</sup> for references to the Town and Country Planning Act, 1944, there shall be substituted references to the <sup>M15</sup>Town and Country Planning (Scotland) Act, 1945;] for any reference to the London Gazette there shall be substituted a reference to the

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

Edinburgh Gazette; [<sup>F52</sup>for any reference to a highway there shall be substituted a reference to a road within the meaning of the Roads (Scotland) Act 1984;] . . . <sup>F53</sup>;  
for any reference to a parish council there shall be substituted a reference to a district council; . . . <sup>F54</sup>

- (4) For references to the freehold of or to a leasehold interest in land there shall be respectively substituted references to [<sup>F55</sup>the dominium utile or, in the case of land other than feudal land,] the ownership of land, and to a lease of land; references to land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and to fuel or field garden allotments shall be omitted; any reference to an interest reversionary on a lease or tenancy shall be construed as a reference to the interest of the landlord in land subject to a lease; any reference to land includes a reference to salmon fishings; arbitrator means arbiter; and easement includes servitude and any right to lay down, continue or maintain any pipe, sewer, drain, wire or cable on, under or over any land.

(5)—(8) . . . <sup>F56</sup>

- (9) In section fifteen, subsection (2) shall have effect as if for paragraph (b) there were substituted the following paragraph—

“(b) For directing that any highway to be provided or improved, or any highway provided or improved before the making of the order, as a substitute for any highway stopped up under the order, shall be maintained and managed by a county or town council and for specifying which council, shall be responsible for such maintenance and management.”

(10) . . . <sup>F57</sup>

- (11) For section thirty-seven the following section shall be substituted:—

“(1) If, in the opinion of the Minister, he will be unable, or unable without undue delay, to acquire any servitude or right by agreement, he may, at any time after fourteen days from the service of the notice to treat, execute and record in the appropriate register of sasines a deed conferring on himself, and, except so far as otherwise expressed, his successors in title, the servitude or right in question.

(2) A deed so executed and recorded shall be enforceable against any persons having any interest in the land affected by the servitude or right, and against any persons deriving title from them.

(3) A statement in a deed executed under this section that the requirements of subsection (3) of the last preceding section have been complied with shall be conclusive evidence that those requirements have been complied with.

(4) Where the Minister executes a deed under this section, he shall give notice of the effect thereof in such manner as is, in his opinion, best adapted for informing persons affected”.

- (12) In subsection (1) of section fifty-nine, for the definition of local authority there shall be substituted the following definition—

“local authority means a county or town council”;

. . . <sup>F58</sup>

*Status: Point in time view as at 01/06/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945. (See end of Document for details)*

and in subsection (5) of that section the words from and any such covenant to the end of the subsection shall be omitted.

(13) ..... F56

#### Textual Amendments

- F50** Words repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**
- F51** Words substituted by Town and Country Planning (Scotland) Act 1947 (c. 53), **Sch. 8**
- F52** Words inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 33(3)**
- F53** Words repealed by Statute Law (Repeals) Act 1973 (c. 39), s. 1(1), **Sch. 1 Pt. IX**
- F54** Words repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. VII**
- F55** Words in s. 60(4) repealed (S.) (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), **Sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F56** Ss. 1–14, 26, 27, 28(2)(3)(b), 29–31, 35, 51, 56, 60(5)–(8)(13) and 61(2)(3)(5) repealed by Statute Law (Repeals) Act 1971 (c. 52)
- F57** S. 60(10) repealed by Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), **Sch. 6**
- F58** Words repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. VII**

#### Marginal Citations

**M15** 1945 c. 33.

### 61 Application to Northern Ireland.

(1) This Act shall apply to Northern Ireland subject to the modifications set out in this section.

(2) ..... F59

(4) For any reference to registered land within the meaning of the <sup>M16</sup>Land Registration Act, 1925, there shall be substituted a reference to registered land to which the <sup>M17</sup>Local Registration of Title (Ireland) Act, 1891, applies, and for any reference to the Acquisition of Land (Assessment of Compensation) Act, 1919, there shall be substituted a reference to that Act as amended by any Act of the Parliament of Northern Ireland.

(5) ..... F59

(6) In subsection (3) of section thirty-six, for the reference to the London Gazette there shall be substituted a reference to the Belfast Gazette.

(7) For section thirty-seven, the following section shall be substituted—

“(1) If, in the opinion of the Minister, he will be unable, or unable without undue delay to acquire any such easement or right as aforesaid by agreement, he may, at any time after two months from the service of the notice to treat, execute a deed poll conferring on himself, and, except so far as otherwise expressed, his successors in title, the easement or right in question.

(2) A deed poll so executed shall have the like effect as a deed of grant or covenant entered into with the Minister by all necessary parties.

(3) Where any of the land adversely affected by the easement or right is registered land to which the Local Registration of Title (Ireland) Act, 1891, applies, the

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easement or right may, notwithstanding anything in the said Act or rules made thereunder, be registered as a burden affecting the land and created after the first registration thereof, and may be so registered without the concurrence of the registered owner of the land or the production of the land certificate, without prejudice, however, to the power of the registering authority to order the production of the land certificate under subsection (2) of section eighty-one of the said Act.

- (4) A statement in a deed poll executed under this section that the requirements of subsection (3) of the last preceding section have been complied with shall, except for the purposes of proceedings commenced not later than two years after the execution thereof, be conclusive evidence that those requirements have been complied with.
- (5) Where the Minister executes a deed poll under this section, he shall give notice of the effect thereof in such manner as is, in his opinion, best adapted for informing persons affected.”
- (8) For any reference to the Minister of Agriculture and Fisheries [<sup>F60</sup>(other than the reference in Part III of this Act)]or to the Minister of Town and Country Planning there shall be substituted a reference to the Secretary of State.
- (9) . . . <sup>F61</sup>
- (10) References to land subject to be enclosed under the Inclosure Acts, 1845 to 1882, to fuel or field garden allotments <sup>F62</sup>. . . shall be omitted.
- (11) . . . <sup>F61</sup>

#### Textual Amendments

**F59** Ss. 1–14, 26, 27, 28(2)(3)(b), 29–31, 35, 51, 56, 60(5)–(8)(13) and 61(2)(3)(5) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

**F60** Words inserted by [Northern Ireland Act 1947 \(c. 37\)](#), s. 12(1)(b)

**F61** S. 61(9)(11) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

**F62** Words in s. 61(10) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIII](#).

#### Marginal Citations

**M16** 1925 c. 21.

**M17** 1891 c. 66.

## 62 Short title.

This Act may be cited as the Requisitioned Land and War Works Act, 1945.

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## SCHEDULE

### ENACTMENTS APPLIED TO CERTAIN MINISTERS

The Defence Act, 1842, except sections five, six, <sup>F63</sup> . . . twenty-three, thirty-seven, thirty-nine and forty-one.

#### Textual Amendments

**F63** Word in [Sch.](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.XIII](#).

The Defence Act, 1854.

The Defence Act, 1859.

Section seven of the Lands Clauses Consolidation Acts Amendment Act, 1860, except so much of the proviso to that section as requires compliance with section twenty-three of the Defence Act, 1842.

Section forty-six of the Defence Act, 1860, and the provisions thereby applied.

Section seven of the Militia (Lands and Buildings) Act, 1873.

The Defence Acts Amendment Act, 1873.

**Status:**

Point in time view as at 01/06/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Requisitioned Land and War Works Act 1945.