



# Requisitioned Land and War Works Act 1945

1945 CHAPTER 43 8 and 9 Geo 6

## PART IX

AMENDMENTS OF COMPENSATION (DEFENCE) ACT, 1939

45, 46. ....<sup>F1</sup>

### Textual Amendments

**F1** Ss. 45, 46 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt.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>M1</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 General Claims 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:

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.

### Marginal Citations

**M1** 1939 c. 75.

*Status: Point in time view as at 01/02/1991.*

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

#### **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 General Claims 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.

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

Subsection (6) of section three of the <sup>M2</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**

**M2** 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,

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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.”

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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