



Defence of the Realm (Acquisition of Land) Act 1920

1920 CHAPTER 79 10 and 11 Geo 5

An Act to amend the Defence of the Realm (Acquisition of Land) Act, 1916, and to continue certain byelaws. [23rd December 1920]

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

1 Power to dispose of land free from restrictive covenant.

(1) Where land which, or an interest in which, has been or is hereafter acquired under the Defence of the ^M1 Realm (Acquisition of Land) Act 1916 (hereinafter referred to as the principal Act), was immediately before its acquisition subject to a restrictive covenant which before the fourth day of November, nineteen hundred and twenty, had lawfully been contravened, and the land or interest therein is disposed of in pursuance of the powers conferred by section five of that Act, it may be disposed of free from the restriction imposed by the covenant, and shall be deemed to have been so disposed of, if expressed to be disposed of in pursuance of the powers conferred by the principal Act and this Act but not otherwise:

Provided that, where the covenant is one entered into for the protection and maintenance of any building scheme, or for the preservation of the amenities of any dwelling-house in the occupation of a person entitled to enforce the covenant, this section shall not apply unless the Railway and Canal Commission, on the application of the occupying department, and having regard to all the circumstances of the case, direct that it shall apply.

(2) Where any such land or interest is disposed of free from such restriction, no person shall have the right of enforcing the covenant against the person to whom the land or interest is disposed of or his successors in title, but if at any time after such disposition any person who, but for this section, would have had a right to enforce the covenant, establishes such right there shall be paid to him compensation to be determined in manner provided by the Lands Clauses Act as modified by the principal Act and

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the ^{M2}Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to interests in lands which have been omitted to be purchased, and upon payment of such compensation the right shall, as against him and all persons deriving title through him, be absolutely discharged;

Provided that, in assessing the compensation, the official arbitrator shall take into consideration any compensation which may have been paid or be payable in respect of the covenant under section four of the principal Act. Any compensation payable under the foregoing provisions shall be paid out of moneys provided by Parliament, but the sum to be expended in respect thereof shall not exceed fifty thousand pounds.

- (3) In the application of this section to Scotland “restrictive covenant” shall mean any obligation imposed by way of real burden or reservation or condition running with or affecting the land, whereby any restriction on the alienation or transfer of possession of the land, or on the use or enjoyment thereof, is effected.

Modifications etc. (not altering text)

- C2** Railway and Canal Commission abolished and its functions now exercisable by High Court (E.W.) and by Court of Session (S.): [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\), s. 1\(1\)](#)

Marginal Citations

- M1** 1916 c. 63.
M2 1919 c. 57.

2 Provision as to rights of pre-emption.

- (1) The right of pre-emption conferred by section five of the principal Act on any person other than a person entitled to the lands from which the land proposed to be sold was originally severed shall cease to have effect . . . ^{F1}
- (2) Where the land from which land acquired under the principal Act was severed is settled land within the meaning of the Settled Land Acts, 1882 to 1890, the tenant for life, or person having the powers of a tenant for life under those Acts with respect to that land, shall, for the purposes of section five of the principal Act and this section, be deemed to be, and always to have been, the person entitled to the settled land.
- (3) The person by whom the right of pre-emption conferred by the said section five as amended by this section is or would for the time being be exercisable in respect of any land if a Government department were offering that land for sale shall have power at any time to release that right so as to discharge in perpetuity the land or any part thereof to which the release relates, from all such right of pre-emption.

Textual Amendments

- F1** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

3 †Provision as to acquisition and possession of land under the principal act.

- (1) It is hereby declared that—
(a) ^{F2}

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- (b) the expressions “Government department in possession” and “occupying department,” where used in the principal Act and this Act mean, and shall be deemed always to have meant, the Government department for the time being in possession of land, notwithstanding that the department so in possession is not the department by which or on whose behalf possession was originally taken, but is in possession by virtue of a transfer from the said department or from some other department to which possession has subsequently been transferred:
 - (c) where the occupying department has created or purported to create any tenancy or other interest in the land of which it is in possession in favour of some other person, or has allowed any other person to use or occupy that land, the occupying department shall, for the purposes of the principal Act and this Act, be deemed to have continued in possession of the land, notwithstanding the interest therein of, or the use or occupation thereof by, such other person:
 - (d) the possession by an occupying department shall be deemed not to have been affected or prejudiced by reason of the land or any part thereof at any time ceasing or having ceased to be used for the purpose for which possession thereof was originally taken, or otherwise being or having been used for any other purpose:
 - (e) F3
- (2) A Government department in possession of land under a lease or tenancy granted or created prior to the commencement of the present war shall have the like power of removing any building or other work which, for purposes connected with the present war, has been erected or constructed on, over, or under that land wholly or partly at the expense of the State as is conferred by section two of the principal Act on an occupying department, and this power shall be exercisable notwithstanding any provision of the lease or tenancy under which the land is held . . . F4

Textual Amendments

- F2 S. 3(1)(a) repealed by Statute Law Revision Act 1927 (c. 42)
- F3 S. 3(1)(e) repealed by Statute Law Revision Act 1953 (c. 5)
- F4 Words repealed by Statute Law Revision Act 1927 (c. 42)

Modifications etc. (not altering text)

- C3 A dagger appended to a marginal note means that it is no longer accurate

4 Consent under section six of the principal Act.

- (1) F5
- (2) If any person considers that the consent of a local authority under the said proviso to subsection (1) of section six has been unreasonably withheld, he may appeal to the Minister of Transport whose decision shall be final and shall have effect as if it were a decision of the authority;
Provided that the Minister may, before considering any such appeal, require the appellant to deposit such sum, not exceeding ten pounds, to cover the costs of appeal as may be fixed by rules to be made by him.

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Textual Amendments

F5 Ss. 4(1), 5 and 7 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Modifications etc. (not altering text)

C4 Functions of Minister of Transport now exercisable by Secretary of State: [S.I. 1970/1681](#)

5 F6

Textual Amendments

F6 Ss. 4(1), 5 and 7 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

6 Easements.

For the purposes of sections . . . ^{F7} three, ten, and thirteen of the principal Act and for the purposes of this Act, the exercise or enjoyment of any easement or right over or in relation to land shall be deemed to be possession of that easement or right.

Textual Amendments

F7 Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

7 F8

Textual Amendments

F8 Ss. 4(1), 5 and 7 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

8 Short title and construction.

This Act may be cited as the Defence of the Realm (Acquisition of Land) Act, 1920, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Defence of the ^{M3}Realm (Acquisition of Land) Acts, 1916 ^{M4} and 1920.

Marginal Citations

M3 1916 c. 63.

M4 1920 c. 79.

Changes to legislation:

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