



Requisitioned Land and War Works Act 1945

1945 CHAPTER 43 8 and 9 Geo 6

PART X

MISCELLANEOUS AND GENERAL

51^{F1}

Textual Amendments

F1 Ss. 1–14, 26, 27, 28(2)(3)(b), 29–31, 35, 51, 56, 60(5)–(8)(13) and 61(2)(3)(5) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

[^{F2}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.

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 ^{M1}Compensation (Defence) Act, 1939, applies, as

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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

- F2** S. 52 repealed (S.) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), [Sch. 4 Pt. I](#) and repealed (E.W.) (with saving) by [Housing and Planning Act 1986 \(c. 63, SIF 61\)](#), [ss. 48\(1\)\(a\)\(2\)\(a\)](#), 49(2), Sch. 12 Pt.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)

- C1** S. 52 extended by [Requisitioned Land and War Works Act 1948 \(c. 17\)](#), [Sch. para. 10\(1\)](#)
- C2** 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
- C3** 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

- M1** [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) . . . ^{F3}

Textual Amendments

- F3** S. 53(3) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XIII](#)

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54 F4

Textual Amendments

F4 S. 54 repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), s. 1(1), **Sch. 1 Pt. IX**

55 Amendment of procedure where land is purchased by a drainage board.

Where a drainage board proposes to purchase under the ^{M2}Land Drainage Act, 1930, land which is in their possession by virtue of an exercise of emergency powers, being used by them for the purposes of that Act, the Minister of Agriculture and Fisheries, if he thinks fit, may—

- (a) direct that [^{F5}paragraph 3 of the First Schedule to the ^{M3}Acquisition of Land (Authorisation Procedure) Act, 1946,] either shall not apply or shall apply subject to such modifications as may be specified in the direction;
- (b) confirm the order authorising the acquisition of the land without [^{F5}public local inquiry or hearing], notwithstanding that the case is not one where the objectors agree that the questions raised relate exclusively to matters which could be dealt with by the arbitrator to whom questions of disputed compensation are to be referred under the order.

Textual Amendments

F5 Words substituted by [Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\)](#), **Sch. 4**

Modifications etc. (not altering text)

C4 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)

Marginal Citations

M2 1930 c. 44.

M3 1946 c. 49.

56 F6

Textual Amendments

F6 [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 . . . ^{F7};
- (b) any compensation payable under or by virtue of this Act by any Minister;

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(c) any increase attributable to this Act in any compensation payable by the Crown under any other Act; and

(d) F8

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

Textual Amendments
F7 Words repealed by [Miscellaneous Financial Provisions Act 1955 \(4 & 5 Eliz. 2 c. 6\), Sch. 2 Pt. II](#)
F8 [S. 57\(1\)\(d\)](#) repealed by [Miscellaneous Financial Provisions Act 1955 \(4 & 5 Eliz. 2 c. 6\), Sch. 2 Pt. II](#)

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—

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 ^{M4}Lands Clauses Consolidation Acts Amendment Act, 1860, and of section seven of the ^{M5}Militia (Lands and Buildings) Act, 1873, . . . F9

..... F10
drainage board means a drainage board constituted, or to be treated as having been constituted, under the Land Drainage Act, 1930;

.....
emergency powers means emergency powers for the purposes of the ^{M6}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;

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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;

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

local authority means the council of a county, . . . ^{F11}borough or . . . ^{F12}district, or the Common Council of the City of London;

.^{F13}

Minister means a Minister of the Crown and includes . . . ^{F14} 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 ^{M7}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.

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- (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.
- (6) . . . ^{F15}
- (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

- F9** Words repealed by [S.I. 1964/488](#)
- F10** Definitions of Defence Regulation and dwelling-house repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)
- F11** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. XII](#)
- F12** Word repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. XII](#)
- F13** Definition of local planning authority repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)
- F14** Words repealed with saving by [S.I. 1964/488](#)
- F15** [S. 59\(6\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)

Modifications etc. (not altering text)

- C5** Definition of government war works amended (E.W.)(S.) retrospectively by [Land Powers \(Defence\) Act 1958 \(c. 30\), s. 12\(1\)](#)
- C6** War period ended with 31st December 1958; [Land Powers \(Defence\) Act 1958 \(c. 30\), s. 1\(2\)](#)
- C7** 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
- C8** Functions of the Board of Education now exercisable by the Secretary of State for Education and Science: [Education Act 1944 \(c. 31\), s. 2\(1\)](#) and [S.I. 1964/490](#)

Marginal Citations

- M4** [1860 c. 106.](#)
- M5** [1873 c. 68.](#)
- M6** [1939 c. 75.](#)
- M7** [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.

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- (3) . . . ^{F16}; [^{F17}for references to the Town and Country Planning Act, 1944, there shall be substituted references to the ^{M8}Town and Country Planning (Scotland) Act, 1945;] for any reference to the London Gazette there shall be substituted a reference to the Edinburgh Gazette; [^{F18}for any reference to a highway there shall be substituted a reference to a road within the meaning of the Roads (Scotland) Act 1984;] . . . ^{F19}; for any reference to a parish council there shall be substituted a reference to a district council; . . . ^{F20}
- (4) For references to the freehold of or to a leasehold interest in land there shall be respectively substituted references to 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) . . . ^{F21}
- (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) ^{F22}
- (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”;

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F23

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

(13) F21

Textual Amendments

- F16 Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. IX](#)
- F17 Words substituted by [Town and Country Planning \(Scotland\) Act 1947 \(c. 53\), Sch. 8](#)
- F18 Words inserted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 33\(3\)](#)
- F19 Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), s. 1\(1\), Sch. 1 Pt. IX](#)
- F20 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)
- F21 [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 \(c. 52\)](#)
- F22 [S. 60\(10\) repealed by Acquisition of Land \(Authorisation Procedure\) Act 1946 \(c. 49\), Sch. 6](#)
- F23 Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. VII](#)

Marginal Citations

- M8 [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) F24

(4) For any reference to registered land within the meaning of the ^{M9}Land Registration Act, 1925, there shall be substituted a reference to registered land to which the ^{M10}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) F24

(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 [^{F25}(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) . . . ^{F26}
- (10) References to land subject to be enclosed under the Inclosure Acts, 1845 to 1882, to fuel or field garden allotments and to drainage boards shall be omitted.
- (11) . . . ^{F26}

Textual Amendments

F24 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 \(c. 52\)](#)

F25 Words inserted by [Northern Ireland Act 1947 \(c. 37\)](#), s. 12(1)(b)

F26 S. 61(9)(11) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

Marginal Citations

M9 1925 c. 21.

M10 1891 c. 66.

62 Short title.

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

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Changes to legislation:

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