



# Defence Act 1842

1842 CHAPTER 94 5 and 6 Vict

**23 Lands not to be taken for the defence of the realm without consent of the owners unless in certain cases.**

Provided always, that no such lands, buildings, or other hereditaments shall be so taken without the consent of the owner or owners thereof, or of any such person or persons as aforesaid, acting for or on the behalf of the owner or owners thereof, unless the necessity or expediency of taking the same shall be first certified by the lord lieutenant, or two of the deputy lieutenants, or by the governor or two deputy governors of the county, riding, city, or place in which such lands, buildings, or other hereditaments lie, and unless such lands, buildings, or other hereditaments be authorized by a warrant of the Treasury, or unless the enemy shall have actually invaded the United Kingdom at the time when such lands, buildings, or other hereditaments shall be so taken.

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

C1 S. 23 saved by [Lands Clauses Consolidation Acts Amendment Act 1860 \(c. 106\)](#), s. 7

**Changes to legislation:**

There are currently no known outstanding effects for the Defence Act 1842, Section 23.