



Defence Act 1842

1842 CHAPTER 94 5 and 6 Vict

24 Erections on lands taken for a temporary purpose to be removed before the lands are restored to the owner, and compensation shall be made for the injury done. In case of disagreement, how compensation shall be settled. Act not to affect any agreement between the parties.

In all cases where any lands, buildings, or other hereditaments shall have been taken under the provisions of the said recited Act of the forty-fourth year of the reign of His Majesty King George the Third, or shall be taken under the provisions of this Act, for any term of years, or for such period only as the exigencies of the public service shall require, it shall be lawful for the said principal officers, notwithstanding anything hereinbefore contained, or any other law to the contrary thereof notwithstanding, at any time before the possession thereof shall be delivered up to the owner or owners thereof, or other person or persons acting on his, her, or their behalf, to take down and remove all such buildings or other erections which shall or may have been built or erected thereon for the public service, after the same was or were so taken as aforesaid, and to carry away the materials thereof, making such compensation to the owner or owners of such lands, buildings, or other hereditaments, or other person or persons acting on his, her, or their behalf, for the damage or injury which may have been done thereto or to the soil thereof, by the erection of any such buildings, or otherwise in consequence of the same having been occupied for the public service, as the said principal officers shall think reasonable, and as shall be agreed upon in that behalf; and if such owner or owners, or other person or persons acting on his, her, or their behalf, shall not be willing to accept the compensation so offered, it shall be lawful for the said principal officers to apply to and require [^{F1}a court of summary jurisdiction] to settle and ascertain the compensation which ought to be made for such damage or injury as aforesaid, and [^{F3}that court] shall settle and ascertain the same accordingly, and shall grant a certificate thereof; and the amount of such compensation, so settled and ascertained and certified, shall forthwith be paid by the treasurer, accountant, or other proper officer for the time being of the office or department for the use of which such lands, buildings, or other hereditaments shall have been taken to the person or persons entitled thereto: Provided always, that nothing in this Act contained shall extend or be construed to extend to alter, prejudice, or affect any agreement which hath been or shall or may be entered into by the said principal officers with any owner or owners of any such lands, buildings, or other hereditaments, or other person or persons acting

Changes to legislation: There are currently no known outstanding effects for the Defence Act 1842, Section 24. (See end of Document for details)

on his, her, or their behalf, in relation to any such buildings or erections; but every such agreement shall remain valid and effectual in like manner as if this Act had not been passed.

Textual Amendments

- F1** Words in s. 24 substituted (N.I.) (31.10.2016) by *Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 6(a)* (with *Sch. 8 para. 1*); S.R. 2016/387, art. 2(k) (with art. 3)
- F2** Words in s. 24 omitted (E.W.) (1.4.2005) by virtue of *Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 13, Sch. 10*; S.I. 2005/910, art. 3(y)
- F3** Words in s. 24 substituted (N.I.) (31.10.2016) by *Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 6(b)* (with *Sch. 8 para. 1*); S.R. 2016/387, art. 2(k) (with art. 3)

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