



# Defence Act 1842

## 1842 CHAPTER 94 5 and 6 Vict

### 16 Principal officers may authorize persons to survey and mark out lands, and treat with owners for purchase thereof.

[<sup>F1</sup>(1)] It shall be lawful for the principal officers of Her Majesty's ordnance for the time being to enter on, survey, and mark out, or to cause to be surveyed and marked out, any lands, buildings, or other hereditaments or easements wanted for the service of the ordnance department, or for the defence of the realm, or to stop up or divert any public or private footpaths or bridle-roads [<sup>F2</sup>or any restricted byways], and to treat and agree with the owner or owners of such lands, buildings, hereditaments, or easements, or with any person or persons interested therein, either for the absolute purchase thereof, or for the possession or use thereof during such time as the exigence of the public service shall require.

[<sup>F3</sup>(2)] In this section and section 17, "restricted byway" has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.]

[<sup>F4</sup>(3)] A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).]

#### Textual Amendments

- F1** S. 16 renumbered as s. 16(1) (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))
- F2** Words in s. 16(1) inserted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))
- F3** S. 16(2) inserted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

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*Changes to legislation: There are currently no known outstanding effects for the Defence Act 1842, Section 16. (See end of Document for details)*

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- F4** S. 16(3) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 14 para. 1**; S.I. 2016/733, reg. 3(h) (with reg. 6)

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

- C1** S. 16 excluded by Land Powers (Defence) Act 1958 (c. 30), s. 13, **Sch. 2 para. 14**
- C2** S. 16 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regs. 1(2)(4), 2(1), **Sch. Pt. 1** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

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There are currently no known outstanding effects for the Defence Act 1842, Section 16.