



Inclosure Act 1847

1847 CHAPTER 111 10 and 11 Vict

An Act to extend the Provisions of the Act for the Inclosure and Improvement of Commons. [23d July 1847]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble (which recites [Inclosure Act 1845 \(c. 118\)](#)) omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)
- C3 “The commissioners” means the Inclosure Commissioners for England and Wales whose functions are now exercisable by Secretary of State: [Settled Land Act 1882 \(c. 38\)](#), [s. 48\(1\)](#), [Board Agriculture Act 1889 \(c. 30\)](#), [s. 2\(1\)\(b\)](#), [Sch. 1 Pt. II](#), [Board of Agriculture and Fisheries Act 1903 \(c.31\)](#), [s. 1\(1\)](#), [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\)](#), [s. 1](#), S.I. 1955/554 (1955 I p. 1200), 1965/143, 1967/156 and 1970/1681
Act: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, [Sch.1](#)

[1.] Where the title to a manor, &c. is litigated the consent of both claimants to be equivalent to consent of an actual owner.

Where an action, suit, or difference shall be pending concerning the title to any manor, land, or right, or to an estate or interest therein, of which the actual owner would, under the definitions of the said Act, be (in respect of such manor, land, or right,) the person interested in the land concerning which any application or proceeding may be made or be pending under the said Act, the consent of both the persons between whom such action, suit, or difference may be pending to any application inclosure, or other proceeding under the said Act shall be as effectual as the consent of the actual owner of the manor, land, or right, or of such estate or interest therein, would have been in case no action, suit, or difference had been pending.

2 Provision for the case of more than one person claiming to be interested.

Provided always, that where, according to the claim of a party to such action, suit, or difference, more than one person would be or become interested as aforesaid in respect of such manor, land, or right, such consent of such number or portion, or (as the case

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may require) such nonsignification of dissent by such number or portion of the persons who would so become interested, to the application, inclosure, or other proceeding, as would have been sufficient in case such claim had been established shall be equivalent to the consent of the party to claiming under the provisions of this Act.

F13

Textual Amendments
F1 S. 3 repealed (19.11.1998) by 1998 c. 43, s 1(1), Sch. 1 Pt.VI

F24 Exchanges may be made of lands, excepting or reserving minerals and easements.

[^{F2}Where an exchange shall be made under the said Act of lands not subject to be inclosed under such Act, or of lands subject to be so inclosed as to which no proceedings for an inclosure shall be pending, it shall and may be lawful for the commissioners, in conformity with the terms of the application for such exchange, to except or reserve out of such exchange the property or right of or to all or any of the mines or minerals under all or any part of the land given by both or either of the parties, together with rights and easements for or auxiliary to the exercise or enjoyment of the right or property of such excepted or reserved mines and minerals, and (whether such mines and minerals shall or shall not be reserved) such rights of way and other easements as the parties to such application may have agreed on.]

Textual Amendments
F2 S. 4 repealed (E.W.) (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, Sch. 6 Pt. 3 (with s. 60); S.I. 2007/2584, art. 2(d)(ii) (with art. 3); S.I. 2012/739, art. 2(h) (with art. 4)

F35

Textual Amendments
F3 S. 5 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.VI

F46

Textual Amendments
F4 S. 6 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.VI

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7 Meeting may be adjourned without the attendance of Commissioner or Assistant Commissioner.

Where notice shall have been given of any meeting, whether original or by adjournment, to be held by the [^{F5}commissioners] or by an assistant commissioner, or otherwise, it shall be lawful for the commissioners or an assistant commissioner by notice to adjourn such meeting, without any commissioner or assistant commissioner giving attendance for the purpose of making such adjournment. ^{F6} . . .

Textual Amendments

- F5** Words repealed by Statute Law Revision Act 1875 (c. 66) and Statute Law Revision Act 1891 (c. 67)
- F6** Words in s. 7 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.VI

8 Notices may be given by the secretary of the commissioners, or other person appointed for that purpose.

All notices by the Inclosure Act, 1845, or by any Act amending the same or referring thereto, or by this Act, directed or authorized to be given by the [^{F7}commissioners] and assistant commissioners respectively may be given by the secretary of the commissioners, or by any person whom the commissioners or any assistant commissioner, in conformity with the power delegated to him by the commissioners, may appoint or authorize for that purpose.

Textual Amendments

- F7** Words repealed by Statute Law Revision Act 1875 (c. 66) and Statute Law Revision Act 1891 (c. 67)

9 Recited Act deemed part of this Act.

This Act shall be taken to be a part of the Inclosure Act 1845, and be construed therewith, and with any Act amending the same or referring thereto.

10 ^{F8}

Textual Amendments

- F8** S. 10 repealed by Statute Law Revision Act 1875 (c. 66)

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