



Improvement of Land Act 1864

1864 CHAPTER 114

Commissioners, Landowners, &c

And with regard to the Commissioners for the Execution of this Act, and other general Matters, be it enacted as follows :

2 Interpretation of " the Commissioners."

By " the Commissioners " shall herein be meant, as regards Lands in *Great Britain*, the Inclosure Commissioners for *England* and *Wales*, and as regards Lands in *Ireland*, the Commissioners of public Works in *Ireland* under an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, and an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to promote Drainage of Lands, and Improvement of Navigation and Water Power in connexion with Drainage, in Ireland*, and the several Acts amending the same respectively.

3 Provisions of 9 & 10 Vict. c.101., &c., to extend and be applicable to Proceedings of Commissioners.

All the Provisions of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Public Money to a limited Amount to promote the Improvement of Land in Great Britain and Ireland by Works of Drainage*, and of any and every other Act for the Time being in force relating to any of the aforesaid Commissioners, so far as the same may concern or be auxiliary to the Proceedings or Inquiries of the Commissioners under the Authority of such Acts or any of them, or the Authentication of Instruments, shall, except as in this Act otherwise provided, extend and be applicable to their Proceedings and Inquiries, and the Authentication of Instruments, under this Act.

4 Assistant Commissioners may take Declarations and examine Witnesses.

Every Assistant Commissioner or Inspector acting in any Matter, Inquiry, or Proceeding by the Authority and in the Execution of this Act may receive Declarations

and Statements, and examine upon Declaration all such Persons as may voluntarily attend before him in such Matter, Inquiry, or Proceeding.

5 Punishment of Persons giving false Evidence.

If any Person shall wilfully give false Evidence in any Matter, Inquiry, or Proceeding under the Provisions of this Act, or shall make or subscribe a false Statement or Declaration for the Purposes of this Act, such Person shall, in *England or Ireland*, be deemed guilty of a Misdemeanor, and in *Scotland* of a Crime and Offence and shall be punished accordingly.

6 As to Service of Notices on Commissioners.

Any Notice requiring to be served upon the Commissioners may be served by the same being left at or transmitted through the Post, directed to their Office in *London*.

7 As to the Services of Notices on other Persons.

In all Cases in which it shall be necessary under the Provisions of this Act to serve any Notice upon any other Person, it shall be sufficient to send such Notice in a registered Post Letter, directed to such Person at his then or last known Place of Residence or of Business, unless the Letter containing such Notice shall be returned from the Post Office as undelivered; and if such Person shall not have any Place of Residence or of Business within *Great Britain or Ireland*, or if the Place of Business or of Residence of such Person cannot with due Diligence be ascertained, then such Notice may be served upon such other Person as his Representative, or be given in such other Manner as the Commissioners shall in such Case direct or approve.

8 Interpretation of " Landowner."

The Word "Landowner" shall mean herein, as to Lands in *England*, the Person who shall be in the actual Possession or Receipt of the Rents or Profits of any Land, whether of Freehold, Copyhold, Customary, or other Tenure, except where such Person shall be a Tenant for Life or Lives holding under a Lease for Life or Lives not renewable, or shall be a Tenant for Years holding under a Lease or an Agreement for a Lease for a Term of Years not renewable, whereof less than Twenty-five Years shall be unexpired at the Time of making any Application to the Commissioners, without regard to the real Amount of the Interest of any Person so excepted; and in the Case where the Person in the actual Possession or Receipt of the Rents or Profits of any Land shall fall within the above Exceptions, then the Person who for the Time being shall be in the actual Receipt of the Rent payable by the Person so excepted, unless he shall also fall within the above Exceptions, shall, jointly with the Person who shall be liable to the Payment thereof, be deemed for the Purposes of this Act to be the Owner of such Lands; and as to Lands in *Scotland*, the Word " Landowner" shall denote and include every Fiar, Liferenter, or Heir of Entail who shall be in the actual Possession of the Land, or in receipt of the Rents payable on the Tacks, Leases, or Tenancies of the Tenants in the actual Possession thereof; and as to Lands in *Ireland*, the Word "Landowner" shall mean such Person as under the Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rentcharges in lieu thereof*, shall have the first Estate of Inheritance, or other Estate or Interest equivalent to a perpetual Estate or Interest therein, and also any Tenant in Dower or by the Curtesy, or any Person having under the Limitations of

any Settlement by Deed, Will, Act of Parliament, or otherwise any Estate for Life, or other particular Estate thereby created or limited out of or in any Estate of Inheritance, or by, out of, or in any such Estate or Interest as by or under the last-mentioned Act is to be deemed equivalent to a perpetual Estate or Interest; and as to Lands in any Part of the United Kingdom, the Word " Landowner" shall include a Corporation, and also such Persons as are empowered by the Twenty-third Section hereof.

9 Interpretation of " Improvement of Land."

By " the Improvement of Land " shall herein be meant all or any of the following Matters :

1. The Drainage of Land, and the straitening, widening, deepening, or otherwise improving the Drains, Streams, and Watercourses of any Land :
2. The Irrigation and warping of Land :
3. The embanking and weiring of Land from the Sea or Tidal Waters, or from Lakes, Rivers, or Streams, in a permanent Manner:
4. The inclosing of Lands, and the straitening of Fences and Redivision of Fields :
5. The Reclamation of Land, including all Operations necessary thereto:
6. The making of permanent Farm Roads and permanent Tramways and Railways and navigable Canals for all Purposes connected with the Improvement of the Estate :
7. The clearing of Land :
8. The Erection of Labourers Cottages, Farmhouses, and other Buildings required for Farm Purposes, and the Improvement of and Addition to Labourers Cottages, Farmhouses, and other Buildings for Farm Purposes already erected, so as such Improvements or Additions be of a permanent Nature :
9. Planting for Shelter:
10. The constructing or erecting of any Engine-houses, Water wheels, Saw and other Mills, Kilns, Shafts, Wells, Ponds, Tanks, Reservoirs, Dams, Leads, Pipes, Conduits, Watercourses, Bridges, Weirs, Sluices, Floodgates, or Hatches, which will increase the Value of any Lands for agricultural Purposes :
11. The Construction or Improvement of Jetties or Landing Places on the Sea Coast, or on the Banks of navigable Rivers or Lakes, for the Transport of Cattle, Sheep, and other agricultural Stock and Produce, and of Lime, Manure, and other Articles and Things for agricultural Purposes ; provided that the Commissioners shall be satisfied that such Works will add to the permanent Value of the Lands to be charged to an Extent equal to the Expense thereof;
12. The Execution of all such Works as in the Judgment of the Commissioners may be necessary for carrying into effect any Matter herein-before mentioned, or for deriving the full Benefit thereof.

10 Interpretation of "Person."

The Word " Person " shall in this Act include Companies and all other Corporations.