



# Inclosure Act 1848

1848 CHAPTER 99 11 and 12 Vict

**12 On neglect of owner of an allotment to fence, owner of any other allotment prejudiced by his neglect may obtain possession and do the necessary work.**

Where any person to whom an allotment shall have been made by an award in the matter of any inclosure, or the owner for the time being of such allotment, shall refuse or neglect to make any ditch or fence which, according to the directions of such award, ought to be made by or at the expense of the owner of such allotment, it shall be lawful for the owner or occupier of any other allotment made in the same inclosure, who shall be aggrieved in the enjoyment of his allotment by such refusal or neglect, to cause the person so refusing or neglecting to be served, in the manner herein-after mentioned, with a written notice, signed by the owner or occupier so aggrieved, or his agent, of his intention to proceed under the authority of this Act to make such ditch or fence, in case the same should not be made within three calendar months from the time of serving such notice; and in case such ditch or fence shall not be made within such three calendar months, it shall be lawful for the owner or occupier so aggrieved, or his agent, (if such owner or occupier shall so think fit,) to make or cause to be made such ditch or fence, in such manner as the same ought to have been made, according to the directions of the said award, by the owner so neglecting or refusing as aforesaid, and for such purpose, with labourers and workmen, to enter upon the allotment by the owner of which such ditch or fence ought to have been made, and to do all such acts as may be necessary or proper; and all costs and expences incurred in such work by the owner or occupier so aggrieved shall be reimbursed to him by the owner so neglecting or refusing as aforesaid, and may be recovered by action of debt or on the case, and, if the amount claimed in respect thereof shall not be more than twenty pounds, shall be recoverable in the county court of the district where the work shall be done; and any notice as aforesaid may be served either personally or by leaving the same with some person being in and apparently residing at the place of abode of the owner for the time being of the allotment to which such notice shall relate; but if such owner cannot be found, and his place of abode shall not be known, or admission thereto cannot be obtained for serving such notice, the posting of such notice conspicuously on the allotment to which the same shall relate shall be deemed good service on the owner thereof: Provided always, that neither the power herein-before contained, nor the making of such ditch or fence by the owner or occupier so aggrieved as aforesaid, shall affect any right or remedy which such owner or occupier would otherwise have

---

***Changes to legislation:*** *There are currently no known outstanding effects for the Inclosure Act 1848, Section 12. (See end of Document for details)*

---

had in respect of the neglect to make such ditch or fence, or of any trespass or damage occasioned thereby.

**Changes to legislation:**

There are currently no known outstanding effects for the Inclosure Act 1848, Section 12.