



Inclosure Act 1852

1852 CHAPTER 79 15 and 16 Vict

An Act to amend and further extend the Acts for the Inclosure, Exchange, and Improvement of Land. [30th June 1852]

Modifications etc. (not altering text)

- C1** Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2** Act so far as relates to charging of field gardens with rentcharge repealed by [Commons Act 1876 \(c. 56\)](#), **s. 24**
- C3** Functions of Inclosure Commissioners now exercisable by Secretary of State: [Settled Land Act 1882 \(c. 38\)](#), **s. 48(1)**, [Board of 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
- C4** Preamble (which recites [Inclosure Act 1845 \(c. 118\)](#), [Inclosure Act 1846 \(c. 70\)](#), [Inclosure Act 1847 \(c. 111\)](#), [Inclosure Act 1848 \(c. 99\)](#), [Inclosure Act 1849 \(c. 83\)](#) and [Inclosure Commissioners Act 1851 \(c. 53\)](#)) omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
Act: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch.1**

1 No lands to be inclosed without the previous authority of Parliament.

Notwithstanding the provisions in the ^{M1}Inclosure Act 1845 it shall not be lawful for the Inclosure Commissioners to give notice of their intention to proceed with the inclosure of any lands without the previous direction of Parliament; and no land shall be inclosed under the said recited Acts and this Act without the previous authority of Parliament in each particular case ^{F1} . . .

Textual Amendments

- F1** Words in [s. 1](#) repealed (19.11.1998) by [1998 c. 43](#), s. 1(1), **Sch. 1 Pt.VI**

Marginal Citations

- M1** [1845 c. 118](#).

Status: Point in time view as at 19/11/1998.
Changes to legislation: There are currently no known outstanding effects for the Inclosure Act 1852. (See end of Document for details)

2 **F2**

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Textual Amendments

F2 [S. 2](#) repealed by [Statute Law Revision Act 1950](#) (14 Geo. 6 c. 6)

F3
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Textual Amendments

F3 [S. 3](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

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Textual Amendments

F4 [S. 4](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

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Textual Amendments

F5 [S. 5](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

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Textual Amendments

F6 [S. 6](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

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Textual Amendments

F7 [S. 7](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

F8
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Textual Amendments

F8 [S. 8](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

F⁹9

Textual Amendments

F9 [S. 9](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

F¹⁰10

Textual Amendments

F10 [S. 10](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

F¹¹11

Textual Amendments

F11 [S. 11](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

F¹²12

Textual Amendments

F12 [S. 12](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

F¹³13

Textual Amendments

F13 [S. 13](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

14 Village greens and allotments for exercise and recreation shall not be fenced in certain cases.

Notwithstanding the provisions in the Inclosure Act 1845, with reference to the fencing of allotments for exercise and recreation, and of town greens and village greens allotted for such purposes, it shall be lawful for the commissioners, by an order under their seal, in such cases as they shall see fit, to direct that such allotments, town greens,

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and village greens respectively shall be distinguished by metes and bounds, but not fenced.

^{F14}15

Textual Amendments

F14 [S. 15](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

^{F15}16

Textual Amendments

F15 [S. 16](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

17 **Deposit of orders of division, exchange and partition in certain cases.**

In any case of division of intermixed land, exchange, or partition, in which it shall appear to the commissioners from the number of persons interested in the subject matter of the division, exchange, or partition, or the nature of their interests, that the direction in the said recited Acts that a copy of the order under the seal of the commissioners shall be delivered to each of the parties upon whose application such order shall be made are inapplicable, it shall be lawful for them, instead of delivering a copy of such order to each of such parties, to direct by an order under their seal that copies shall be deposited in such and the same manner as copies of an award in the matter of an inclosure under the said Acts are directed to be deposited; and thereupon all the provisions in the Inclosure Act 1845, relating to the deposit, custody, and inspection of copies of such awards, and for the furnishing of copies of and extracts therefrom, shall be applicable to copies of such orders of division, exchange, and partition respectively: Provided always, that the commissioners shall, upon the request and at the cost of any person upon whose application such order was made, furnish him with a copy of the order sealed with their seal.

18,19.^{F16}

Textual Amendments

F16 [Ss. 18, 19](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XVI](#)

^{F17}20

Textual Amendments

F17 [S. 20](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

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21 Allotments set out under local Acts may be exchanged.

Where any allotment has been made in trust or otherwise under any inclosure award for any public or parochial purpose, or for the benefit of the inhabitants or others within any parish or manor, and it shall appear to the said commissioners to be no longer necessary, convenient, or suitable for the purposes for which the same shall have been made, it shall be lawful for the commissioners, upon the application, in writing of the churchwardens and overseers of the poor of the parish in which such allotment is situated, or the trustees for the time being of such allotment, and of the person interested in any land or other subject matter of exchange under the said recited Acts or either of them, which he may be willing to give in exchange for such allotment, in case they shall be of opinion that such exchange would be mutually beneficial, to cause to be framed, and to confirm, an order of exchange of such allotment for such other land or other subject matter of an exchange as aforesaid; and all the provisions of the said recited Acts applicable to exchanges shall extend and be applicable to any such applications for exchange: Provided always, that it shall be lawful thereby to declare any new trusts, if the same shall have been approved of by a majority of the persons for whose benefit such allotment as aforesaid was set out, present at a meeting convened by the commissioners for the purpose of considering the same.

Modifications etc. (not altering text)

- C5** Functions of churchwardens and overseers of the poor (except so far as they relate to church affairs or ecclesiastical charities) now exercisable in parishes by parish councils or meetings, in communities by community councils, in the City of London by the Common Council, in Greater London (except the City and Temples) by London borough councils and otherwise by rating authorities: [Local Government Act 1894 \(c. 73\)](#), [ss. 5\(2\), 6\(1\)\(c\)](#), [London Government Act 1899 \(c. 14\)](#), [ss. 11, 23](#), [City of London \(Union of Parishes\) Act 1907 \(c. cxl\)](#), [s. 11](#), [Rating and Valuation Act 1925 \(c. 90\)](#), [s. 62](#), [S.R. & O. 1927/55 \(Rev. XIX p. 599: 1927 p. 967\)](#), [London Government Act 1963 \(c. 33\)](#), [s. 1\(6\)](#) and [Local Government Act 1972 \(c. 70\)](#), [ss. 1, 2, 20, 179](#), [Schs. 1, 4](#)

22 Application of compensation for common rights paid under the Lands Clauses Consolidation Act, 1845.

Where any money shall have been or may hereafter be paid to a committee under the ^{M2}Lands Clauses Consolidation Act 1845 or under any railway or other special Act by which money may have been directed or authorized to be paid to a committee, as compensation for the extinction of commonable or other rights, or for lands being common lands or in the nature thereof, the right to the soil of which may have belonged to the commoners, and such committee shall be of opinion that the provisions of such Act for the apportionment thereof cannot be satisfactorily carried into effect, such committee may make application in writing to the commissioners to call a meeting of the persons interested in such compensation money for the appointment of trustees of such compensation money and for the investment thereof, and for the application of the interest and annual produce thereof to such purposes for the benefit of the persons interested therein as the commissioners shall approve; and if the said commissioners shall think fit to proceed with such application, they shall call a meeting accordingly, and the decision of the majority in number and the majority in respect of interest of the persons present at such meeting shall bind the minority and all absent parties: Provided always, that if no instructions shall be resolved upon, or in case the commissioners shall deem such instructions unjust or unreasonable, they may, by an order under their seal, give such instructions for the investment of such compensation money and for the

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application of the income thereof as they shall think fit; and such order under the seal of the commissioners, or the order approving of such instructions as aforesaid, shall contain provisions for the appointment of new trustees from time to time; and copies of such order shall be deposited and kept in like manner as copies of an award are by the ^{M3}Inclosure Act 1845 directed to be deposited and kept; and the said committee shall be absolutely discharged from all liability in respect of such compensation money upon payment thereof to the said trustees, who shall, out of such money, in the first place pay and discharge all expenses which may be incurred by the said commissioners in respect of or in any way incident to such application and order, and apply or invest the surplus thereof in such manner as shall by such order be authorized or directed.

Marginal Citations**M2** [1845 c. 18.](#)**M3** [1845 c. 118.](#)**F18** **23****Textual Amendments****F18** [S. 23](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)**F19** **24****Textual Amendments****F19** [S. 24](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)**F20** **25****Textual Amendments****F20** [S. 25](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)**F21** **26****Textual Amendments****F21** [S. 26](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)**F22** **27**

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Textual Amendments

F22 [S. 27](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

^{F23}**28**

Textual Amendments

F23 [S. 28](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1, Pt.IV](#)

29 Confirmed awards and orders may be corrected.

In case of any fraudulent or other error or omission in any award or order confirmed by the commissioners, the said commissioners may, by an order under their hands and seal, by indorsement or otherwise, correct such error or supply such omission; and such order shall be ingrossed, and, where not indorsed as aforesaid, be deposited with the original award or order, and shall thenceforth be and be deemed to be part thereof to all intents and purposes; and all the expenses incident thereto shall be paid by the party (if any) who shall have requested the commissioners to make and execute the same, or by his executors or administrators.

^{F24}**30**

Textual Amendments

F24 [S. 30](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

^{F25}**31**

Textual Amendments

F25 [S. 31](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

^{F26}**32**

Textual Amendments

F26 [S. 32](#) repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

33 Penalty where stock found on regulated pastures.

Any person having any stock or animals on any regulated pasture contrary to the regulations of such pasture, [^{F27}shall be guilty of an offence and liable on summary

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conviction to a fine not exceeding level 1 on the standard scale]in respect of each head of stock or animal found in such regulated pasture ^{F28}. ^{F29} Provided always, that no remedy which any field reeve might otherwise have under the ^{M4}Inclosure Act 1845 or otherwise, shall be in any manner prejudiced or affected by the provision last herein-before contained.

Textual Amendments

F27 Words in [s. 33](#) substituted (5.11.1993) by 1993 c. 50, s. 1(2), [Sch. 2](#), Pt. I, para. 4(a).

F28 Words repealed (5.11.1993) by 1993 c. 50, s. 1(2), [Sch. 2 Pt. I para. 4\(b\)](#)

F29 Words repealed by [Statute Law Revision \(Substituted Enactments\) Act 1876 \(c. 20\)](#), [s. 1](#) and with saving by [Justices of the Peace Act 1949 \(c. 101\)](#), s. 46(2), [Sch. 7 Pt. III](#)

Modifications etc. (not altering text)

C6 [S. 33](#) amended by [Statute Law Revision \(Substituted Enactments\) Act 1876 \(c. 20\)](#), [s. 1](#)

Marginal Citations

M4 [1845 c. 118](#).

34 Short title

In citing this Act, the said recited Acts, and the Acts passed in pursuance of the annual or any special reports of the commissioners, or any or either of them, in other Acts of Parliament, in conveyances, documents, and legal instruments, it shall be sufficient to use the expression, “The Acts for the Inclosure, Exchange, and Improvement of Land.”

35 This Act to be deemed part of recited Acts.

This Act shall be taken to be a part of the said recited Acts, and be construed therewith.

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Changes to legislation: There are currently no known outstanding effects for the Inclosure Act 1852. (See end of Document for details)

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SCHEDULE

Textual Amendments

F30 Sch. repealed by Rent Act 1965 (c. 75), Sch. 7 Pt. II

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Status:

Point in time view as at 19/11/1998.

Changes to legislation:

There are currently no known outstanding effects for the Inclosure Act 1852.