



# Commons Act 1876

1876 CHAPTER 56 39 and 40 Vict

## PART I

LAW AS TO THE REGULATION AND INCLOSURE OF COMMONS

### *Supplemental Provisions*

#### 15 Owners may make byelaws.

The majority in value of the owners of skirts or rights of pasture in any regulated pasture created under the provisions of the <sup>M1</sup>General Inclosure Act 1845, in addition to the powers they now possess are hereby authorised at any annual meeting for the election of field reeves to make byelaws and regulations for the prevention of or protection from nuisances or for keeping order on the regulated pasture, and for general management, occupation, and enjoyment of the regulated pasture, provided the consent of the lord of the manor is given to such byelaws.

#### Marginal Citations

M1 1845 c. 118.

#### 16 Provision as to byelaws.

Any byelaw made in pursuance of this Act, and any alteration made therein, and any revocation of a byelaw, shall not be of any validity until it has been confirmed by one of Her Majesty's Principal Secretaries of State.

Pecuniary penalties (to be recovered summarily before any two justices) may be imposed by any such byelaws on persons breaking the same, provided that no penalty exceeds for any one offence the sum of [<sup>F1F2</sup>£10.][<sup>F2</sup>level 1 on the standard scale]

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Commons Act 1876, Cross Heading: Supplemental Provisions. (See end of Document for details)*

**Textual Amendments**

- F1** Words substituted by [Criminal Justice Act 1967 \(c. 80\), s. 92, Sch. 3 Pt. II](#)  
**F2** “level 1 on the standard scale” substituted (E.W.) for “£10” by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)

**17 Notice of application for confirmation of byelaws.**

No such confirmation shall take place unless notice of the intention to apply therefor, stating the effect of this section, has been published by the conservators one month at least before the application.

During one month at least before the application a copy of every byelaw, the making, alteration, or revocation of which is submitted for confirmation, shall be kept at the office of the person or body of persons making, altering, or revoking such byelaw open for inspection by persons interested, and such person or body of persons shall furnish a printed copy thereof to every person applying for the same on payment of a sum not exceeding [<sup>F3</sup>5p] for each copy.

**Textual Amendments**

- F3** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

**18 Provision as to certain expenses under order for regulation of a common.**

Subject to the terms of the provisional order the amount of any compensation to be paid for any restriction modification or abolition of rights in pursuance of an order for the regulation of a common shall be deemed to be expenses of and incidental to the regulation of the common, and may be defrayed accordingly.

**19 Definition of power of Charity Commissioners in certain cases.**

Whereas by several awards made under the authority of Inclosure Acts prior to the year one thousand eight hundred and forty-five, fuel allotments for the poor have been set out and awarded, and vested in divers persons and bodies of persons as trustees of such allotments:

And whereas under the provisions of the Inclosure Acts 1845 to 1868, and the several Acts of Parliament and awards made thereunder, allotments for recreation grounds and field gardens have been set out and awarded to the churchwardens and overseers of parishes and other persons:

And whereas power exists or is claimed under divers Acts of Parliament, to divert such allotments from the uses declared by Parliament respecting the same: Notwithstanding anything in any other Act contained, it shall not be lawful (save as herein-after mentioned) to authorise the use of or to use any such allotment, or any part thereof, for any other purpose than those declared concerning the same by the Act of Parliament and award, or either of them, under which the same has been set out: . . . . .<sup>F4</sup>

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#### Textual Amendments

**F4** Words repealed by [Charities \(Fuel Allotments\) Act 1939 \(c. 26\), s. 1\(3\)](#)

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

**C1** [S. 19](#) excluded by [Charities Act 1960 \(c. 58\), s. 15\(3\), Sch. 4 para. 2](#)  
[S. 19](#) excluded (E.W.)(1.8.1993) by 1993 (c. 10), s. 15, Sch. 4 para.2

## 20 Gravel digging.

Where any common is regulated pursuant to this Act by a provisional order of the Inclosure Commissioners confirmed by Parliament, or is the subject of a scheme confirmed by Parliament under the provisions of the <sup>M2</sup>Metropolitan Commons Act 1866, or the <sup>M3</sup>Metropolitan Commons Amendment Act 1869, or (being situate within the metropolitan police district) is the subject of any private or local Act of Parliament having for its object the preservation of such common as an open space, no surveyor of highways or highway board constituted in pursuance of the Highway Acts, . . . . .<sup>F5</sup> shall search for, dig, or carry away gravel, sand, stone or other materials in or from any part of such common which has not been set apart for that purpose with the sanction of Parliament, without the consent of the person or persons having the regulation or management of the same, or in default of such consent, without an order of two or more justices in petty sessions assembled, and acting in and for the petty sessional division in which such common is situate, who may in their order prescribe such conditions as to mode of working and restitution of the surface as to them shall seem expedient.

#### Textual Amendments

**F5** Words repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

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

**C2** [S. 20](#) extended by [Commons Act 1899 \(c. 30\), s. 8](#)  
**C3** References to a surveyor of the highways to be construed as references to a highway authority:  
[Highways Act 1980 \(c. 66, SIF 59\), s. 343\(1\), Sch. 23 para. 23](#)

#### Marginal Citations

**M2** [1866 c. 122.](#)  
**M3** [1869 c. 107.](#)

**Status:**

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**Changes to legislation:**

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