



Inclosure Act 1845

CHAPTER 118

INCLOSURE ACT 1845

- Appointment of Commissioners.
- II Chairman of Commissioners. Style of Commissioners. To have a Common Seal.
 - III Commissioners to make annual Reports ; and also Special Reports.
 - IV Power to appoint and remove Assistant Commissioners, &c.
 - V Appointments under this Act limited to Five Years.
 - VI Salaries and Allowances.
 - VII Allowances and Salaries to be paid out of the Consolidated Fund.
 - VIII Commissioners and Assistant Commissioners to make a Declaration.
 - IX Documents of the Tithe Commissioners may be used. Power to summon Witnesses.
 - X Commissioners may delegate Powers to Assistant Commissioners.
 - XI Descriptions of Land subject to be inclosed under this Act.
 - XII Wastes of Manors and Lands subject to indefinite Common Rights at all Times not to be inclosed without previous Direction of Parliament.
 - XIII New Forest and Forest of Dean excepted.
 - XIV Land within certain Distances of large Towns not to be inclosed without the previous Direction of Parliament.
 - XV Village Greens not to be inclosed; but Provision may be made for preserving the Surface and fixing Boundaries.
 - XVI Persons interested in Lands for Purposes of Applications, &c.
 - XVII Where the Crown is interested, who shall be substituted.
 - XVIII Where Duke of Cornwall is interested, who shall be substituted.
 - XIX Provision for Persons jointly interested.
 - XX In case of Disability, Commissioners to name Substitutes.
 - XXI Attornies may be appointed by Persons interested.
 - XXII Proportional Interests, how estimated.
 - XXIII Proportional Interests of Lords of Manors.

Status: This is the original version (as it was originally enacted).

- XXIV Commissioners to frame Forms of Applications, &c.
- XXV Upon Application to the Commissioners, an Assistant Commissioner to inquire into the Expediency of proposed Inclosure.
- XXVI Assistant Commissioner to report on Application.
- XXVII Commissioners to embody the Conditions of proposed Inclosure in a Provisional Order, and to take Consents of Parties interested.
- XXVIII Separate Applications for separate Tracts.
- XXIX Consent of the Lord of the Manor.
- XXX Allotments for Exercise and Recreation may be required as Conditions of Inclosure.
- XXXI Allotments for labouring Poor.
- XXXII Acts for the Inclosure of Lands in pursuance of the Reports of the Commissioners to be deemed Public General Acts.
- XXXIII Meeting for appointing Valuer.
- XXXIV Instructions to Valuer.
- XXXV Valuer may be assisted by an Assistant Commissioner.
- XXXVI Alterations in the Instructions to Valuer by Commissioners not to be acted upon unless sanctioned by a Majority of the Persons interested.
- XXXVII A Surveyor may be appointed where the Parties interested think fit.
- XXXVIII Form of Declaration by Valuer.
- XXXIX Power to set out Boundaries of Parishes. Appeal on Questions of Boundary.
 - XL Non-attendance of Jurymen.
 - XLI Juries subject to same Regulations as if returned for any Court at Westminster.
 - XLII Costs of Appeal.
 - XLIII Security for Costs to be taken by the Commissioners.
 - XLIV Persons dissatisfied with Determination of Commissioners may appeal to Court of Queen's Bench.
 - XLV Power to straighten Boundaries.
 - XLVI Valuer to hold Meetings.
 - XLVII Claims to be delivered in Writing.
 - XLVIII Statement of Claims to be deposited for Examination. Claims to be heard and determined by Valuer, subject to Appeal to Commissioners.
 - XLIX Titles not to be determined by Valuer, Commissioners, or Assistant Commissioners.
 - L Encroachments within Twenty Years.
 - LI School-houses, &c. not to be deemed Encroachments.
 - LII Encroachments of Twenty Years standing to be deemed ancient Inclosures.
 - LIII Rights in respect of Tofts to be allowed.
 - LIV Rights not sustainable in Law to be allowed upon Proof of Sixty Years Usage.
 - LV Schedule of Claims allowed by Valuer to be made and deposited for Inspection. Claims may be reheard by Commissioners or an Assistant Commissioner.
 - LVI Appeal against Determination of the Commissioners.
 - LVII Determination of Commissioners not appealed against conclusive.
 - LVIII Actions not to abate.
 - LIX Commissioners may award Costs.
 - LX Differences may be submitted to Arbitration.
 - LXI Power to Valuer to make Watercourses, &c.
 - LXII Power to alter Roads and Ways.

- LXIII Appeal to Quarter Sessions.
- LXIV Trial of Appeal.
- LXV Roads to be fenced.
- LXVI Expenses of making and altering Roads.
- LXVII Roads to be repaired by the Parish after Certificate by Two Justices of the Peace.
- LXVIII Private Roads.
- LXIX Rights of Common may be suspended.
- LXX Course of Husbandry may be directed.
- LXXI Compensation for growing Crops.
- LXXII Allotment for Repair of Roads.
- LXXIII Allotments for public Purposes.
- LXXIV Provision for awarding Allotments for Exercise to Individuals, subject to the Obligation of permitting it to be used.
- LXXV Allotments for the labouring Poor may be made subject to a Corn Rent-charge, to vary and be recoverable as a Tithe Rent-charge.
- LXXVI Allotment to the Lord of the Manor.
- LXXVII Allotment of Residue.
- LXXVIII The Rent-charges payable out of Allotments for the labouring Poor to be allotted to Persons entitled under the Inclosure.
- LXXIX Separate Allotments to be made in respect of separate Titles.
- LXXX Several Allotments may by Consent be laid together.
- LXXXI Cultivated Land and Buildings to be allotted to the Proprietor.
- LXXXII Regard to be had to the Situation of Homesteads.
- LXXXIII Allotments to be fenced.
- LXXXIV If Interest in Land is sold before Allotment is made the Valuer to make the Allotment to the Purchaser.
- LXXXV Allotments to be made to Representatives of Parties dying.
- LXXXVI Old Inclosures may be allotted, with Consent.
- LXXXVII Allotments to Freemen and other Classes of Persons entitled to Common Rights to be made to Trustees.
- LXXXVIII Power to sell such Allotments. Application of Purchase Money.
- LXXXIX Meeting of Persons so entitled for giving Instructions to Valuer.
- XC Partitions maybe made.
- XCI Costs of Partition.
- XCII Exchanges.
- XCIII Wills and Settlements not to be affected.
- XCIV Tenure of the Allotments.
- XCV Leases at Rack Rent may be voided.
- XCVI Seigniories not affected, except with Consent.
- XCVII Minerals under regulated Pastures may be reserved, while Minerals under Lands to be held in Severalty are relinquished.
- XCVIII Right to Minerals under Land inclosed existing distinct from the Property in the Surface, and not compensated upon Inclosure, not to be affected.
- XCIX Trees to be allotted with the Land.
- C Cattle not to be depastured on Roads.
- CI Alteration may be made in Allotments.
- CII Valuer to draw up a Report, and annex thereto a Map of the Claims.
- CIII Report to be deposited for Inspection.
- CIV Award to be drawn up by the Valuer, and confirmed by the Commissioners.

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- CV Confirmation of Award to be conclusive Evidence that the Directions of this Act have been obeyed.
- CVI Allotments to be in compensation of previous Rights.
- CVII Allotments may be subdivided by supplemental Order.
- CVIII Allotment for the labouring Poor shall be managed by the Allotment Wardens.
- CIX Such Allotments how to be let.
- CX Recovery of Gardens on Nonpayment of Rent, &c.
- CXI Possession how to be recovered from Tenant holding over.
- CXII Rents of Allotment how to be applied.
- CXIII Regulated Pastures may be set out.
- CXIV Conversion into regulated Pasture to be deemed an Inclosure.
- CXV Rule of rating to be established.
- CXVI Property of Soil of regulated Pastures.
- CXVII Election of Field Reeves.
- CXVIII Duties of Field Reeves.
- CXIX Provision for rateable Increase or Diminution of Rights.
- CXX Expenses to be raised by Rate.
- CXXI Power to apply the Act to Pastures already stinted.
- CXXII Expenses of Application of Act to Pastures already stinted.
- CXXIII Power to enter Land for Surveys, &c.
- CXXIV Expenses of Inclosures.
- CXXV Estimates of Expenses to be approved of at public Meeting.
- CXXVI Remedies in case of Nonpayment of Expenses.
- CXXVII Power to make additional Rate.
- CXXVIII Commissioners may remove Valuers.
- CXXIX Valuer not to purchase Lands in the Parish for Seven Years after the Award.
- CXXX Repayment to Consolidated Fund.
- CXXXI Persons attending Meetings to pay their own Expenses.
- CXXXII Expenses of Witnesses.
- CXXXIII Power to mortgage Allotments.
- CXXXIV Power to sell Parts of Allotments.
- CXXXV Sales of Parts of Allotments how to be made.
- CXXXVI Commissioners to receive and apply Purchase Money.
- CXXXVII Application of Compensation Money of Parties under Disabilities.
- CXXXVIII Investment of Surplus when 200l. or upwards.
- CXXXIX Payment of Dividends in the meantime.
- CXL Application of Money under 200l.
- CXLI Under 20l.
- CXLII Sale of Land by Valuer for Expenses.
- CXLIII Conveyances to be made by Commissioners.
- CXLIV Application of Purchase Monies.
- CXLV Notice may be given to Reversioners.
- CXLVI Copies of Award to be made and deposited.
- CXLVII Exchanges may be made of Land not subject to be inclosed.
- CXLVIII Division of intermixed Lands.
- CXLIX Inconvenient Allotments for the Poor and public Purposes may be exchanged for Land more convenient.
- CL Notices of such Exchanges and Divisions to be given.
- CLI Expenses of Exchanges and Divisions.
- CLII Commissioners may remedy Defects and Omissions of Awards under local Acts of Inclosure, or under 6 & 7 W.4 c.115.

- CLIII Commissioners may revive Powers under local Inclosure Acts lost by Lapse of Time, or otherwise.
- CLIV Commissioners may appoint Persons to complete Proceedings in an imperfect Inclosure.
- CLV Commissioners to give Notice before proceeding to amend Awards, under local Act.
- CLVI Proviso for Cases where Dealings have been had with Land on Faith of Inaccuracies, &c. proposed to be rectified.
- CLVII Commissioners may confirm Awards or Agreements made under supposed Authority of 6 & 7 W.4 c.115.
- CLVIII Power to reduce the Number of Trustees under local Act where a sufficient Number of Persons qualified cannot be found.
- CLIX Penalties and Forfeitures, how recoverable.
- CLX Distress, how to be made.
- CLXI Distress not unlawful for Informality.
- CLXII Notices, how to be given.
- CLXIII Advertisements, Awards, &c. free of Duty.
- CLXIV Persons giving false Evidence &c. to be guilty of a Misdemeanor.
- CLXV Limitation of Actions.
- CLXVI Proceedings not to be removed by Certiorari.
- CLXVII Interpretation Clause.
- CLXVIII Act to extend only to England and Wales.
- CLXIX Alteration of Act.

The SCHEDULE to —
which this Act refers