



Inclosure Act 1848

1848 CHAPTER 99 11 and 12 Vict

An Act to further extend the Provisions of the Act for the Inclosure and Improvement of Commons. [4th September 1848]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 “The commissioners” means the Inclosure Commissioners for England and Wales whose functions are 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](#)
- C3 Preamble (which recites [Inclosure Act 1845 \(c. 118\)](#), [Inclosure Act 1846 \(c. 70\)](#) and [Inclosure Act 1847 \(c. 111\)](#)) omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#) Act: powers transferred (1.7.1999) by virtue of [S.I. 1999/672](#), [art. 2](#), [Sch.1](#)

F1

Textual Amendments

- F1 [S. 1](#) repealed (19.11.1998) by [1998 c. 43](#), [s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

F2

Textual Amendments

- F2 [S. 2](#) repealed (19.11.1998) by [1998 c. 43](#), [s. 1\(1\)](#), [Sch. 1 Pt.VI](#)

F3

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

Textual Amendments
F3 S. 3 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.VI

4 Valuer may set out private and occupation roads in certain cases for use of lands other than lands to be inclosed.

^{F4} . . . After the formation and completion of such private roads and ways, the same shall be maintained and kept in repair by and at the expense of such of the said several owners, in such shares and proportions, and in such manner, as the valuer shall direct: Provided always, that the grass and herbage on such roads shall be subject to the same regulations as if they had been private or occupation roads set out under the ^{M1}Inclosure Act 1845.

Textual Amendments
F4 Words in s. 4 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.VI

Marginal Citations
M1 1845 c. 118.

^{F5}

Textual Amendments
F5 S. 5 repealed (19.11.1998) by 1998 c 43, s. 1(1), Sch. 1 Pt.VI

6 Rating officer may be appointed for repairing private and common ponds, ditches, &c.

Where the expences of repairing, cleansing, and maintaining any private or occupation roads and ways, common ponds, ditches, watercourses, embankments, tunnels, or bridges shall have been directed to be raised by rate as aforesaid, a meeting shall be called by the commissioners of the owners of the lands subject to such rate, at such time after the confirmation of the award as the commissioners shall by notice on the church door appoint; and the major part in value of such owners present, by themselves or their agent authorized in this behalf, at such meeting shall elect a fit person to be rating officer; and every such officer so to be elected as aforesaid, or to be elected or re-elected at any subsequent meeting, shall continue in office until the expiration of fifteen days after the day of the annual meeting of such owners then next following, and no longer, unless he shall be re-elected at such annual meeting; and such owners shall ever after such first meeting meet for the election of a rating officer on the first Monday in February in every year; and the owners assembled at such meetings shall from time to time fix, increase, or diminish the salary or payment to be made to every such rating officer; and any such rating officer may be removed by four fifths in value of the owners of such lands present, by themselves or their agents authorized in this behalf, at any meeting called for the purpose, by fourteen days notice on the church door, under the hands of any two such owners; and in case any such rating officer shall

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die while he shall hold such office, or shall be removed as aforesaid, it shall be lawful for the majority in value of owners of such lands present as aforesaid at any meeting which upon such vacancy any two owners may call, by fourteen days notice on the church door, to appoint a rating officer in his place, who shall hold the office until the expiration of fifteen days after the then next annual meeting; and a certificate in writing, under the hands and seals of two justices of the peace, of the election of any rating officer, (which certificate any two justices of the peace are authorized, if they think fit, to give, on the request and upon the declaration of any owner of such lands, or the agent of any such owner, present at the meeting at which the election shall have taken place,) shall, in all matters and proceeding whatsoever in which any acts done by any rating officer in the execution of his office shall be in question, be evidence that he was duly appointed rating officer.

7 How rates to be raised.

The rating officer for the time being shall, subject to such orders and instructions in writing as may from time to time be agreed on by the majority in value of the owners of such lands as aforesaid at their yearly meetings, maintain and keep in order the said roads, ways, common ponds, ditches, drains, watercourses, embankments, tunnels, and bridges and shall, for the payment to be made to rating officers, and all expenses in and about the premises, under the directions of any such meeting of owners, from time to time make a rate on the respective owners for such sum as the majority in value of owners present at such meeting shall think requisite; and every such rate shall be apportioned and paid by the owners according to the proportions directed by the award as aforesaid, and shall be paid to the rating officer on demand thereof, and in case the same shall not be paid within fourteen days after demand thereof shall be recoverable by such rating officer by distress; and any such demand or distress may be made of or on the occupier of any such land, as if the occupier were the owner liable to the payment of such rate, and such rate may be paid by any such occupier on demand thereof; and the money so paid by such occupier shall be deemed a payment on account of his rent, and shall be allowed by his landlord accordingly.

F68

Textual Amendments

F6 S. 8 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.VI

F79

Textual Amendments

F7 S. 9 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.VI

F810

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Textual Amendments
F8 S. 10 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1, Pt.IV.

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Textual Amendments
F9 S. 11 repealed (19.1.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt.VI

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

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Textual Amendments

F10 S. 13 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt.VI**

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Textual Amendments

F11 S. 14 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt.VI**

15 **^{F12}**

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Textual Amendments

F12 S. 15 repealed by **Statute Law Revision Act 1875 (c. 66)**

16 Recited Acts deemed part of this Act.

This Act shall be taken to be part of the Inclosure Act, 1845, the ^{M2} Inclosure Act 1846 and the ^{M3} Inclosure Act 1847.

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Marginal Citations

M2 1846 c. 70

M3 1847 c. 111

Changes to legislation:

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