



# Inclosure Act 1845

## CHAPTER 118

### INCLOSURE ACT 1845

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9	Documents of the tithe commissioners may be used. Power to summon witnesses.
10	Commissioners may delegate powers to assistant commissioners.
11	Descriptions of land subject to be inclosed under this Act.
12	Wastes of manors and lands subject to indefinite common rights at all times not to be inclosed without previous direction of Parliament.
13	New Forest and Forest of Dean excepted.
14	Land within certain distances of large towns not to be inclosed without the previous direction of Parliament.
15	Village greens not to be inclosed; but provision may be made for preserving the surface and fixing boundaries.
16	Persons interested in lands for purposes of applications, &c.
17	Where the crown is interested, who shall be substituted.
18	Where Duke of Cornwall is interested, who shall be substituted.
19	Provision for persons jointly interested.
20	In case of disability Commissioners to name substitutes.
21	Attornies may be appointed by persons interested. Form of power of attorney.
22	Proportional interests, how estimated.
23	Proportional interests of lords of manors.
24-27	.....

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- 28 Separate applications for separate tracts.
- 29 Consent of the lord of the manor.
- 30 Allotments for exercise and recreation may be required as conditions of inclosure.
- 31 Allotments for labouring poor.
- 32 Acts for the inclosure of lands in pursuance of the reports of the Commissioners to be deemed public general Acts.
- 33 Meeting for appointing valuer.
- 34 Instructions to valuer.
- 35 Valuer may be assisted by an assistant commissioner.
- 36 Alterations in the instructions to valuer by commissioners not to be acted upon unless sanctioned by a majority of the persons interested.
- 37 A surveyor may be appointed where the parties interested think fit.
- 38 Form of declaration by valuer.
- 39 Power to set out boundaries of parishes. Appeal on questions of boundary.
- 40 Non-attendance of jurymen.
- 41 †Juries subject to same regulations as if returned for any court at Westminster.
- 42 Costs of appeal.
- 43 Security for costs to be taken by the commissioners.
- 44 Persons dissatisfied with determination of commissioners may appeal to Court of Queen's Bench.
- 45 Power to straighten boundaries.
- 46 Valuer to hold meetings.
- 47 Claims to be delivered in writing.
- 48 Statement of claims to be deposited for examination. Claims to be heard and determined by valuer, subject to appeal to commissioners.
- 49 Titles not to be determined by valuer, commissioners, or assistant commissioners.
- 50 Encroachments within twenty years.
- 51 School-houses, &c. not to be deemed encroachments.
- 52 Encroachments of twenty years standing to be deemed ancient inclosures.
- 53 Rights in respect of tofts to be allowed.
- 54 Rights not sustainable in law to be allowed upon proof of sixty years usage.
- 55 Schedule of claims allowed by valuer to be made and deposited for inspection. Claims may be reheard by commissioners or an assistant commissioner.
- 56 Appeal against determination of the commissioners.
- 57 Determination of commissioners not appealed against conclusive.
- 58 Actions not to abate.
- 59 Commissioners may award costs.
- 60 Differences may be submitted to arbitration.
- 61 Power to valuer to make watercourses, &c.
- 62 Power to alter roads and ways.
- 63 †Appeal to quarter sessions.
- 64 Trial of appeal.
- 65 Roads to be fenced.
- 66 Expenses of making and altering public roads.
- 67 Roads to be repaired by the parish after certificate by two justices of the peace.

- 68 Private roads.
- 69 Rights of common may be suspended.
- 70 Course of husbandry may be directed.
- 71 Compensation for growing crops.
- 72 Allotment for repair of roads.
- 73 Allotments for public purposes.
- 74 †Provision for awarding allotments for exercise to individuals, subject to the obligation of permitting it to be used.
- 75 †Allotments for the labouring poor may be made subject to a corn rent-charge, to vary and be recoverable as a tithe rent-charge.
- 76 Allotment to the lord of the manor.
- 77 Allotment of residue.
- 78 .....
- 79 Separate allotments to be made in respect of separate titles.
- 80 Several allotments may by consent be laid together.
- 81 Cultivated land and buildings to be allotted to the proprietor.
- 82 Regard to be had to the situation of homesteads.
- 83 Allotments to be fenced.
- 84 If interest in land is sold before allotment is made the valuer to make the allotment to the purchaser.
- 85 Allotments to be made to representatives of parties dying.
- 86 Old inclosures may be allotted, with consent.
- 87 Allotments to freemen and other classes of persons entitled to common rights to be made to trustees.
- 88 Power to sell such allotments. Application of purchase money.
- 89 Meeting of persons so entitled for giving instructions to valuer.
- 90 Partitions may be made.
- 91 Costs of partition.
- 92 Exchanges.
- 93 Wills and settlements not to be affected.
- 94 Tenure of the allotments.
- 95 Leases at rack rent may be voided.
- 96 Seigniories not affected, except with consent.
- 97 Minerals under regulated pastures may be reserved, while minerals under lands to be held in severalty are relinquished.
- 98 Right to minerals under land inclosed existing distinct from the property in the surface, and not compensated upon inclosure, not to be affected.
- 99 Trees to be allotted with the land.
- 100 Cattle not to be depastured on roads.
- 101 Alterations may be made in allotments.
- 102 Valuer to draw up a report and annex thereto a map of the claims.
- 103 Report to be deposited for inspection.
- 104 Award to be drawn up by the valuer, and confirmed by the commissioners.
- 105 Confirmation of award to be conclusive evidence that the directions of this Act have been obeyed.
- 106 Allotments to be in compensation of previous rights.
- 107 Allotments may be sub-divided by supplemental order.
- 108 Allotment for the labouring poor shall be managed by the allotment wardens.
- 109 Such allotments how to be let.
- 110 Recovery of gardens on nonpayment of rent, &c.
- 111 Possession, how to be recovered from tenant holding over.

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- 112 Rents of allotment how to be applied.
- 113 Regulated pastures may be set out.
- 114 Conversion into regulated pasture to be deemed an inclosure.
- 115 Rule of rating to be established.
- 116 Property of soil of regulated pastures.
- 117 Election of field reeves.
- 118 Duties of field reeves.
- 119 Provision for rateable increase or diminution of rights.
- 120 Expences to be raised by rate.
- 121 .....
- 122 .....
- 123 Power to enter land for surveys, &c.
- 124 Expenses of inclosures.
- 125 Estimates of expenses to be approved of at public meeting.
- 126 Remedies in case of non-payment of expences.
- 127 Power to make additional rate.
- 128 Commissioners may remove valuers.
- 129 Valuer not to purchase lands in the parish for seven years after the award.
- 130 Repayment to consolidated fund.
- 131 Persons attending meetings to pay their own expences.
- 132 Expenses of witnesses.
- 133 Power to mortgage allotments.
- 134 Power to sell parts of allotments.
- 135 Sales of parts of allotments how to be made.
- 136 Commissioners to receive and apply purchase money.
- 137 Application of compensation money of parties under disabilities.
- 138 Investment of surplus when 200 or upwards.
- 139 .....
- 140 Application of money under 200
- 141 Under 20.
- 142 Sale of land by valuer for expenses.
- 143 Conveyances to be made by Commissioners.
- 144 Application of purchase monies.
- 145 Notice may be given to reversioners.
- 146 Copies of award to be made and deposited.
- 147 Exchanges may be made of land not subject to be inclosed.
- 148 Division of intermixed lands.
- 149 Inconvenient allotments for the poor and for public purposes may be exchanged for land more convenient.
- 150 Notices of intended exchanges and divisions to be given.
- 151 Expences of exchanges and divisions.
- 152 Commissioners may remedy defects and omissions of awards under local Acts of inclosure, or under 6 & 7 Will. 4. c. 115.
- 153 Commissioners may revive powers under local inclosure Acts lost by lapse of time, or otherwise.
- 154 Commissioners may appoint persons to complete proceedings in an imperfect inclosure.
- 155 .....
- 156 Proviso for cases where dealings have been had with land on faith of inaccuracies, &c. proposed to be rectified.
- 157 Commissioners may confirm awards or agreements made under supposed authority of 6 & 7 Will. 4. c. 115.

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- 158 Power to reduce the number of trustees under local Act where a sufficient number of persons qualified cannot be found.
- 159 Penalties and forfeitures, how recoverable.
- 160 Distress, how to be made.
- 161 Distress not unlawful for informality.
- 162 Notices, how to be given.
- 163 †Advertisements, awards, &c. free of duty.
- 163A Agreements: stamp duty land tax
- 164 Persons giving false evidence, &c. to be guilty of a misdemeanor.
- 165 .....
- 166 Proceedings not to be removed by certiorari.
- 167 Interpretation clause.
- 168 Act to extend only to England and Wales.
- 169 .....

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The SCHEDULE to — . . .  
which this Act refers

**Changes to legislation:**

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