



Inclosure Act 1857

1857 CHAPTER 31 20 and 21 Vict

12 **Protecting from nuisances town and village greens and allotments for exercise and recreation.**

And whereas it is expedient to provide summary means of preventing nuisances in town greens and village greens, and on land allotted and awarded upon any inclosure under the said Acts as a place for exercise and recreation: If any person wilfully cause any injury or damage to any fence of any such town or village green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before two justices, upon the information of any churchwarden or overseer of the parish in which such town or village green or land is situate, or of the person in whom the soil of such town or village green or land may be vested, forfeit and pay, in any of the cases aforesaid, and for each and every such offence, over and above the damages occasioned thereby, any sum not exceeding [^{F1}level 1 on the standard scale]; and it shall be lawful for any such churchwarden or overseer or other person as aforesaid to sell and dispose of any such manure, soil, ashes, and rubbish, or other matter or thing as aforesaid; and the proceeds arising from the sale thereof, and every such penalty as aforesaid, shall, as regards any such town, or village green not awarded under the said Acts or any of them to be used as a place for exercise and recreation, be applied in aid of the rates for the repair of the public highways in the parish, and shall, as regards the land so awarded, be applied by the persons or person in whom the soil thereof may be vested in the due maintenance of such land as a place for exercise and recreation; and if any manure, soil, ashes, or rubbish be not of sufficient value to defray the expense of removing the same, the person who laid or deposited such manure, soil, ashes, or rubbish shall repay to such churchwarden or overseer or other person as aforesaid the money necessarily expended in the removal thereof; and every such penalty as aforesaid shall be recovered in manner provided by the ^{M1}Summary Jurisdiction Act 1848; and the amount of damage occasioned by any such offence as aforesaid shall, in case of dispute, be determined by the justices by whom the offender is convicted; and the payment of the amount of such damage, and the repayments of

Changes to legislation: There are currently no known outstanding effects for the Inclosure Act 1857, Section 12. (See end of Document for details)

the money necessarily expended in the removal of any manure, soil, ashes, or rubbish, shall be enforced in like manner as any such penalty.

Textual Amendments

F1 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

Modifications etc. (not altering text)

C1 S. 12 extended by [Commons Act 1876 \(c. 56\)](#), s. 29

C2 References to churchwarden or overseer of the parish to be construed as references, as respects greens or land in parish, to parish council or parish meeting, as respects greens or land in community, to community council and, as respects any other greens or land, to district council and in last mentioned case reference to highways in the parish to be construed as reference to highways in the district: [Local Government Act 1972 \(c. 70\)](#), **s. 189(3)**

C3 Reference to rates for the repair of the public highway except in application of s. 12 to City of London and Temples to be construed as reference to general rate: [General Rate Act 1967 \(c. 9\)](#), **s. 116(2)**

C4 S. 12 excluded (E.W.S.) (9.1.2014) by [The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 \(S.I. 2013/3244\)](#), arts. 1, **61(3)** (with arts. 57, 58, Sch. 11 para. 19)

Marginal Citations

M1 1848 c. 43.

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