



Commons Act 1876

1876 CHAPTER 56 39 and 40 Vict

PART II

AMENDMENT OF THE INCLOSURE ACTS

Field Gardens and Recreation Grounds

^{F1}30 Jurisdiction of county court in respect of illegal inclosures.

^{F2}The county court] shall have jurisdiction to hear any case relating to any illegal inclosure or encroachment of or ^{F3}upon any] common or part of a common respectively made after the passing of this Act, or to any nuisance impeding the exercise of any right of common arising after the passing of this Act, and to grant an injunction against such inclosure, encroachment or nuisance, or to make an order for the removal or abatement of such inclosure encroachment or nuisance.

^{F1} Any person aggrieved by any injunction granted or order made or refusal to grant an injunction or make an order by a county court in pursuance of this section may, on giving security for costs to the satisfaction of the county court, appeal to the ^{F4} Court of Appeal] in a summary manner, or by special case or otherwise, as may be prescribed by rules of court ^{F5}within the meaning given in the Interpretation Act 1978].

The appellate court may on hearing the appeal reverse modify or confirm the injunction or order complained of, or remit the case to the county court from which the appeal lay, with instructions to deal with the case according to the directions given by the appellate court.

Where an appeal is lodged against the order of a county court directing the removal or abatement of any inclosure encroachment or nuisance, such order shall be suspended during such time as such appeal is pending.

Nothing in this Act contained shall abridge or interfere with any existing right of abating or otherwise preventing any illegal inclosure of or encroachment on any common, or any nuisance interfering with any right of common.

Changes to legislation: There are currently no known outstanding effects for the Commons Act 1876, Section 30. (See end of Document for details)

Until rules of court are made for the purposes of this section, an appeal may be had from the decision of any county court under this section in the same manner in which an appeal from the decision of a county court may be had in a case within its ordinary jurisdiction.]

Textual Amendments

- F1** Words in s. 30 repealed (E.W.) (1.10.2006 for E., 6.9.2007 for W.) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 2](#) (with s. 60); S.I. 2006/2504, art. 2(i); S.I. 2007/2386, art. 3(q)
- F2** Words in s. 30 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 13\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 30 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 13\(b\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words substituted by [Administration of Justice \(Appeals\) Act 1934 \(c. 40\)](#), [Sch. Pt. I](#)
- F5** Words in s. 30 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 13](#); S.I. 2009/1604, art. 2(d)

Modifications etc. (not altering text)

- C1** S. 30 extended by [Metropolitan Commons Act 1878 \(c. 71\)](#), s. 3

Changes to legislation:

There are currently no known outstanding effects for the Commons Act 1876, Section 30.