



Ordnance Survey Act 1841

1841 CHAPTER 30 4 and 5 Vict

An Act to authorize and facilitate the Completion of a Survey of Great Britain, Berwick upon Tweed, and the Isle of Man. [21st June 1841]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act amended (E.W. except Greater London) by [Local Government Act 1972 \(c. 70\), s. 191](#) and (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 145](#)
- C3 Functions of master general and board of ordnance now exercisable by Secretary of State: [Survey Act 1870 \(c. 13\), s. 3](#), [Board of Agriculture Act 1889 \(c. 30\), s. 2\(1\)\(c\)](#), [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\), s. 1](#), S.I. 1955/554 (1955 I, p. 1200), art. 3(1), 1965/1120, art. 2(1), 1967/156, art. 2(5) and 1970/1681, art. 2(1)
- C4 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\), Sch. Pt. II](#)

Commencement Information

- II Act wholly in force at Royal Assent

[1.] **Justices at quarter sessions to appoint persons to assist in ascertaining the boundaries of counties, cities, boroughs, &c. Persons producing fabricated appointments to forfeit 50/**

For the purpose of enabling the master general and board of ordnance to make and complete such surveys and maps of England, Scotland, Berwick upon Tweed, and the Isle of Man, in manner aforesaid, it shall and may be lawful for the justices assembled at any quarter sessions, or adjournment thereof, held in and for any county, riding, or division in England, Scotland, Berwick upon Tweed, and the Isle of Man, upon the application in writing of any officer appointed by the master general and board of ordnance for the purposes of this Act, such application to be transmitted to the clerk of the peace fourteen days at the least before the holding of the court at which such application shall be considered, who shall cause notice of such application to be inserted in the newspapers in which county advertisements are commonly inserted seven days at the least before the holding of such court, to nominate and appoint one or more fit and proper person or persons to aid and assist, when required, any

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officer appointed as aforesaid in examining, ascertaining, and marking out the reputed boundaries of each county, city, borough, town, parish, burghs royal, parliamentary burghs, burghs of regality and barony, extra-parochial and other places, districts, and divisions in England, Scotland, Berwick upon Tweed, and the Isle of Man; and such person shall from time to time act under and obey such directions as he shall receive from the officer or other person appointed by the master general and board of ordnance to make such surveys and maps as aforesaid: Provided always, that if any person shall produce any false, forged, untrue, or fabricated appointment, every such person shall forfeit and pay the sum of fifty pounds.

2 Surveyor, &c. empowered to enter lands to fix boundaries. Where it is necessary to fix any mark in any garden &c. the occupier may employ a person to fix it. Satisfaction to be made for damages. †Appeal to quarter sessions.

For the execution of the purposes of this Act it shall and may be lawful for any person appointed by the justices as aforesaid, and for any other person acting in aid and under the orders of such person, and for any officer or person appointed by or acting under the orders of the master general and board of ordnance, and they are hereby respectively authorized and empowered from time to time, after notice in writing of the intention of entering shall have been given to the owner or occupier, as the case may be, to enter into and upon any estate or property of any county, or of any body politic or corporate, ecclesiastical or civil, or into and upon any land, ground, or heritages of any person or persons whomsoever, for the purpose of making and carrying on any survey authorized by this Act, or by the order of the master general and board of ordnance, and for the purpose of fixing any mark or object to be used in the survey, or any post, stone, or boundary mark whatsoever, and to fix and place any such object, post, stone, or boundary mark in any such estate or property, land or ground, or heritages, and to dig up any ground, for the purpose of fixing any such object, post, stone, or boundary mark, for such object or purpose, and also to enter upon any estates or property, lands, grounds, or heritages, through which any such person appointed by the justices as aforesaid, and any officer or other person appointed by and acting under the orders of the master general and board of ordnance, shall deem it necessary and proper to carry any boundary line for the purposes of this Act at any reasonable time in the day, until the surveying, ascertaining, and marking out of any reputed boundary line shall be completed according to the directions of this Act: Provided always, that in every case in which it shall be necessary to any person appointed by the justices as aforesaid, for any officer or other person appointed by and acting under the orders of the master general and board of ordnance, or his or their assistant or assistants, to fix any such object, post, stone, or boundary mark within any walled garden, orchard, or pleasure ground, such person appointed by the justices aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, or his or their assistant or assistants, shall give three days' notice to the occupier of such garden, orchard, or pleasure ground, of his intention so to do, and it shall be lawful for such occupier to employ any person whom he may think fit, to fix such object, post, stone or boundary mark within such garden, orchard, or pleasure ground, at such time, in such place or places, and in such manner, as such person appointed by the justices as aforesaid or any officer or other person appointed by and acting under the orders of the master general and board of ordnance or his or their assistant or assistants shall direct: Provided also, that such person appointed by the justices as aforesaid or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, or his or their assistant or assistants and workmen shall do as little damage as may be in the execution of the several powers to them granted by this Act, and shall make satisfaction to the owners or occupiers (as

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the case may require) of such lands, grounds, and heritages, or owners of trees (as the case may require), which shall be any way hurt, damaged, or injured, for all damages to be by them sustained in or by the execution of all or any powers of this Act, in case the same shall be demanded: Provided always, that in case of dispute between the said person appointed by the justices as aforesaid or any officer or other person appointed by and acting under the orders of the master general and board of ordnance on the one hand, and the owner or occupier (as the case may be) on the other hand, as to the amount of damage sustained, the same shall be ascertained and determined by any two or more justices in petty sessions assembled of the county in which the lands, grounds, heritages, or trees may be situate: Provided always, that any owner or occupier as aforesaid, who shall think himself aggrieved by the decision of the justices, may appeal against such decision to the [F1Crown Court], . . . F2

Textual Amendments

F1 Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56, [Sch. 9 Pt. I](#)

F2 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

Modifications etc. (not altering text)

C5 Unreliable marginal note

3 Sheriffs in Scotland to settle the amount of compensation.

The amount of the damages for which compensation is provided under this Act shall, in Scotland, be ascertained and determined by the [F3sheriff principal of the sheriffdom], whose decision in the matter shall be final and conclusive, and not subject to review, by suspension, advocacy, reduction, or otherwise.

Textual Amendments

F3 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, [Sch. 1 para. 1](#)

4 †Clerk of the peace of each county shall deliver to surveyor a list of all the cities, towns, boroughs, parishes, &c. within the county, on penalty of 10*l*.

The clerk of the peace of each and every county shall within twenty-one days after he shall be thereunto required in writing by any person appointed by the justices as aforesaid, or by any officer or other person appointed by and acting under the master general and board of ordnance, prepare and deliver to such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, a list containing the names and descriptions of the several hundreds, cities, boroughs, burghs, towns, parishes, or other places within such county; and each such clerk of the peace shall be paid by the said board adequate remuneration for his trouble, and for any expences incurred by him in pursuance of such requisition; and if any clerk of the peace shall refuse or neglect or omit to make or deliver such list, in compliance with the request of such surveyor, every such clerk of the peace so offending shall forfeit a sum not exceeding [F4[F5£25]] [F4level 1 on the standard scale] and not less than two pounds, in the discretion of the justice or other judge, officer, or court before whom such offender shall be convicted.

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Textual Amendments

- F4** Words “level 1 on the standard scale” substituted (E.W.S.) for “£25” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)
- F5** Words substituted by virtue of (E.W.) [Criminal Law Act 1977 \(c. 45\)](#), [s. 31\(5\)\(6\)\(9\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 289C\(4\)\(5\)\(8\)](#)

Modifications etc. (not altering text)

- C6** Unreliable marginal note

5 **Clerk of the peace shall attend surveyor on twenty days notice of defining the boundaries of counties, &c. †On failure of clerk of the peace attending, two inhabitants may be required to attend.**

For the purpose of surveying, ascertaining, and marking out the reputed boundaries of any such county, it shall be lawful for any such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance within such county, and such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, is hereby authorized and empowered, by notice in writing signed with his name, and directed and delivered to any such clerk of the peace, to require the attendance of any and every such clerk of the peace in or for any and every such county, or in or for any adjoining county, either in the same or any adjoining county, at such time (not being less than twenty-one days after the date of such notice) and at such place as shall be specified in such notice, and to produce to such person appointed by such justices as aforesaid, or such officer or other person appointed by and acting under the master general and board of ordnance any books, maps, papers, or other documents, in his custody or possession as such clerk of the peace, which such person may require for the purpose of carrying this Act into execution; at which time and place every such clerk of the peace shall and he is hereby required to attend upon such person accordingly, and to aid and assist such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, in the execution of this Act; . . . ^{F6}: Provided always, that no clerk of the peace shall be obliged to attend as herein directed at such time or at such place or in such manner as shall interfere with the proper discharge of his ordinary duties as clerk of the peace, nor shall he be called upon to produce any books, maps, papers, or other documents, the production of which can in any way injuriously affect the interests of each such county.

Textual Amendments

- F6** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

Modifications etc. (not altering text)

- C7** Unreliable marginal note

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6 **Boundaries of the counties to be ascertained, &c., and marked out by posts, stones, &c.**

It shall be lawful for any such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, at the time mentioned in any such notice, accompanied by the clerk of the peace for the county the reputed boundaries of which are to be defined and marked out, and by the clerk of the peace of any county adjoining thereto, . . . ^{F7}, and such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, clerk of the peace, and other persons, is and are hereby authorized and required to perambulate the boundaries of such county, for the purpose of surveying, ascertaining, and marking the same, according to the best of their power and information; and for that purpose it shall be lawful for such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, clerk of the peace, and other persons, to call on any inhabitant of any such counties to assist them in so doing; and when it shall appear to such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, that the reputed boundaries of any such county are sufficiently ascertained, such boundaries shall be marked out by such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, in such manner as may be necessary, by the putting down of any posts, blocks, or bolts of wood, metal, or stone, or by the affixing of any marks on or against any church, chapel, bridge, house, or other public or private building or post, and with such distinguishing letters or figures as such persons appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, shall think fit and proper for the occasion.

Textual Amendments

F7 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

7 **Penalty on removing or defacing boundary stones, &c.**

If any person not duly authorized shall take away, remove, or displace, or alter the situation of any boundary stone, post, block, bolt, or mark, which shall be set up and placed for the purposes of this Act, . . . ^{F8}, every person so offending shall forfeit and pay a sum not exceeding [^{F9}[^{F10}£25]][^{F9}level 1 on the standard scale] . . . ^{F11}

Textual Amendments

F8 Words repealed by [Criminal Damage Act 1971 \(c. 48\)](#), [Sch. Pt. II](#)

F9 Words “level 1 on the standard scale” substituted (E.W.S.) for “£25” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

F10 Words substituted by virtue of (E.W.) [Criminal Law Act 1977 \(c. 45\)](#), [s. 31\(5\)\(6\)\(9\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 289C\(4\)\(5\)\(8\)](#)

F11 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

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8 Penalty on obstructing survey, &c.

If any person shall wilfully obstruct or hinder any person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, in the execution of his duty in or about the ascertaining and marking out of the boundaries of any county under the provisions of this Act, or shall in any way resist such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, in the performance of his duty under this Act, or shall obstruct, hinder, assault, or resist any clerk of the peace, or any workman or other person acting in aid of any such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, in the execution of this Act, every person so offending shall forfeit and pay a sum not exceeding [^{F12} [^{F13} £25]] [^{F12} level 1 on the standard scale], . . . ^{F14}

Textual Amendments

- F12** Words “level 1 on the standard scale” substituted (E.W.S.) for “£25” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)
- F13** Words substituted by virtue of (E.W.) [Criminal Law Act 1977 \(c. 45\)](#), [s. 31\(5\)\(6\)\(9\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 289C\(4\)\(5\)\(8\)](#)
- F14** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

9 Allowance to parties, &c. attending to point out boundaries.

Every person who shall, in pursuance of notice from any person appointed by such justices as aforesaid or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, attend and accompany any other person appointed by such justices as aforesaid, or any officer or such person appointed by and acting under the orders of the master general and board of ordnance, in the ascertaining, surveying, and marking out the boundary of any county under the provisions of this Act, shall receive, and shall be entitled to receive for his trouble and loss of time, such sum of money or allowance as the master general and board of ordnance shall think fit, for every day during which such person shall be employed by or engaged with such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, in the execution of this Act, upon a certificate to be signed by such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance.

10 Payments for damage, how to be made.

The amount of damage sustained by the occupiers of grounds, lands, heritages, or owners of trees, as aforesaid, and the allowance to be made to the said person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, and to such other persons as aforesaid, shall be paid by the board of ordnance out of the aids granted to such board by Parliament.

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11 Penalty on parties, &c. not attending, or not pointing out boundaries.

If any clerk of the peace, or other person, who shall be summoned or required in manner herein-before directed, by any person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, to attend such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, in the execution of this Act, shall refuse or neglect or omit to attend such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, or shall refuse or neglect or omit to inform and point out to the best of his knowledge, to such person appointed by such justices as aforesaid, or any officer or other person appointed by and acting under the orders of the master general and board of ordnance, the boundaries of any county, or shall wilfully make any false statement or mis-statement with respect to any such boundaries, or shall wilfully refuse or neglect or omit to give any information in the power of such clerk of the peace or other person to give or afford with respect to any such boundaries, every such clerk of the peace or other person so offending shall forfeit and pay a sum not exceeding [^{F15} [^{F16}£25]] [^{F15}level 1 on the standard scale], . . . ^{F17}

Textual Amendments

- F15** Words “level 1 on the standard scale” substituted (E.W.S.) for “£25” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)
- F16** Words substituted by virtue of (E.W.) [Criminal Law Act 1977 \(c. 45\), s. 31\(5\)\(6\)\(9\)](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 289C\(4\)\(5\)\(8\)](#)
- F17** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

12 Act not to affect any boundaries or rights of property.

This present Act, or any clause, matter, or thing herein contained, shall not extend, or be deemed or be construed to extend, to ascertain, define, alter, enlarge, increase or decrease, nor in any way to affect, any boundary or boundaries of any county, city, borough, town, parish, burghs royal, parliamentary burghs, burghs of regality and barony, extra-parochial and other places, districts, and divisions, by whatsoever denomination the same shall be respectively known or called, nor the boundary or boundaries of any land or property, with relation to any owner or owners, or claimant or claimants of any such land respectively, nor to affect the title of any such owner or owners, or claimant or claimants respectively, in or to or with respect to any such lands or property, but all right and title of any owner or claimant of any land or property whatever within any hundred, parish, or other division or place whatever, shall remain to all intents and purposes in like state and condition as if this Act had not been passed; any description of any such land, with reference to any such hundred, parish, or other division or place whatever, or otherwise, or anything in this Act contained, or any law, custom, or usage, to the contrary in anywise notwithstanding.

13 Recovery of penalties before two justices of the peace, sheriff deemsters, &c.

All penalties and forfeitures inflicted or imposed by this Act shall and may be recovered in a summary way by the order and adjudication of any two justices of the peace for the county or place, or of the [^{F18}sheriff principal] or court of deemsters, in

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which such penalty shall be incurred, on complaint; . . . ^{F19} and such penalties and forfeitures, when so levied, shall be paid and applied to the use of any infirmary or charitable institution in the said county in which such offence shall be committed, in such manner as such justices, [^{F18}sheriff principal], or deemsters respectively shall direct and appoint.

Textual Amendments
F18 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, [Sch. 1 para. 1](#)
F19 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

14 ^{F20}

Textual Amendments
F20 [S. 14](#) repealed by [Public Authorities Protection Act 1893 \(c. 61\)](#), [Sch.](#)

15 Interpretation clause.

In construing this Act the word “county” shall be taken to include hundred, city, borough, town, parish, burghs royal, parliamentary burghs, burghs of regality and barony, extra-parochial and other places, districts, and divisions, by whatsoever denomination the same respectively shall be known or called; and the words “clerk of the peace” shall be taken to include any person executing the duties of clerk of the peace, sheriff clerk, sheriff clerk depute, and steward clerk depute, churchwarden, parochial or any public officer of any county, ward, parish, hundred, wapentake, division, or districts, in England, Scotland, or Berwick upon Tweed, and setting quest and moars of any parish and the great inquest of every sheading in the Isle of Man; and every word importing the singular number shall, when necessary to give full effect to the enactments here in contained, be deemed to extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender shall, when necessary extend and be applied to a female as well as a male.

16 Sheriffs clerk in Scotland to furnish lists.

In Scotland the sheriff clerk shall, instead of the clerk of the peace, perform the duties hereby imposed upon the clerk of the peace in reference to England of furnishing the list of burghs, cities, towns, parishes, wards, districts, divisions, and places within any county, and shall be liable in the penalties hereby imposed in case of neglect or refusal so to do.

17 Sheriffs and magistrates of burghs in Scotland to appoint persons to attend the surveyor.

In Scotland the sheriff shall, as regards the boundaries of the county, and the wards, districts, parishes, and other divisions thereof, upon application made to him by the officer appointed by the master general and board of ordnance for that purpose, appoint a fit and proper person or persons to attend the officer appointed by the master general

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and board of ordnance, to point out such boundaries, and aid him in the execution of this Act: Provided always, that as regards the boundaries of any royal or parliamentary burgh, city, or town, the magistrates and council thereof shall, upon application made to them by the officer appointed by the master general and board of ordnance as aforesaid, appoint a fit and proper person or persons to attend him for the purposes aforesaid; and if any of the persons to be so appointed by the sheriff and magistrates and council respectively, and accepting the appointment, shall neglect or refuse to attend and aid in the execution of this Act in the manner herein required, such persons shall be liable in the penalties hereby imposed upon the clerk of the peace or other person neglecting or refusing so to do in England.

18, 19.^{F21}

Textual Amendments

F21 Ss. 18, 19 repealed by Statute Law Revision Act 1874 (No. 2) (c. 96)

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Changes to legislation:

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