



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,
F1

. . . .

[21st June 1841]

Textual Amendments

- F1 Words repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group1
- F2 Whole Act as it applies to the Isle of Man repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group1

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](#)
- C5 Act excluded (8.7.1994) by [S.I. 1994/1693](#), [art. 9\(3\)](#) (with [arts. 25, 26](#))

Commencement Information

- I1 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, ^{F3} . . . , 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, ^{F3} . . . , upon the application in writing of any officer appointed by the

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master general and board of ordnance for the purposes of this Act,^{F3} . . . , to nominate and appoint one or more fit and proper person or persons to aid and assist, when required, any 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,^{F3} . . . ; 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^{F3}

Textual Amendments

F3 Words in s. 1 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. Pt. XIII** Group 1

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

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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 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 [^{F4}Crown Court], . . . ^{F5}

Textual Amendments

F4 Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56, [Sch. 9 Pt. I](#)

F5 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

Modifications etc. (not altering text)

C6 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 [^{F6}sheriff 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

F6 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, [Sch. 1 para. 1](#)

^{F7}4

Textual Amendments

F7 [S. 4](#) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group1

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

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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; . . . ^{F8}: 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
F8 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

Modifications etc. (not altering text)
C7 Unreliable marginal note

^{F9}6

Textual Amendments
F9 [S. 6](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group 1

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, . . . ^{F10}^{F11}he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.] shall forfeit and pay a sum not exceeding [^{F12}^{F13}£25][^{F12}level 1 on the standard scale] . . . ^{F14}

Textual Amendments
F10 Words repealed by [Criminal Damage Act 1971 \(c. 48\)](#), [Sch. Pt. II](#)
F11 Words in [s. 7](#) substituted (5.11.1993) by [1993 c. 50, s. 1\(2\)](#), [Sch. 2 Pt. I para. 2](#)

Status: Point in time view as at 05/11/1993.

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- 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 \(c. 19\)](#)

8 Penalty on obstructing survey, &c.

If any person shall wilfully obstruct or hinder any person ^{F15} . . . , 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, [^{F16}he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.] shall forfeit and pay a sum not exceeding [^{F17}level 1 on the standard scale], . . . ^{F18} .

Textual Amendments

- F15** Words in s. 8 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIII](#) Group 1
- F16** Words in s. 8 substituted (5.11.1993) by [1993 c. 50, s. 1\(2\), Sch. 2 Pt. I para. 2](#)
- F17** 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](#)
- F18** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

^{F19}9

Textual Amendments

- F19** [S. 9](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIII](#) Group 1

^{F20}10

Textual Amendments

- F20** [S. 10](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIII](#) Group 1

^{F21}11

Textual Amendments

- F21** [S. 11](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIII](#) Group 1

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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,^{F22}

Textual Amendments
F22 Words in s. 12 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1

^{F23}13

Textual Amendments
F23 S. 13 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1

14^{F24}

Textual Amendments
F24 S. 14 repealed by Public Authorities Protection Act 1893 (c. 61), Sch.

^{F25}15

Textual Amendments
F25 S. 15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1

^{F26}16

Textual Amendments
F26 S. 16 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1

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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 and board of ordnance, to point out such boundaries, and aid him in the execution of this Act: ^{F27} . . .

Textual Amendments

F27 Words in s. 17 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1

18, 19. ^{F28}

Textual Amendments

F28 Ss. 18, 19 repealed by Statute Law Revision Act 1874 (No. 2) (c. 96)

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