



Ordnance Survey Act 1841

1841 CHAPTER 30 4 and 5 Vict

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

Changes to legislation: There are currently no known outstanding effects for the Ordnance Survey Act 1841, Section 2. (See end of Document for details)

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 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 [^{F1}by a magistrates' court]: Provided always, that any owner or occupier as aforesaid, who shall think himself aggrieved by the decision of [^{F2}the magistrates' court, may appeal] against such decision to the [^{F3}Crown Court], . . . ^{F4}

Textual Amendments

- F1** Words in s. 2 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 11\(a\)](#); S.I. 2005/910, art. 3(y)
- F2** Words in s. 2 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 11\(b\)](#); S.I. 2005/910, art. 3(y)
- F3** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56, [Sch. 9 Pt. I](#)
- F4** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)
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Modifications etc. (not altering text)

- C1** Unreliable marginal note

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There are currently no known outstanding effects for the Ordnance Survey Act 1841, Section 2.