



Tweed Fisheries Act 1857

1857 CHAPTER cxlviii 20 and 21 Vict

LXXXIPenalties to be summarily recovered.

Every Penalty imposed by this Act may be recovered by Action of Debt in any County Court, or by summary Proceeding before the Sheriff or a Justice or Justices having Jurisdiction in the Place where the Offence is committed or where the Offender resides or is found; and on Complaint being made at the Instance of the Procurator Fiscal or other public Prosecutor of the County, District, or Place where the Offence may have been committed, or where the Offender or Offenders shall reside or may be found, or at the Instance of any One or more of the Commissioners, or of their Clerk, to any such Sheriff or Justice or Justices, he or they shall issue a Summons or Warrant requiring the Person complained against to appear before the Sheriff or any Justice or Justices at a Time not less than Six free Days after Service, and at a Place to be named in such Summons or Warrant; and every such Summons or Warrant, with a Copy of the Complaint, shall be served on the Person complained against, either personally or by leaving the same with some Inmate at his usual Place of Abode; and upon the Appearance of the Person complained against, or in his Absence after Proof of the due Service of such Summons or Warrant, it shall be lawful for the Sheriff or Justice or Justices to proceed to the Hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Person complained against, or upon the Oath of One credible Witness or more, or in default of Appearance of such Person, it shall be lawful for such Sheriff or Justice or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty incurred, as well as such Costs attending the Conviction as such Sheriff or Justice or Justices shall think fit; and it shall be competent on the Hearing of every such Complaint to prove that the Person then complained against has been previously convicted of an Offence against the Provisions of this Act, and for such Sheriff or Justice or Justices to take such previous Conviction into consideration in pronouncing Sentence.

Changes to legislation:

There are currently no known outstanding effects for the Tweed Fisheries Act 1857, Section LXXXII.