



Markets And Fairs Clauses Act 1847

1847 CHAPTER 14 10 and 11 Vict

Recovery of damages and penalties

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matters referred to justices in England or Ireland, and to the sheriff or justices in Scotland, be it enacted as follows:

52 Railways Clauses Consolidation Acts 1845, as to damages, &c. to be incorporated with this and the special Act.

If the market or fair be in England or Ireland, the clauses of the ^{M1}Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to justices, shall be incorporated with this and the special Act; and if the market or fair be in Scotland, the clauses of the ^{M2}Railways Clauses Consolidation (Scotland) Act 1845 with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to the sheriff or to justices, shall be incorporated with this and the special Act; and such clauses shall apply to the market or fair and the undertakers respectively, and shall be construed as if the word “undertakers” had been inserted therein instead of the word “company”.

Modifications etc. (not altering text)

C1 Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

Marginal Citations

M1 1845 c. 20.

M2 1845 c. 33.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Markets And Fairs Clauses Act 1847, Cross Heading: Recovery of damages and penalties. (See end of Document for details)

Textual Amendments

F1 S. 53 repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

54 Nothing in this or the special Act to affect the rights of the crown.

Nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to her Majesty's duties of customs or excise, or any other revenue of the crown, or to extend to or affect any claim of her Majesty in right of her crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of her Majesty, in any part of the United Kingdom of Great Britain and Ireland.

Modifications etc. (not altering text)

C2 Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

55 All things required to be done by two justices in England and Ireland may, in certain cases, be done by one, and in Scotland by the sheriff, &c.

All things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by two justices may and shall be done in England and Ireland by any one magistrate having by law authority to act alone for any purpose with the powers of two or more justices, and in Scotland by [^{F2}the sheriff principal of any sheriffdom], or his [^{F2}sheriff].

Textual Amendments

F2 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4, Sch. 1 para. 1](#)

Modifications etc. (not altering text)

C3 Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

56 Penalties &c. imposed in respect of any offence committed within the metropolitan police district to be paid to the receiver, and applied under 2 & 3 Vict. c. 71.

Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any byelaw in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, . . . ^{F3}, in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, . . . ^{F3}, by the ^{M3}Metropolitan Police Courts Act 1839; and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal, and upon the same terms, as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have

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the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expences, as they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the last-mentioned Act.

Textual Amendments

F3 Words repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 4 Pt. III](#)

Marginal Citations

M3 [1839 c. 71](#).

57 F4

Textual Amendments

F4 [S. 57](#) repealed by (E.W.) [Perjury Act 1911 \(c. 6\)](#), [Sch.](#) and (S.) [False Oaths \(Scotland\) Act 1933 \(c. 20\)](#), [Sch.](#)

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