



Markets And Fairs Clauses Act 1847

1847 CHAPTER 14 10 and 11 Vict

Tolls

And with respect to the stallages, rents, and tolls to be taken by the undertakers, be it enacted as follows:

31 Tolls, &c. not to be demanded until market or fair completed.

Unless it be otherwise provided by the special Act, the undertakers shall not demand or receive any stallage, rent, or toll until the market place or place for a fair or slaughter-house in respect of the use of which the same shall be demanded shall be completed and fit for the use of the persons resorting thereunto.

32 Certificate of two justices to be evidence that market or fair is completed.

A certificate under the hand of any two justices shall be conclusive evidence that the same is completed and fit for public use as aforesaid; and any such justices shall sign such certificate on proof being adduced to them that the market place or place for a fair or slaughter-house is so completed and fit for public use.

33 Stallages, &c. where to be paid.

The several stallages, rents, or tolls payable in respect of the market or fair or slaughter-house shall be paid from time to time, on demand, to the undertakers, or the collector or other person authorized by the undertakers to receive the same.

34 Tolls to be paid to persons authorized before the same are weighed, &c.

The tolls payable in respect of weighing or measuring marketable commodities, or carts with or without goods, shall be paid to the person authorized by the undertakers to weigh or measure the same by the persons bringing such marketable commodities or carts to be weighed or measured, before the same are weighed or measured.

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

35 Tolls in respect of cattle market when due.

The tolls in respect of cattle brought to the market for sale shall become due as soon as the cattle in respect whereof they are demandable, are brought into the market place, and before the cattle are put into any pen, or tied up in such market place; and if the cattle be not removed within one hour after the close of the market, another toll shall become due in respect of the cattle so omitted to be removed.

36 Stallages, tolls, &c. may be varied from time to time.

The undertakers may from time to time change the stallages, rents, and tolls to be taken in respect of the market or fair, or for the slaughter-houses, or for weighing and measuring, provided that the stallages, rents, and tolls in no case exceed the amounts authorized by the special Act.

37 Penalty on taking a greater toll than authorized by this or the special Act.

Every person who shall demand or receive a greater toll than that authorized to be taken under the provisions of this or the special Act, shall for every such offence be liable to a penalty not exceeding [F1level 1 on the standard scale].

Textual Amendments

- F1** Words substituted (E.W.S.) 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](#)

38 Recovery of tolls by distress, &c.

[F2(1)] If any person liable to the payment of any stallage, rent, or toll authorized by this or the special Act to be taken do not pay the same when demanded, the undertakers or their lessee, or any person authorized by the undertakers or their lessee to collect the same, may levy the same in England [F3(subject to subsection (2))] or Ireland by distress [F4, and in Scotland by poinding and sale,] of all or any of the cattle or other articles in respect of which such stallage, rent, or toll is payable, or of any other cattle or other articles in the market belonging to the person liable to pay such stallage, rent, or toll, or under his charge, or such tolls may be recovered in any court having competent jurisdiction.

[F5(2)] Subsection (1) does not apply to the levying of rent in respect of premises in England and Wales to the extent that the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) is exercisable to recover such rent.

(3) Where that power is exercisable to recover such rent, either the undertakers or their lessee, if not the landlord for the purposes of section 72(1) of that Act, may exercise that power as if they or he were the landlord.]

Textual Amendments

- F2** S. 38 renumbered as s. 38(1) (E.W.) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 14 para. 11(2) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)

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- F3** Words in s. 38(1) inserted (E.W.) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 11\(3\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F4** Words in s. 38 repealed (S.) (31.12.2002) by [2002 asp 17](#), ss. 61, 64(2), [Sch. 3 Pt. I para. 4](#) (with s. 63)
- F5** S. 38(2)(3) inserted (E.W.) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 11\(4\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

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

39 Disputes respecting tolls, how to be settled.

If any dispute arise concerning any such stallage, rent, or toll, such dispute shall be determined in England or Ireland by a justice, and in Scotland by the sheriff, and such justice or sheriff shall, on application made to him, determine the same, and make such order therein, and award such costs to either party, as to him shall seem proper; and in default of payment, on demand, of the money which shall be so awarded, and of the costs, the same shall be forthwith levied in England or Ireland by distress [^{F6}, and in Scotland by poiding and sale,] and the justice or sheriff shall issue his warrant accordingly.

Textual Amendments

- F6** Words in s. 39 repealed (S.) (31.12.2002) by [2002 asp 17](#), ss. 61, 64(2), [Sch. 3 Pt. I para. 4](#) (with s. 63)

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

40 Penalty for obstructing collector of rents, &c.

Every person who shall assault or obstruct any person authorized to collect any stallage, rent, or toll authorized by this or the special Act, shall for every such offence be liable to a penalty not exceeding [^{F7}level 1 on the standard scale].

Textual Amendments

- F7** Words substituted (E.W.S.) 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

41 List of tolls, &c. to be set up and placed in conspicuous places.

The undertakers or their lessee shall from time to time cause to be painted on boards, or to be printed and attached to boards, in large and legible characters, a list of the several stallages, rents, and tolls from time to time payable under this and the special Act, and shall cause a board containing such list to be conspicuously set up and continued in the market or fair, and in each weighing-house and slaughter-house provided by the undertakers to which each such list shall relate, and no stallage, rent, or toll shall

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be payable during the time such list is not so set up, or for any thing not specified therein: Provided always, that if such list shall be destroyed, injured, or obliterated, the stallages, rents, and tolls shall continue to be payable during such time as shall be reasonably required for the restoration of such list, in the same manner as if such list had continued in the state required by this Act.

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