



Commissioners Clauses Act 1847

1847 CHAPTER 16 10 and 11 Vict

Officers

And with respect to the appointment and accountability of the officers of the commissioners, be it enacted as follows:

65 Power to commissioners to appoint clerk and other officers, and remove them from time to time.

The commissioners may from time to time appoint and employ a treasurer, clerk, collector, assessor, and all such other officers to assist in the execution of this and the special Act as they shall think necessary and proper, and from time to time remove any of such officers, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices, and may, out of the monies to be raised for the purposes of this and the special Act, pay such salaries and allowances to the said officers respectively as the commissioners shall think reasonable.

Modifications etc. (not altering text)

- C1 S. 65(1) incorporated (S.) (18.11.2010) by [The St. Andrews Harbour Revision \(Constitution\) Order 2010 \(S.S.I. 2010/403\)](#), arts. 1(1), **3(1)**
- C2 S. 65 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
S. 65 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**
- C3 Ss. 62-65 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), **3(3)**, 3(4) (with arts. 78, 80, 81)
- C4 Ss. 62-65 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), **2**
- C5 Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**
- C6 S. 65 incorporated (S.) (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\)](#), arts. 1(1), **3(1)**
- C7 S. 65 incorporated (with modifications) (S.) (26.11.2016) by [The Gardenstown Harbour Revision Order 2016 \(S.S.I. 2016/396\)](#), arts. 1(1), **3(1)(3)**

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

66 Offices of clerk and treasurer not to be held by same person.

The same person shall not be appointed to the office both of clerk and treasurer; and if any person being the clerk, or the partner of such clerk, or in the service of such clerk or of his partner, accept the office of treasurer, or if any person being the treasurer, or the partner of such treasurer, or in the service, of such treasurer or of his partner, accept the office of clerk, he shall forfeit the sum of one hundred pounds, and any person may sue for such penalty by action on the case in any of the superior courts, and shall on recovery thereof be entitled to full costs of suit.

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**

67 Officer taking fees other than those allowed to lose his office, and forfeit 50 l.

Every officer employed by the commissioners who shall . . . ^{F1} accept on account of anything done by virtue of his office, or in relation to the matters to be done under this or the special Act, any fee or reward whatsoever, other than the salary or allowances allowed by the commissioners, or who shall be in anywise concerned or interested in any bargain or contract made by the commissioners shall be incapable of being afterwards employed by the commissioners, and shall forfeit the sum of fifty pounds, and any person may sue for such penalty by action on the case in any of the superior courts, and shall on recovery thereof be entitled to full costs of suit.

Textual Amendments

- F1** Words repealed (E.W.) (S.) by [Theft Act 1968 \(c. 60\)](#), s. 33(3), **Sch. 3 Pt. I**

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**
- C8** [S. 67](#) incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
[S. 67](#) incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**
[S. 67](#) incorporated (with modifications) (7.1.2003) by [2002 c. v, s. 3\(3\)\(4\)](#) (with s. 23)
- C9** [S. 67](#) incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), **3(3)**, 3(4) (with arts. 78, 80, 81)
- C10** [S. 67](#) incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), **2**

68 Security to be taken from all officers intrusted with money.

Before any person, whether treasurer, collector, or other officer intrusted by the commissioners with the custody or control of monies by virtue of his office, shall enter upon such office, the commissioners shall take sufficient security from him for the faithful execution thereof.

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), 3

69 Collectors to pay over monies within seven days to the treasurer.

Every collector appointed or employed by the commissioners by virtue of this or the special Act to collect any rates shall, within seven days after he shall have received any monies on account of any such rates, pay over the same to the treasurer of the commissioners to their account, and the receipt of such treasurer for the monies so paid shall be a sufficient discharge to the collector; and every such collector shall, in such time and in such manner as the commissioners direct, deliver to them true and perfect accounts in writing under his hand of all monies received by him and of all monies paid by him to the said treasurer by virtue of this or the special Act, and also a list of the names of all persons who have neglected or refused to pay any rate or money owing by them, with a statement of the monies due from them respectively.

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), 3
- C11** S. 69 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
S. 69 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**
- C12** Ss. 69-74 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), **3(3)**, 3(4) (with arts. 78, 80, 81)
- C13** Ss. 69-83 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), 2

70 Officers to account.

Every collector and other officer appointed or employed by the commissioners by virtue of this or the special Act, shall, from time to time when required by the commissioners make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all monies received by him on behalf of the commissioners, and such account shall state how and to whom and for what purpose such monies have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the commissioners, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), 3
- C12** Ss. 69-74 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), **3(3)**, 3(4) (with arts. 78, 80, 81)
- C13** Ss. 69-83 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), 2

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

- C14** S. 70 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184, art. 2](#)
 S. 70 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185, art. 2](#)

71 Summary recovery against parties failing to account.

If any such collector or other officer fail to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for five days after being thereunto required he fail to deliver up to the commissioners, or to any person appointed by them to receive the same, all papers and writings, property, effects matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the commissioners, then on complaint thereof being made to a justice, or to the sheriff, such justice or sheriff shall summon such officer to appear before two or more justices, or before such sheriff, according as the summons may have been issued by a justice or by the sheriff, at a time and place to be set forth in such summons to answer such charge; and upon the appearance of such officer, or upon proof that such summons was personally served upon him, or left at his last known place of abode, such justices or sheriff may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the commissioners are in the hands of such officer, or owing by him to the commissioners, such justices or sheriff may order such officer to pay the same . . . ^{F2}

Textual Amendments

- F2** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\), arts. 1\(1\), 3](#)
- C12** Ss. 69-74 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\), arts. 1\(1\), 3\(3\), 3\(4\) \(with arts. 78, 80, 81\)](#)
- C13** Ss. 69-83 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\), arts. 1\(1\), 2](#)
- C15** S. 71 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184, art. 2](#)
 S. 71 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185, art. 2](#)

72 Officers refusing to make out account and deliver up documents, &c. may be committed to prison.

If any such officer summoned as aforesaid refuse to make out such account in writing, or to produce and deliver to the justices or sheriff the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the commissioners, such justices or sheriff may commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things, in his possession or power, belonging to the commissioners.

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**
- C12** Ss. 69-74 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), **3(3)**, 3(4) (with arts. 78, 80, 81)
- C13** Ss. 69-83 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), **2**
- C16** **S. 72** incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
S. 72 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**

73 Where officer about to abscond, a warrant may be issued in the first instance.

Provided always, that if any commissioner, or other person acting on behalf of the commissioners, shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and that he does believe, that it is the intention of any such officer as aforesaid to abscond, the justice or the sheriff before whom the complaint is made may, instead of issuing his summons, issue his warrant for bringing such officer before such two justices as aforesaid, if the warrant be issued by a justice, or before such sheriff, if the warrant be issued by him; but no person executing such warrant shall keep such officer in custody longer than twenty-four hours without bringing him before some justice or the sheriff, according as he may be summoned before the one or the other; and the justice or sheriff before whom such officer may be brought may either discharge such officer, if he think there is no sufficient ground for his detention, or order such officer to be detained in custody so as to be brought before two justices at a time and place to be named in such order, unless such officer give bail to the satisfaction of such justice for his appearance before such justices to answer the complaint of the commissioners.

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**
- C12** Ss. 69-74 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), **3(3)**, 3(4) (with arts. 78, 80, 81)
- C13** Ss. 69-83 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), **2**
- C17** **S. 73** incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
S. 73 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**

74 Proceedings against officers not to discharge sureties.

No such proceeding against or dealing with any such officer as aforesaid shall deprive the commissioners of any remedy which they might otherwise have against any surety of such officer.

Modifications etc. (not altering text)

- C5** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**

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- C13** Ss. 69-83 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), **2**
- C18** S. 74 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
S. 74 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**

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