



# Lands Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 19 8 and 9 Vict

## *Recovery of penalties*

And with respect to the recovery of forfeitures, penalties, and expences, be it enacted as follows:

### **130 Penalties to be summarily recovered before the sheriff or two justices.**

Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any by-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered, by summary proceeding before the sheriff or two justices . . . <sup>F1</sup> and upon the appearance of the party complained against, or in his absence, after proof of the due service of such order, it shall be lawful for any sheriff or two justices to proceed to the hearing of the complaint; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such sheriff or justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such expences attending the conviction as such sheriff or justices shall think fit.

#### **Textual Amendments**

**F1** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

### **131 Penalties to be levied by poinding and sale.**

If forthwith . . . <sup>F2</sup> the amount of the penalty or forfeiture and . . . <sup>F2</sup> expenses . . . <sup>F2</sup> be not paid, the amount of such penalty and expences may be levied by poinding and sale . . . <sup>F2</sup>

*Changes to legislation: There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Cross Heading: Recovery of penalties. (See end of Document for details)*

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F2 Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**132 Poinding, &c. against the treasurer.**  
..... F3

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**Textual Amendments**  
F3 S.132 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. I](#)

**133,** ..... F4  
**134.**

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**Textual Amendments**  
F4 Ss. 133, 134 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**135 Application of penalties.**  
The sheriff or justices by whom any such penalty or forfeiture shall be imposed, where the application thereof is not otherwise provided for, may award not more than one half thereof to the informer, and [<sup>F5</sup>the remainder shall be paid into the Exchequer.]

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**Textual Amendments**  
F5 Words substituted by [S.I. 1952/1334](#) (1952 II, p. 2029)

**136,** ..... F6  
**137.**

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**Textual Amendments**  
F6 S 136, 137, repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

<sup>F7</sup>**138** .....

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**Textual Amendments**  
F7 S. 138 repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group 1

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*Changes to legislation:* There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Cross Heading: Recovery of penalties. (See end of Document for details)

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**139 Power of appeal from sheriff substitute to sheriff,**

In all cases which may come before any sheriff substitute under this or the special Act, or any Act incorporated therewith, in which written pleadings shall have been allowed, and a written record shall have been made up, and where the evidence which has been led by the parties shall have been reduced to writing, but in no other case whatever, it shall be competent for any of the parties thereto, within seven days after a final judgment shall have been pronounced by such sheriff substitute, to appeal against the same to the sheriff of the county, by lodging a minute of appeal with the sheriff clerk of such county or his depute; and the said sheriff shall thereupon review the proceedings of the said sheriff substitute, and whole process, and, if he think proper, hear the parties viva voce thereon, and pronounce judgment; and such judgment shall in no case be subject to review by suspension . . . <sup>F8</sup> or by reduction, on any ground whatever.

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**Textual Amendments**

**F8** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**140,** ..... <sup>F9</sup>  
**141.**

.....  
**Textual Amendments**

**F9** [S 140, 141](#) repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Lands Clauses Consolidation (Scotland) Act 1845, Cross Heading: Recovery of penalties.