



Towns Improvement Clauses Act 1847

1847 CHAPTER 34

Bye Laws

And with respect to the Bye Laws to be made by virtue of the special Act, be it enacted as follows:

CC Bye Laws.

The Commissioners may from Time to Time make such Bye Laws as they think fit for the several Purposes for which they are herein--before or by the special Act empowered to make Bye Laws, and from Time to Time repeal, alter, or amend any such Bye Laws, -provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom where the same are to have effect, or the Provisions of this or the special Act, and be reduced into Writing, and have affixed thereto the Common Seal of the Commissioners if they be a Body Corporate, or the Signatures of Two of the Commissioners if they be not a Body Corporate, and, if affecting other Persons than the Officers or Servants of the Company, be confirmed and published as herein provided.

CCI Bye Laws may be enforced by Imposition of Penalties.

The Commissioners, by the Bye Laws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Bye Laws Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

CCII Bye Laws to be confirmed.

No Bye Law made by the Commissioners under the Authority of this or the special Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed in the prescribed Manner, and if no Manner of Confirmation be prescribed, then not until it be allowed by some Judge of one of the Superior Courts, or by the Justices in Quarter Sessions; and it shall be incumbent on such Justices, on the Request of the Commissioners, to inquire into any

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Bye Laws tendered to them for that Purpose, and to allow or disallow of the same as they think meet.

CCIII Notice of Confirmation to be given.

No such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Limits of the special Act One Month at least before the hearing of such Application; and any Person desiring to object to any such Bye Law, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the hearing of the Application for the Allowance thereof, may, by himself or his Counsel, Attorney, or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

CCIV A Copy of proposed Bye Laws to be open to Inspection.

For One Month at least previous to any such Application for Confirmation of any Bye Law a Copy of the proposed Bye Laws shall be kept at the principal Office of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

CCV Publication of Bye Laws.

Such Bye Laws, when confirmed, shall be published in the prescribed Manner, and when no Manner of Publication is prescribed they shall be printed, and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same without Charge ; and a Copy thereof shall be painted or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate; and such Boards, with the Bye Laws thereon, shall be from Time to Time renewed as Occasion requires, and shall be open to Inspection without Fee or Reward; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

CCVI Bye Laws to be binding on all Parties.

Such Bye Laws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

CCVII Evidence of Bye Laws.

The Production of a written or printed Copy of the Bye Laws requiring Confirmation by a Judge of the Superior Courts or the Court of Quarter Sessions, authenticated by the Signature of the Judge or of the Chairman of the Court which approved of the same, and a written or printed Copy of the Bye Laws not requiring such Confirmation authenticated by the Common Seal of the Commissioners, if they be incorporated, or, if not incorporated, authenticated by the Signatures of Two Commissioners, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

under the same, without adducing Proof of the Signature of such Judge or Chairman, or the Common Seal or Signatures of the Commissioners; and with respect to the Proof of the Publication thereof it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Bye Law under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

CCVIII Penalty on pulling dow Boards.

Any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners on which any Bye Law of the Commissioners is painted or placed shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

CCIX Tender of Amends.

And with respect to the Tender of Amends, be it enacted, That if any Party have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender have been made it shall be lawful for the Defendant by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.