



Markets And Fairs Clauses Act 1847

1847 CHAPTER 14 10 and 11 Vict

Construction of market or fair

And with respect to the construction of the market or fair, and the works connected therewith, be it enacted as follows:

6 Construction of markets or fairs to be subject to the provisions of this Act and one of the Lands Clauses Consolidation Acts 1845.

Where by the special Act the undertakers shall be empowered, for the purpose of constructing the market or fair, to take or use any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject to the provisions and restrictions contained in this Act and in the ^{M1}Lands Clauses Consolidation Act 1845 when the special Act relates to England or Ireland, and to the provisions and restrictions contained in this Act and the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845 when the special Act relates to Scotland; and the undertakers shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the special Act, or injuriously affected by the construction of the works thereby authorized, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other persons, by reason of the exercise, as to such lands, of the powers vested in the undertakers by this or the special Act, or any Act incorporated therewith; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be determined in the manner provided by the said Lands Clauses Consolidation Acts respectively for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said last-mentioned Acts respectively shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof.

Modifications etc. (not altering text)

- C1** Reference to [Lands Clauses Consolidation Act 1845 \(c. 18\)](#) to be construed as reference to corresponding provisions in [Compulsory Purchase Act 1965 \(c. 56\)](#), **Pt. I**: *ibid.*, s. 39(2)

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

- 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

Marginal Citations

- M1** 1845 c. 18.
M2 1845 c. 19.

7 Errors and omissions in special Act, or Schedules thereto, may be corrected by justices, &c., who shall certify the same. Certificate to be deposited.

If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described or purporting to be described in the special Act, or in the schedule thereto, the undertakers, after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply in England or Ireland to two justices, and in Scotland to the sheriff, for the correction thereof; and if it appear to such justices or sheriff that such omission, mis-statement, or wrong description arose from mistake, they or he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall be deposited in England or Ireland with the clerk of the peace, and in Scotland with the sheriff clerk, of the county in which the lands affected thereby shall be situated, or, where any such lands are situated in a royal burgh in Scotland, with the town clerk of such burgh; and such certificate shall be kept by such clerk of the peace, sheriff clerk, or town clerk, with the other documents to which they relate, and thereupon the special Act or schedule shall be deemed to be corrected according to such certificate; and the undertakers may make the works in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

Modifications etc. (not altering text)

- C3** References to “clerk of the peace of the county” to be construed as references to “proper officer of the county council”: [Courts Act 1971 \(c. 23\)](#), [Sch. 8 Pt. I para. 1\(2\)](#) and [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 para. 4\(1\)\(b\)](#)
- C4** References to “sheriff clerk of the county” to be construed as references to “sheriff clerk of sheriff court district concerned”: [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. I para. 1\(3\)](#)
- C5** References to “town clerk of royal burgh” to be construed as references to “proper officer of local authority”: [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. I para. 2](#)
- C6** 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
- C7** Reference to “the chief clerk for the county court division in which the lands affected thereby shall be situated” to be construed (N.I.) as a reference to “the chief clerk” (31.10.2016): [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), [Sch. 1 para. 12\(1\)](#) (with [Sch. 8 para. 1](#))

8 Copies of alterations, &c. to be evidence.

Copies of any such alteration or correction thereof, or extracts therefrom, certified by any such clerk of the peace, sheriff clerk, or town clerk, in whose custody the same may be, which certificate such clerk shall give to all parties interested when required, shall be received in all courts of justice and elsewhere as evidence of the contents thereof.

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

9 Additional land may be taken for extraordinary purposes.

The undertakers, in addition to the lands authorized to be taken compulsorily, or to be appropriated by them for the purposes of the market or fair, under the powers of this and the special Act, may appropriate any lands vested in them, or may contract with any person willing to sell the same for the purchase of any land within the limits of the special Act, not exceeding in the whole the prescribed number of acres for extraordinary purposes; (that is to say,)

For providing slaughter-houses, (if the undertakers shall be authorized by the special Act to provide slaughter-houses,) and houses and places for weighing carts:

For making convenient roads and approaches to the market or fair:

For any other purpose which may be necessary for the formation or convenient use of the market or fair.

10 Undertakers, subject to provisions of this and the special Act, may execute the works herein named.

Subject to the provisions in this and the special Act, and any Act incorporated therewith, the undertakers, for the purpose of constructing a place for holding the market or fair, may execute any of the following works; (that is to say,)

They may enter upon any lands described in the special Act, or the schedule thereto, and other lands purchased by them or belonging to them, and set out such parts as they think necessary for the purposes of the market or fair, and thereupon from time to time build and maintain such market places or places for fairs, and such stalls, sheds, pens, and other buildings or conveniences, for the use of the persons frequenting the market or fair, and for weighing and measuring goods sold in the market or fair, and for weighing carts, as they may think necessary:

They may from time to time on such lands as aforesaid make and maintain all such roads and approaches as they may think necessary for the convenient use of the persons resorting to the market or fair.

11 Undertakers to make satisfaction for damage done.

Provided always, that in the exercise of the powers by this or the special Act granted the undertakers shall do as little damage as can be, and shall make full satisfaction, in manner herein and by the special Act and any Act incorporated therewith provided, to all parties interested for all damages sustained by them by reason of the exercise of such powers.

Changes to legislation:

There are currently no known outstanding effects for the Markets And Fairs Clauses Act 1847,
Cross Heading: Construction of market or fair.