



# Markets and Fairs Clauses Act 1847

## 1847 CHAPTER 14

### *Recovery of Damages and Penalties*

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matters referred to Justices in *England* or *Ireland*, and to the Sheriff or Justices in *Scotland*, be it enacted as follows:

**LII Railways Clauses Consolidation Acts, 1845, as to Damages, &c. to be incorporated with this and the special Act.**

If the Market or Fair be in *England* or *Ireland* the Clauses of the Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with this and the special Act; and if the Market or Fair be in *Scotland* the Clauses of the Railways Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Recovery of Damages not specially provided, for, and Penalties, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act; and such Clauses shall apply to the Market or Fair and the Undertakers respectively, and shall be construed as if the Word Undertakers " had been inserted therein instead of the Word " Company. "

**LIII In Ireland Part of Penalties to be paid to Guardians of Unions.**

Provided always, That in *Ireland*, in the Case of any Penalty imposed by Justices, where the Application is not otherwise provided for, such Justices may award not more than One Half of such Penalty to the Informer, and shall award the Remainder to the Guardians of the Poor of the Union within which the Offence shall have been committed, to be applied in aid of the Poor Rates of such Union.

**LIV Nothing in this or the special Act to affect the Rights of the Crown.**

And be it enacted, That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's Duties of Customs or Excise, or any other Revenue of the Crown, or to extend to or affect any Claim of Her Majesty in right of Her Crown, or otherwise howsoever, or any Proceedings at Law or in Equity

by or on behalf of Her Majesty, in any Part of the United Kingdom of *Great Britain and Ireland*.

**LV All Things required to be done by Two Justices in England and Ireland may, in certain Cases, be done by One, and in Scotland by the Sheriff, &c.**

All Things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by Two Justices, may and shall be done in *England and Ireland* by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices, and in *Scotland* by the Sheriff or Steward of any County, Stewartry, or Ward, or his Substitute.

**LVI Penalties, &c. imposed in respect of any Offence committed within the Metropolitan Police District to be paid to the Receiver, and applied under 2 & 3 Vict. c.71.**

Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*; and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined, and such Witnesses shall be entitled to the same Allowance of Expences, as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

**LVII Penalty for giving false Evidence.**

Every Person who upon any Examination upon Oath under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.