



Commissioners Clauses Act 1847

1847 CHAPTER 16

Commissioners

With respect to the Qualification of Commissioners, be it enacted as follows :

VI Joint Owners or Occupiers when qualified eligible as Commissioners.

Where by the special Act the Qualification of the Commissioners is made to depend upon their being rated in respect of Property of a given Amount, then if Two or more Persons be jointly rated in respect of any Property, each of such Persons shall, subject to the Provisions herein and in the special Act contained, be eligible to be chosen a Commissioner, provided the Property in respect of which such Persons are rated be of a rateable yearly Value, which, when divided by the Number of Persons so rated, will give to each a sufficient rateable yearly Value according to the Provisions of this and the special Act.

VII Same Property not to give Two Qualifications.

The same Property shall not at the same Time give a Qualification as Commissioner to one Person as the Owner, and to another as the Occupier thereof.

VIII No Bankrupt or Insolvent to be a Commissioner.

No Bankrupt or Insolvent, or Person not qualified as required by the special Act, shall be capable of being or continuing a Commissioner.

IX No Person holding Office or concerned in a Contract to be a Commissioner.

Any Person who at any Time after his Appointment or Election as a Commissioner shall accept or continue to hold any Office or Place of Profit under the special Act, or be concerned or participate in any manner in any Contract, or in the Profit thereof, or of any Work to be done under the Authority of such Act, shall thenceforth cease to be a Commissioner, and his Office shall thereupon become vacant.

X Shareholders in Companies established by Act of Parliament not disqualified by reason of Contracts.

Provided always, That no Person being a Shareholder or Member of any Joint Stock Company established by Act of Parliament shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners ; but no such Commissioner, being a Member of such Company, shall vote on any Question relating to the Execution of this or the special Act in which such Company is interested.

XI Commissioner not incapable of acting as a Justice.

A Person shall not be incapable of acting as a Justice of the Peace in the Execution of this or the special Act, with reference to the levying of any Penalty thereunder, by reason of his being a Commissioner.

XII Declaration to be made by Commissioners before acting.

No Person shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, until he shall have made and signed, before One of the Commissioners, a Declaration to the Effect following:

“I *A.B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner, by virtue of the [*here name the special Act*], and also that I [*here set forth a Statement of the Possession of the Qualification required by the special Act in the Terms thereof*].”

XIII False Declaration a Misdemeanor.

Any Person who shall falsely or corruptly make and subscribe the Declaration aforesaid, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor, or in *Scotland* shall be deemed guilty of Perjury.

XIV Declaration to be taken at the first Meeting.

Every Person elected or appointed a Commissioner shall, at the Meeting of Commissioners at which he first attends as a Commissioner, make and subscribe the Declaration herein required, and any Commissioner, whether he himself have made such Declaration or not, may administer such Declaration.

XV Penalty on Commissioner, not being qualified, acting.

Every Person who shall act as a Commissioner, being incapacitated or not duly qualified to act, or before he has made or subscribed such Declaration as aforesaid, or after having become disqualified, shall for every such Offence be liable to a Penalty of Fifty Pounds ; and such Penalty may be recovered by any Person, with full Costs of Suit, in any of the Superior Courts ; and in every such Action the Person sued shall prove that at the Time of so acting he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Evidence being required from the Plaintiff than that such Person had acted as a Commissioner in the Execution of this or the special Act; nevertheless all Acts as a Commissioner of any Person incapacitated or not duly qualified, or not having made or

subscribed the Declaration aforesaid, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

XVI Commissioner neglecting to act to cease to be one.

Every Commissioner who for the Space of Six Months after his Appointment neglects to make and subscribe the Declaration herein-before required, or who for Six Months in succession is absent from all Meetings of the Commissioners, and to act in the Execution of this and the special Act, shall be deemed to have refused to act, and shall Cease to be a Commissioner.