



Commissioners Clauses Act 1847

1847 CHAPTER 16 10 and 11 Vict

Legal proceedings

And with respect to the liabilities of the commissioners, and to legal proceedings by or against the commissioners, be it enacted as follows:

60 Commissioners not to be personally liable for acts done in the capacity of a commissioner. Commissioners to be indemnified for acts done in the execution of their office.

No commissioner, by being party to or executing in his capacity of commissioner any contract or other instrument on behalf of the commissioners, or otherwise lawfully executing any of the powers given to the commissioners, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the several commissioners shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as commissioners; and the commissioners respectively, their heirs, executors, and administrators, shall be indemnified out of the rates and other monies coming to the hands of the commissioners by virtue of this and the special Act for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them.

Modifications etc. (not altering text)

- C1** S. 60 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184, art. 2](#)
S. 60 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185, art. 2](#)
S. 60 incorporated (with modifications) (E.W.S) (25.8.2001) by [S.I. 2001/2820, art. 3](#)
S. 60 incorporated (E.W.S.) (4.3.2002) by [S.I. 2002/306, art. 2](#)
S. 60 incorporated (E.W.S.) (10.6.2002) by [S.S.I. 2002/294, art. 2](#)
S. 60 incorporated (E.W.S.) (25.6.2002) by [S.S.I. 2002/310, art. 2](#)
S. 60 incorporated (4.11.2002) by [S.I. 2002/2730, art. 2](#)
- C2** S. 60 incorporated (S.) (22.4.2003) by [Montrose Port Authority Harbour Revision \(Constitution\) Order 2003 \(S.S.I. 2003/258\), arts. 1\(1\), 2](#)

Status: Point in time view as at 08/11/2012.

Changes to legislation: There are currently no known outstanding effects for the Commissioners Clauses Act 1847, Cross Heading: Legal proceedings. (See end of Document for details)

- C3 S. 60 incorporated (S.) (11.9.2003) by [The Stornoway Harbour Revision \(Constitution\) Order 2003 \(S.S.I. 2003/435\)](#), arts. 1(1), 2
- C4 S. 60 incorporated (S.) (1.10.2003) by [Cromarty Firth Port Authority \(Constitution\) Revision Order 2003 \(S.S.I. 2003/491\)](#), arts. 1(1), 2
- C5 S. 60 incorporated (E.W.S.) (29.10.2003) by [Lancaster Port Commission Harbour Revision \(Constitution\) Order 2003 \(S.I. 2003/2724\)](#), arts. 1(1), 2
- C6 S. 60 incorporated (E.W.S.) (28.5.2004) by [Bridlington Harbour Revision \(Constitution\) Order 2004 \(S.I. 2004/1426\)](#), arts. 1(1), 2
- C7 S. 60 incorporated (S.) (5.10.2005) by [Peterhead Port Authority Harbour \(Constitution\) Revision Order 2005 \(S.S.I. 2005/491\)](#), arts. 1(1), 2 (with art. 17)
- C8 S. 60 incorporated (S.) (15.1.2007) by [Tarbert \(Loch Fyne\) Harbour Revision \(Constitution\) Order 2007 \(S.S.I. 2007/5\)](#), arts. 1(1), 2
- C9 Ss. 58-60 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), 3(3), 3(4) (with arts. 78, 80, 81)
- C10 Ss. 58-60 incorporated (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), 2
- C11 Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), 3
- C12 Ss. 58-60 incorporated (S.) (18.11.2010) by [The St. Andrews Harbour Revision \(Constitution\) Order 2010 \(S.S.I. 2010/403\)](#), arts. 1(1), 3(1)
- C13 S. 60 incorporated by S.S.I. 2001/457 art. 2A (as inserted) (S.) (21.12.2011) by [The Fraserburgh Harbour Revision Order 2011 \(S.S.I. 2011/447\)](#), arts. 1(1), 21 (with arts. 30-32))
- C14 S. 60 incorporated with modifications by S.I. 2001/2820 art. 3(1) (as substituted (23.7.2012) by [The Poole Harbour Revision Order 2012 \(S.I. 2012/1777\)](#), art. 1(2), **Sch. 3 para. 1** (with arts. 58, 59))
- C15 S. 60 incorporated (S.) by S.S.I. 2002/5578 art. 2A (as inserted (8.11.2012) by [The Inverness Harbour Revision \(Constitution\) Order 2012 \(S.S.I. 2012/302\)](#), arts. 1(1), 3)

61 Actions or suits to be brought in the name of any two commissioners or their clerk.

In all actions and suits in respect of any matter or thing relating to the execution of this or the special Act, to be brought by or against the commissioners, it shall be sufficient, where such commissioners are not a body corporate, to state the names of any two of the commissioners, or the name of their clerk, as the party, plaintiff or defendant, representing the commissioners in any such action or suit, and no such action or suit shall abate or be discontinued, or required to be transferred, by reason of the death of any such commissioner, or by his ceasing to be a commissioner, or by the death, suspension, or removal of such clerk.

Modifications etc. (not altering text)

- C11 Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), 3

62 Executions to be levied on the goods belonging to commissioners by virtue of their office only.

Execution upon every judgment or decree against the commissioners in any such action or suit shall be levied on the goods, chattels, or personal effects belonging to the commissioners by virtue of their office, and shall not in any manner extend to charge

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or make liable the persons, or private lands or goods, of any of the commissioners, or the heirs, executors, or administrators or any of them.

Modifications etc. (not altering text)

- C11** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**
- C16** S. 62 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
S. 62 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**
Ss. 62-64 incorporated (with modifications) (7.1.2003) by [2002 c. v, s. 3\(3\)\(4\)](#) (with s. 23)
- C17** Ss. 62-65 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), **3(3)**, 3(4) (with arts. 78, 80, 81)
- C18** Ss. 62-65 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), **2**

63 Commissioners and clerk to be reimbursed all damages, &c.

Every commissioner or clerk in whose name any such legal proceedings shall be carried on, either as plaintiff or defendant, on behalf of the commissioners, shall be reimbursed, out of the monies which shall come into the hands of the treasurer of the commissioners by virtue of his office, all damages, costs, charges, and expences to which any such commissioner or clerk may be put, or with which he may become chargeable, by reason of being so made plaintiff or defendant.

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- C11** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**
- C17** Ss. 62-65 incorporated (with modifications) (E.W.S.) (29.12.2007) by [Maryport Harbour Revision Order 2007 \(S.I. 2007/3463\)](#), arts. 1(1), **3(3)**, 3(4) (with arts. 78, 80, 81)
- C18** Ss. 62-65 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), **2**
- C19** S. 63 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
S. 63 incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**
Ss. 62-64 incorporated (with modifications) (7.1.2003) by [2002 c. v, s. 3\(3\)\(4\)](#) (with s. 23)

64 How indictments to be preferred.

The commissioners may prefer a bill of indictment against any person who shall steal or wilfully injure any property or thing belonging to the commissioners, or under their management, or institute any other proceeding which may appear to them necessary for the protection of such property, and in every such case it shall be sufficient to state generally the property or thing in respect of which such proceeding shall have been taken to be the property of the commissioners, as they shall be described in the special Act, without naming the individual commissioners.

Modifications etc. (not altering text)

- C11** Ss. 36-92 incorporated (E.W.S.) (21.5.2010) by [The Newlyn Pier and Harbour Revision \(Constitution\) Order 2010 \(S.I. 2010/1462\)](#), arts. 1(1), **3**

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- C18** Ss. 62-65 incorporated (E.W.S.) (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\)](#), arts. 1(1), **2**
- C20** [S. 64](#) incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2184](#), **art. 2**
[S. 64](#) incorporated (E.W.S) (18.6.2001) by [S.I. 2001/2185](#), **art. 2**
[Ss. 62-64](#) incorporated (with modifications) (7.1.2003) by 2002 c. v, **s. 3(3)(4)** (with s. 23)

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