



Commissioners Clauses Act 1847

1847 CHAPTER 16 10 and 11 Vict

Meetings of commissioners

And with respect to the meetings and other proceedings of the commissioners, and their liabilities, be it enacted as follows:

36 First meeting of the commissioners.

The commissioners shall hold their first meeting at the prescribed time and place, and if a time or place be not prescribed they shall hold their first meeting at some convenient place within the limits of the special Act on the third Wednesday next after the commencement thereof, or, if the first body of commissioners be not named in the special Act, on the first Wednesday after the first election of commissioners, or as soon after such periods respectively as conveniently may be, at the hour of ten of the clock in the forenoon, and shall proceed to put this and the special Act into execution.

37 Election of chairmen of meetings.

At the first meeting of the commissioners they shall, by the majority of the votes of the commissioners present, elect one of their body to be their chairman until the next annual meeting of the commissioners, when, and at every subsequent annual meeting, the commissioners shall in like manner elect a chairman for the ensuing year; and in case the chairman die, or resign, or cease to be a commissioner, or otherwise become disqualified to act as such, the commissioners present at the meeting next after the occurrence of such vacancy shall choose some other of their body to fill such vacancy, and the chairman so elected shall continue in office so long only as the person in whose place he was elected would have been entitled to continue chairman; and if at any meeting of the commissioners the chairman be not present, one of the commissioners present shall be elected chairman of such meeting by the majority of the votes of the commissioners present at such meeting.

Modifications etc. (not altering text)

C1 [S. 37](#) incorporated (with modifications) (E.W.S) (25.8.2001) by [S.I. 2001/2820](#), [art. 3](#)

Status: Point in time view as at 29/12/2007.

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

38 Manner of voting.

At all meetings of the commissioners the questions there considered shall be decided by the votes of the majority present; and if there be an equal division of votes upon any question the chairman or commissioner acting as chairman at such meeting shall, in addition to his own vote as a commissioner, have a second or casting vote; provided always, that if at any such meeting there be an equality of votes in the election of the chairman, it shall be decided by lot which of the commissioners having an equal number of votes shall be the chairman; provided also, that at every annual meeting the chairman going out of office at that meeting shall, if present and willing to act, be the chairman of such meeting.

39 Quorum of commissioners.

All powers vested in the commissioners under this or the special Act may be exercised by the prescribed number, and where no number is prescribed by any five or more of the commissioners present at any meeting holden in pursuance of this and the special Act, and no business shall be transacted at any meeting of the commissioners unless the said number of commissioners be present.

40 Commissioners to hold annual and monthly meetings.

The commissioners shall hold an annual meeting at the prescribed time and place, and if no time or place be prescribed then on the third Wednesday in the month of June in each year at a place to be appointed by the commissioners, and the first of such annual meetings shall be held in the year after that in which the special Act is passed; and they shall also hold monthly meetings for the transaction of general business, and the said monthly meetings shall be held at the office of the commissioners, on such day and hour in each month as the commissioners shall from time to time appoint, and when any such appointment is made the clerk shall give notice thereof to each of the commissioners, and they shall afterwards, until the time or place of such monthly meetings is changed, and notice of such change given to the commissioners, attend such monthly meetings without notice.

41 Meetings of commissioners may be adjourned from time to time.

The commissioners present at such first meeting, or at any annual or monthly meeting, or at any adjourned meeting, may from time to time adjourn such meeting to the same, or any other place within the limits of the special Act, and if at any meeting of the commissioners there be not the prescribed number, or where no number is prescribed five commissioners, present within one half-hour after the time appointed for such meeting, the commissioners present, or the major part of them, or any one commissioner if only one be present, or their clerk if no commissioner be present, may adjourn such meeting to another day at the same or any other place within the limits of the special Act.

Modifications etc. (not altering text)

C2 S. 41 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, art. 3

Status: Point in time view as at 29/12/2007.

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

42 Monthly meetings to be held for transacting the ordinary business under this and the special Act.

The said monthly meetings of the commissioners shall be held for transacting the ordinary business of the commissioners under this or the special Act, and amongst the rest for appointing and removing the inferior officers of the commissioners, and superintending their conduct, and for inquiring into the conduct of the contractors or other persons employed by them to execute any works, and into the state and progress of such works, and generally for giving such directions from time to time as may be necessary for carrying into effect the purposes of this and the special Act.

Modifications etc. (not altering text)

- C3** S. 42 incorporated (with modifications) (E.W.S) (25.8.2001) by [S.I. 2001/2820, art. 3](#)
- C4** S. 42 modified (S.) (15.1.2007) by [Tarbert \(Loch Fyne\) Harbour Revision \(Constitution\) Order 2007 \(S.S.I. 2007/5\)](#), art. 1(1), [Sch. 2 para. 9\(4\)](#)

43 No extraordinary business shall be transacted at monthly meetings, unless notice be given.

Where any business other than ordinary business is required or intended to be transacted at any monthly meeting, the clerk shall give notice thereof to each of the commissioners, and no such extraordinary business, nor any new rules or regulations, shall be adopted at the monthly meetings, unless due notice thereof have been given at a prior meeting and sent to each commissioner in the manner required for special meetings.

Modifications etc. (not altering text)

- C5** S. 43 incorporated (with modifications) (E.W.S) (25.8.2001) by [S.I. 2001/2820, art. 3](#)
- C6** S. 43 modified (S.) (15.1.2007) by [Tarbert \(Loch Fyne\) Harbour Revision \(Constitution\) Order 2007 \(S.S.I. 2007/5\)](#), art. 1(1), [Sch. 2 para. 9\(4\)](#)

44 No resolution of commissioners to be revoked at a subsequent meeting unless under certain circumstances.

No resolution at any meeting of the commissioners shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration be given by the clerk to each of the commissioners seven days at least before holding the meeting, nor unless such revocation or alteration be determined upon by majority consisting of two-thirds of the commissioners present at such subsequent meeting, if the number of commissioners present at such subsequent meeting be not greater than the number present when such resolution was come to, or by a majority, if the number of commissioners present at such subsequent meeting be greater than the number present at such former meeting.

Modifications etc. (not altering text)

- C7** S. 44 incorporated (with modifications) (E.W.S) (25.8.2001) by [S.I. 2001/2820, art. 3](#)

Status: Point in time view as at 29/12/2007.

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

45 As to the holding of special meetings.

The commissioners may hold special meetings, and any five or more of the commissioners may require a special meeting to be held, but no such meeting shall be held unless two clear days notice thereof at the least be given.

Modifications etc. (not altering text)

C8 S. 45 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, art. 3

46 Notice to be given of things to be done by the commissioners by special order only.

Where by the special Act the commissioners are empowered to do any thing by special order only, they shall not do such thing unless the resolution to do the same have been agreed to by the commissioners in some meeting whereof special notice has been given, and have been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting, and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings, and special notice thereof given to each of the commissioners.

Modifications etc. (not altering text)

C9 S. 46 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, art. 3

47 How notices of meetings of commissioners are to be given.

All notices of any meeting of the commissioners shall be in writing or in print, or partly in writing and partly in print, and shall be by the clerk delivered or sent by the post, or otherwise, to the usual place of abode or place of business, if any, within the limits of the special Act, of each of the commissioners, two clear days at least previous to such meeting, and every such notice shall specify the time and place of meeting, and in case of a special meeting shall specify the object thereof, and no business shall be transacted at any special meeting except such as is stated in the notice thereof.

Modifications etc. (not altering text)

C10 S. 47 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, art. 3

48 Expences of meetings.

At all meetings of the commissioners they shall defray their own expences, except what may be incurred for the use of the room in which the meeting is held, and for books, stationery, and fire.

Modifications etc. (not altering text)

C11 S. 48 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, art. 3
S. 48 incorporated (E.W.S) (18.6.2001) by S.I. 2001/2185, art. 2

Status: Point in time view as at 29/12/2007.

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

S. 48 incorporated (E.W.S) (18.6.2001) by S.I. 2001/2184, [art. 2](#)

49 Power of commissioners to appoint committees.

The commissioners may at any meeting from time to time, appoint committees for any purposes which in the opinion of the commissioners would be better regulated and managed by means of such committee, and they may fix the quorum of any such committee, and may continue, alter, or discontinue such committee.

Modifications etc. (not altering text)

C12 S. 49 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, [art. 3](#)

50 Quorum of committee.

Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment; but no business shall be transacted at any meeting of the committee unless the quorum of members, if any, fixed by the commissioners, and if no quorum be fixed, three members, be present; and at all meetings of the committee one of the members present shall be appointed chairman; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Modifications etc. (not altering text)

C13 S. 50 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, [art. 3](#)

51 Acts of the commissioners not to be invalidated by reason of vacancies.

No proceeding of the commissioners or of any committee shall be invalidated or be illegal in consequence only of there being any vacancy in the number of commissioners at the time of such proceeding.

52 Informalities in appointment of commissioners not to invalidate proceedings.

All proceedings of the commissioners, or of a committee of commissioners, or of any person acting as a commissioners, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such commissioners or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every person had been duly appointed and was qualified to be a commissioner.

Modifications etc. (not altering text)

C14 S. 52 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, [art. 3](#)

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53 Commissioners may provide public offices, &c.

The commissioners may from time to time provide and maintain fit and convenient public offices, together with all necessary and proper furniture for the same, for holding the meetings and transacting the business of the commissioners, and for the use of their officers, and for the holding of such public meetings and transacting such public business relating to the town as the commissioners shall, from time to time, under the powers of this or the special Act, or any Act incorporated therewith, direct or allow to be held or transacted therein, and for such purpose may purchase or hire any lands or buildings which the commissioners think necessary, from any person willing to sell or let the same, or may cause any new building to be erected upon any land purchased or hired under the provisions of this or the special Act, or otherwise belonging to the commissioners.

Modifications etc. (not altering text)

- C15** S. 53 incorporated (with modifications) (E.W.S) (25.8.2001) by S.I. 2001/2820, art. 3
 S. 53 incorporated (E.W.S) (18.6.2001) by S.I. 2001/2185, art. 2
 S. 53 incorporated (E.W.S) (18.6.2001) by S.I. 2001/2184, art. 2
 S. 53 incorporated (with modifications) (7.1.2003) by 2002 c. v, s. 3(3)(4) (with s. 23)
- C16** S. 53 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)

54 Commissioners to provide daily attendance at their office to receive notices, &c.

The commissioners shall require their clerk, or some person duly authorized by them in that behalf, to attend to their office daily, Sundays, Christmas Days, and Good Fridays, and days appointed for general fasts or thanksgivings only excepted, for the purpose of receiving notices, and transacting the ordinary business of the commissioners, and due notice of the situation of the office of the commissioners, and of the hours during which attendance is given there, shall be published by the commissioners within the limits of the special Act, in such manner that the same may be fully and generally known.

55 Proceedings to be entered in a book, and, when signed, shall be received in evidence.

The commissioners shall cause entries of all the proceedings of the commissioners, and of every committee appointed by them, with the names of the commissioners who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk under the superintendence of the commissioners, and every such entry shall be signed by the chairman of the meeting at which the proceeding took place, and such entry so signed shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being commissioners or members of committees respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such books shall at all reasonable times be open to the inspection of any of the commissioners and of any mortgagee of the rates or property of the commissioners.

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