



Commissioners Clauses Act 1847

1847 CHAPTER 16

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 Matter referred to Justices or to the Sheriff, be it enacted as follows:

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

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

CV 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 herewith, 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 or Stewartry or Ward, or his Substitute.

CVI 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 Expenses as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance the Provisions of the said last-mentioned Act.

CVII 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.

CVIII Persons giving false Evidence liable to Penalties of Perjury.

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.

CIX 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*.