



Commissioners Clauses Act 1847

1847 CHAPTER 16 10 and 11 Vict

Contracts

56 Power to commissioners to enter into contracts.

The commissioners may enter into contracts with any persons for the execution of any works directed or authorized by this and the special Act to be done by the commissioners, or for furnishing materials, or for any other things necessary for the purposes of this or the special Act, and every such contract for the execution of any work shall be in writing, and shall specify the work to be done, and the materials to be furnished and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof; and the power hereby granted to the commissioners to enter into contracts may lawfully be exercised as follows; [^{F1}(that is to say,)

Any contract which if made between private persons would be by law required to be in writing and [^{F2}under seal][^{F2}executed as a deed], or in Scotland by a probative deed, the commissioners may make in writing and under their common seal, if they be incorporated, or, if not incorporated, [^{F2}under the hands and seals][^{F2}executed as a deed by them], or in Scotland under the hands, of the commissioners, or any two of them acting by the direction and on behalf of the commissioners, and in the same manner may vary or discharge the same]:

Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith the commissioners may make in writing, signed by the commissioners, or any two of their number acting by the direction and on behalf of the commissioners, and in the same manner may vary or discharge the same:

Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, the commissioners, or any two of them acting by the direction and on behalf of the commissioners, may make by parol only, without writing, and in the same manner may vary or discharge the same:

And all contracts made according to the provisions herein contained, being duly executed by the persons contracting to perform the works therein comprised respectively, shall be effectual in law, and shall be binding on the commissioners,

Changes to legislation: There are currently no known outstanding effects for the Commissioners Clauses Act 1847, Section 56. (See end of Document for details)

and all other parties thereto, their successors, heirs, executors, or administrators, as the case may be, and in case of default in the execution of any such contract, either by the commissioners or by any other party thereto such actions or suits may be maintained thereon, and damages and costs recovered by or against the commissioners or the other parties failing in the execution thereof, as might have been maintained and recovered had the same contracts been made between private persons only.

Textual Amendments

- F1** Words in s. 56 repealed (S.) (1.8.1995) by [1995 c. 7, ss. 14\(2\), 15\(2\), Sch. 5](#) (with ss. 9(3)(5)(7), 13, 14(3))
- F2** Words in s. 56 substituted (N.I.) (15.11.2005) by [The Law Reform \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2005 \(S.I. 2005/1452\), art. 1\(2\), Sch. 1 para. 7; S.R. 2005/494, art. 2\(1\)\(c\)](#)

Modifications etc. (not altering text)

- C1** S. 56 incorporated (E.W.S.) (18.6.2001) by [S.I. 2001/2185, art. 2](#)
S. 56 incorporated (E.W.S.) (18.6.2001) by [S.I. 2001/2184, art. 2](#)
S. 56 incorporated (with modifications) (7.1.2003) by [2002 c. v, s. 3\(3\)\(4\)](#) (with s. 23)
- C2** S. 56 incorporated (with modifications) (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)
- C3** S. 56 incorporated (1.6.2009) by [Berwick Upon Tweed Harbour Revision \(Constitution\) Order 2009 \(S.I. 2009/1231\), arts. 1\(1\), 2](#)
- C4** 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](#)
- C5** S. 56 incorporated (S.) (18.11.2010) by [The St. Andrews Harbour Revision \(Constitution\) Order 2010 \(S.S.I. 2010/403\), arts. 1\(1\), 3\(1\)](#)
- C6** S. 56 incorporated (5.6.2014) by [The Pennan Harbour Revision Order 2014 \(S.S.I. 2014/158\), arts. 1\(1\), 3\(1\)](#)
- C7** [S. 56](#) incorporated (with modifications) (E.W.S.) (1.11.2015) by [The Great Yarmouth Port Authority \(Constitution\) Harbour Revision Order 2015 \(S.I. 2015/1395\), arts. 1\(3\), 2, 3](#) (with Sch. 3)

Changes to legislation:

There are currently no known outstanding effects for the Commissioners Clauses Act 1847, Section 56.