



Markets And Fairs Clauses Act 1847

1847 CHAPTER 14 10 and 11 Vict

Tolls

38 Recovery of tolls by distress, &c.

[^{F1}(1)] If any person liable to the payment of any stallage, rent, or toll authorized by this or the special Act to be taken do not pay the same when demanded, the undertakers or their lessee, or any person authorized by the undertakers or their lessee to collect the same, may levy the same in England [^{F2}(subject to subsection (2))] or Ireland by distress [^{F3}, and in Scotland by poinding and sale,] of all or any of the cattle or other articles in respect of which such stallage, rent, or toll is payable, or of any other cattle or other articles in the market belonging to the person liable to pay such stallage, rent, or toll, or under his charge, or such tolls may be recovered in any court having competent jurisdiction.

[^{F4}(2) Subsection (1) does not apply to the levying of rent in respect of premises in England and Wales to the extent that the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) is exercisable to recover such rent.

(3) Where that power is exercisable to recover such rent, either the undertakers or their lessee, if not the landlord for the purposes of section 72(1) of that Act, may exercise that power as if they or he were the landlord.]

Textual Amendments

- F1** S. 38 renumbered as s. 38(1) (E.W.) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 14 para. 11(2) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F2** Words in s. 38(1) inserted (E.W.) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 11\(3\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F3** Words in s. 38 repealed (S.) (31.12.2002) by [2002 asp 17](#), ss. 61, 64(2), [Sch. 3 Pt. I para. 4](#) (with s. 63)
- F4** S. 38(2)(3) inserted (E.W.) (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 11\(4\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)

Changes to legislation: There are currently no known outstanding effects for the Markets And Fairs Clauses Act 1847, Section 38. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298; 1923, p. 400), art. 2

Changes to legislation:

There are currently no known outstanding effects for the Markets And Fairs Clauses Act 1847, Section 38.