



Inclosure Act 1845

1845 CHAPTER 118 8 and 9 Vict

159 Penalties and forfeitures, how recoverable.

All penalties and forfeitures imposed by this Act, or which shall be imposed by the commissioners or assistant commissioner acting in the matter of any inclosure or other proceeding under or by virtue of the authority of this Act, shall be levied and recovered before any two justices of the peace for the county [^{F1}or other jurisdiction] in which the land subject to be inclosed, or to which such other proceeding shall relate, shall be situate, and not interested in the matter in question, for which purpose it shall be lawful for any such justices of the peace, upon complaint made to them, to summon the party accused and the witnesses on both sides, and upon the appearance or contempt of the party accused to examine such witnesses upon oath, (which oath such justices are hereby empowered to administer,) and upon such evidence to give judgment accordingly, and to condemn the party accused (proof of the accusation being made by one or more witness or witnesses as aforesaid) in such penalties and forfeitures as the offender shall have incurred, and [^{F2}to recover such penalties and forfeitures by using the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods).]

Textual Amendments

- F1** Words in s. 159 inserted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), **Sch. 10 para.8** (with Sch. 14 para. 7(2))
- F2** Words in s. 159 substituted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 13 para. 10** (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

- C1** S. 159 modified (1.4.1996) by S.I. 1996/674, reg. 2, **Sch. Pt. II para. 5(1)(2)(h)**
- C2** S. 159 modified (1.4.1996) by S.I. 1996/675, art. 2, **Sch. Pt. II para. 7(1)(2)(h)**

Changes to legislation:

There are currently no known outstanding effects for the Inclosure Act 1845, Section 159.