



Companies Clauses Consolidation Act 1845

1845 CHAPTER 16 8 and 9 Vict

Recovery of Damages and Penalties

And with respect to the recovery of damages not specially provided for, and penalties, be it enacted as follows:

142 Provision for damages not otherwise provided for. E+W+N.I.

In all cases where any damages, costs, or expences are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by two justices; ^{F1}and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after demand, the amount may be recovered by distress of the goods of the company or other party liable as aforesaid; and the justices by whom the same shall have been ordered to be paid, or either of them, on application, shall issue their or his warrant accordingly.]

Textual Amendments

F1 Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. IV](#)

143 ^{F2} **E+W+N.I.**

Textual Amendments

F2 S. 143 repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. I](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Companies Clauses Consolidation Act 1845, Cross Heading: Recovery of Damages and Penalties. (See end of Document for details)

144 Method of proceeding before justices in questions of damages, &c. **E+W+N.I.**

Where in this or the special Act, or any Act incorporated therewith, any question or compensation, expences, charges, or damages is referred to the determination of any one justice, [^{F3}or more, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before one justice, or before two justices, as the case may require, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons], it shall be lawful for such one justice, [^{F3}or such two justices, as the case may be,]to hear and determine such question, [^{F3}and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the cost of every such inquiry shall be in the discretion of such justices, and they shall determine the amount thereof.]

Textual Amendments

F3 Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, Sch. Pt. I

145 Publication of penalties. **E+W+N.I.**

The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any bye law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed on paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

146 Penalty for defacing boards used for such publication. **E+W+N.I.**

If any person shall pull down [^{F4}or injure] any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expences attending the restoration of such board.

Textual Amendments

F4 Words repealed (E.W.) by Criminal Damage Act 1971 (c. 48), Sch. Pt. I

147 Penalties to be summarily recovered before two justices. **E+W+N.I.**

Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices . . . ^{F5}

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Textual Amendments

F5 Words repealed by Statute Law Revision Act 1892 (c. 19)

148, F6 **E+W+N.I.**
149.

Textual Amendments

F6 Ss. 148, 149 repealed by Statute Law Revision Act 1892 (c. 19)

[^{F7}150 **Distress how to be levied.** **E+W+N.I.**

Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expences of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.]

Textual Amendments

F7 S. 150 repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, Sch. Pt. IV

151 **Distress not unlawful for want of form.** **E+W+N.I.**

No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

152 F8 **E+W+N.I.**

Textual Amendments

F8 S. 152 repealed by Justices of the Peace Act 1949 (c. 101), Sch. 7 Pt. III

153 F9 **E+W+N.I.**

Textual Amendments

F9 Ss. 153, 157 repealed by Statute Law Revision Act 1892 (c. 19)

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154 Damage to be made good in addition to penalty. E+W+N.I.

If, through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this or the special Act, or any Act incorporated therewith, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; ^{F10}and on nonpayment of such damages, on demand, the same shall be levied by distress, and such justices, or one of them, shall issue their or his warrant accordingly.]

Textual Amendments

F10 Words repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, Sch. Pt. IV

155 ^{F11F12}Penalty on witnesses making default. E+W+N.I.

It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction, under the provisions of this or the special Act, or any Act incorporated therewith, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expences, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

Textual Amendments

F11 S. 155 repealed (E.W.) so far as relates to any matter to which the Summary Jurisdiction Acts apply, by Summary Jurisdiction Act 1884 (c. 43), s. 4, Sch.

F12 S. 155 repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, Sch. Pt. IV.

156 Transient offenders. E+W+N.I.

It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some justice, without any warrant or other authority than this or the special Act; and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

157 ^{F13} E+W+N.I.

Textual Amendments

F13 Ss. 153, 157 repealed by Statute Law Revision Act 1892 (c. 19)

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158^{F14} **E+W+N.I.**

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Textual Amendments

F14 S. 158 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. XIX

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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