



# Land Clauses Consolidation Act 1845

## 1845 CHAPTER 18 8 and 9 Vict

### *Recovery of penalties*

And with respect to the recovery of forfeitures, penalties, and costs, be it enacted as follows:

**136 Penalties to be summarily recovered before two justices.**

Every penalty or forfeiture imposed by this or the special Act, or by any byelaw made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices . . . <sup>F1</sup>

**Textual Amendments**

**F1** Words repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**137** ..... <sup>F2</sup>

**Textual Amendments**

**F2** [S. 137](#) repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**[<sup>F3</sup>138 Distress how to be levied.**

Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty, costs, 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.]

*Status: Point in time view as at 01/02/1991.*

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

**Textual Amendments**

**F3** S. 138 repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, **Sch. Pt. IV**

**139** ..... **F4**

**Textual Amendments**

**F4** S. 139 repealed by Compulsory Purchase Act 1965 (c. 56), s. 39(4), **Sch. 8 Pt. II**

**140** **Distress against the treasurer.**

... **F5**

**Textual Amendments**

**F5** S. 140 repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, **Sch. Pt. III**

**141** **Distress not unlawful for want of form.**

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.

**142** ..... **F6**

**Textual Amendments**

**F6** S. 142 repealed by Statute Law Revision Act 1892 (c. 19)

**143** ..... **F7**

**Textual Amendments**

**F7** S. 143 repealed by Compulsory Purchase Act 1965 (c. 56), s. 39(4), **Sch. 8 Pt. II**

**144** ..... **F8**

*Status: Point in time view as at 01/02/1991.*

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

**Textual Amendments**

**F8** S. 144 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**145** ..... **F9**

**Textual Amendments**

**F9** S. 145 repealed (E.W.) by [Compulsory Purchase Act 1965 \(c. 56\)](#), s. 39(4), [Sch. 8 Pt. II](#) and repealed as it applies to Northern Ireland by [Statute Law \(Repeals\) Act 1993 c. 50](#) Sch. 1 Pt. XIV Gp. 1

**146** †**Parties allowed to appeal to quarter sessions, on giving security.**

If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the general quarter sessions . . . <sup>F10</sup>

**Textual Amendments**

**F10** Words repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), s. 4, [Sch.](#)

**Modifications etc. (not altering text)**

- C1** A dagger appended to a marginal note means that it is no longer accurate.
- C2** S. 146 amended with the substitution of a reference to the Crown Court for the reference to a court of quarter sessions by [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. I](#)

**147** ..... **F11**

**Textual Amendments**

**F11** Ss. 145, 147 repealed by [Compulsory Purchase Act 1965 \(c. 56\)](#), s. 39(4), [Sch. 8 Pt. II](#)

**148** ..... **F12**

**Textual Amendments**

**F12** S. 148 repealed by [Administration of Justice Act 1964 \(c. 42\)](#), [Sch. 5](#)

**149** ..... **F13**

---

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

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

---

---

#### Textual Amendments

**F13** S. 149 repealed by [Perjury Act 1911 \(c. 6\)](#), s. 17, **Sch.**

**Status:**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Land Clauses Consolidation Act 1845,  
Cross Heading: Recovery of penalties.