Town Police Clauses Act 1847

1847 CHAPTER 89 10 and 11 Vict

Obstructions and nuisances

And with respect to obstructions and nuisances in the streets, be it enacted as follows:

21 Power to prevent obstructions in streets during public processions, &c. U.K.

The commissioners may from time to time make orders for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of streets, within the limits of the special Act, in all times of public processions, rejoicings, or illuminations, and in any case when the streets are thronged or liable to be obstructed, and may also give directions to the constables for keeping order and preventing any obstruction of the streets in the neighbourhood of theatres and other places of public resort; and every wilful breach of any such order shall be deemed a separate offence against this Act, and every person committing any such offence shall be liable to a penalty not exceeding **[**[F1]level 3 on the standard scale**]**.

Textual Amendments

F1 Words substituted (E.W.) by virtue of Criminal Justice Act 1982 (c.48, SIF 39:1), ss. 39, 46, **Sch. 3**

22 . . . . . [F2] U.K.

Textual Amendments

F2 S. 22 (including that section as incorporated in any other Act) repealed by Statute Law (Repeals) Act 1973 (c. 39), **Sch. 1 Pt. VI**

23 Power to stage carriages to deviate from route under order free from penalty. U.K.

No proprietor of any stage carriage duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the route or line of route specified in his licence which the driver of such stage carriage makes in consequence of any regulation or direction made or given by the commissioners.

24 Power to impound stray cattle. U.K.

If any cattle be at any time found at large in any street within the limits of the special Act, without any person having the charge thereof, any constable or officer of police, or any person residing within the limits of the special Act, may seize and impound such cattle in any common pound within the said limits, or in such other place as the commissioners appoint for that purpose, and may detain the same therein until the owner thereof pay to the commissioners a penalty not exceeding forty shillings, besides the reasonable expences of impounding and keeping such cattle.

25 Power to sell stray cattle for penalty and expences. U.K.

If the said penalty and expences be not paid within three days after such impounding, the pound-keeper, or other person appointed by the commissioners for that purpose, may proceed to sell or cause to be sold any such cattle; but previous to such sale seven days notice thereof shall be given to or left at the dwelling house or place of abode of the owner of such cattle, if he be known, or if not, then notice of such intended sale shall be given by advertisement, to be inserted seven days before such sale in some newspaper published or circulated within the limits of the special Act; and the money arising from such sale, after deducting the said sums, and the expences aforesaid, and all other expences attending the impounding, advertising, keeping, and sale of any such cattle so impounded, shall be paid to the commissioners, and shall be by them paid, on demand, to the owner of the cattle so sold.

26 Persons guilty of pound-breach to be committed for three months. U.K.

Every person who releases or attempts to release any cattle from any pound or place where the same are impounded under the authority of this or the special Act, or who pulls down, damages, or destroys the same pound or place, or any part thereof, with intent to procure the unlawful release of such cattle, shall, upon conviction of such offence before any two justices, be committed by them to some common gaol or house of correction for any time not exceeding three months.

27 Power to provide a pound. U.K.

The commissioners may purchase a piece of land within the limits of the special Act for the purpose of a pound for stray animals, and may erect a pound thereon, and such pound when made shall be kept in repair by the commissioners.

28 Penalty on persons committing any of the offences herein named. U.K.

Every person who in any street, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences, shall be liable to a penalty not exceeding **[**[F3]level 3 on the standard scale**]** for each offence, or, in the

discretion of the justice before whom he is convicted, may be committed to prison, there to remain for a period not exceeding fourteen days, **[**[F4] . . . [F5]; (that is to say,)**]**

[[F6]Every person who exposes for show, hire, or sale (except in a market or market place or fair lawfully appointed for that purpose) any horse or other animal, or exhibits in a caravan or otherwise any show or public entertainment, or shoes, bleeds, or farries any horse or animal (except in cases of accident), or cleans, dresses, exercises, trains or breaks, or turns loose any horse or animal, or makes or repairs any part of any cart or carriage (except in cases of accident where repair on the spot is necessary):**]**

Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal: . . . . . [F7]

[[F8]Every person who slaughters or dresses any cattle, or any part thereof, except in the case of any cattle over-driven which may have met with any accident, and which for the public safety or other reasonable cause ought to be killed on the spot:**]**

[[F9]Every person having the care of any waggon, cart, or carriage who rides on the shafts thereof, or who without having reins, and holding the same, rides upon such waggon, cart, or carriage, or on any animal drawing the same, or who is at such a distance from such waggon, cart, or carriage as not to have due control over every animal drawing the same, or who does not, in meeting any other carriage, keep his waggon, cart, or carriage to the left or near side, or who in passing any other carriage does not keep his waggon, cart, or carriage on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation) or who, by obstructing the street, wilfully prevents any person or carriage from passing him, or any waggon, cart, or carriage under his care:**]**

. . . . . [F10]

Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle:

[[F11]Every person who causes any public carriage, sledge, truck, or barrow, with or without horses, or any beast of burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except hackney carriages, and horses and other beasts of draught or burthen, standing for hire in any place appointed for that purpose by the commissioners or other lawful authority), and every person who, by means of any cart, carriage, sledge, truck, or barrow, or any animal, or other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footpath or other public thoroughfare:**]**

[[F12]Every person who causes any tree or timber or iron beam to be drawn in or upon any carriage, without having sufficient means of safely guiding the same:**]**

[[F13]Every person who leads or rides any horse or other animal, or draws or drives any cart or carriage, sledge, truck, or barrow upon any footway of any street, or fastens any horse or other animal so that it stands across or upon any footway:**]**

[[F14]Every person who places or leaves any furniture, goods, wares, or merchandize, or any cask, tub, basket, pail, or bucket, or places or uses any standing-place, stool, bench, stall, or showboard on any footway, or who places any blind, shade, covering, awning, or other projection over or along any such footway, unless such blind, shade, covering, awning, or other projection is eight feet in height at least in every part thereof from the ground:**]**

[[F15]Every person who places, hangs up, or otherwise exposes to sale any goods, wares, merchandize, matter, or thing whatsoever, so that the same project into or

over any footway, or beyond the line of any house, shop, or building at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway:**]**

[[F16]Every person who rolls or carries any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, or log of wood, upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway:**]**

[[F17]Every person who places any line, cord, or pole across any street, or hangs or places any clothes thereon:**]**

. . . . . [F18]

. . . . . [F19]

[[F20]Every person who publicly offers for sale or distribution, or exhibits to public view any profane, . . . [F21] book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language:**]**

Every person who wantonly discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework:

[[F22]Every person who wilfully and wantonly disturbs any inhabitant, by pulling or ringing any door bell, or knocking at any door, or who wilfully and unlawfully extinguishes the light of any lamp:**]**

[[F23]Every person who flies any kite, or who makes or uses any slide upon ice or snow:**]**

[[F24]Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime:**]**

[[F25]Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so inclosed as to prevent mischief to passengers):**]**

[[F26]Every person who beats or shakes any carpet, rug, or mat (except door mats, beaten or shaken before the hour of eight in the morning):**]**

[[F27]Every person who fixes or places any flower-pot or box, or other heavy article, in any upper window, without sufficiently guarding the same against being blown down:**]**

[[F28]Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other thing, except snow thrown so as not to fall on any passenger:**]**

[[F29]Every occupier of any house or other building or other person who orders or permits any person in his service to stand on the sill of any window, in order to clean, paint, or perform any other operation upon the outside of such window, or upon any house or other building within the said limits, unless such window be in the sunk or basement story:**]**

[[F30]Every person who leaves open any vault or cellar, or the entrance from any street to any cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of any vault or cellar, or who does not sufficiently fence any area, pit, or sewer left open, or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto:**]**

[[F31]Every person who throws or lays any dirt, litter, or ashes, or nightsoil, or any carrion, fish, offal, or rubbish, on any street, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butcher's shop, or dunghill into any street: Provided always, that it shall not be deemed an offence to lay sand or other materials in any street in time of frost, to prevent accidents, or litter or other

suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the party laying any such things causes them to be removed as soon as the occasion for them ceases:**]**

[[F32]Every person who keeps any pigstye to the front of any street, not being shut out from such street by a sufficient wall or fence, or who keeps any swine in or near any street, so as to be a common nuisance.**]**

Textual Amendments

F3 Words in s. 28 substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46, **Sch. 3**

F4 Words in s. 28 repealed (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288), art. 1(2), Sch. 1 para. 6, **Sch. 2**

F5 Words in s. 28 repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I**

F6 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(a)**

F7 Words in s. 28 repealed by Rabies Act 1974 (c. 17), **Sch.**

F8 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(b)**

F9 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(c)**

F10 Words in s. 28 repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. X**

F11 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(d)**

F12 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(e)**

F13 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(f)**

F14 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(g)**

F15 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(h)**

F16 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(i)**

F17 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(j)**

F18 Words in s. 28 repealed (E.W.) (16.8.1959) by Street Offences Act 1959 (c. 57), **ss.1(5)**(*b*), 5(2), Sch, and (N.I) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769), art. 1(3), Sch. 1 para. 2(3), **Sch. 3** (with Sch. 2 para. 1); S.R. 2008/510, art. 2.

F19 Words in s. 28 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 3, **Sch. 7**; S.I. 2004/874, art. 2

F20 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(k)**

F21 Words "indecent or obscene" in s. 28 repealed (E.W.) by virtue of Indecent Displays (Control) Act 1981 (c. 42, SIF 39:5), s. 5(2), **Sch.** (the repeal extends to this Act and to this Act as incorporated in any other Act)

F22 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(l)**

F23 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(m)**

F24 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(n)**

F25 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(o)**

F26 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(p)**

F27 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(q)**

F28 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(r)**

F29 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(s)**

F30 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(t)**

F31 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(u)**

F32 Words in s. 28 omitted (E.W.) (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(r), **Sch. 23 para. 45(v)**

Changes to legislation:
There are currently no known outstanding effects for the Town Police Clauses Act 1847, Cross Heading: Obstructions and nuisances.