



Municipal Corporations Act 1882

1882 CHAPTER 50 45 and 46 Vict

PART XII **E+W**

LEGAL PROCEEDINGS

226 Provisions for protection of persons acting under Act. **E+W**

- [^{F1}(1) An action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within six months next after the act or thing is done or omitted, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.
- (2) Where the action is for damages, tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or payment; but this provision shall not affect costs on any injunction in the action.]
- (3) Subject and without prejudice to any other powers, the council, where the defendant in any such action, prosecution, or other proceeding is their officer, agent, or servant, may, if they think fit, except so far as the court before which the action, prosecution, or other proceeding is heard and determined otherwise directs, pay out of the borough fund or borough rate all or any part of any sums payable by the defendant in or in consequence of the action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine or otherwise.

Textual Amendments

- F1** S. 226(1)(2) repealed by [Statute Law Revision Act 1898 \(c. 22\)](#) but reproduced for the purpose of construing the remaining provisions of this Act

Changes to legislation:

There are currently no known outstanding effects for the Municipal Corporations Act 1882, Section 226.