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*Common Informers
Act, 1951*

CH. 39

1950/11



CHAPTER 39

An Act to abolish the common informer procedure.

[22nd June 1951.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) No proceedings for a penalty or forfeiture under any Act in the Schedule to this Act or under any local or private Act shall be instituted in Great Britain against any person after the commencement of this Act: Abolition of certain common informer actions.

Provided that this subsection shall not prevent proceedings where no part of the penalty or forfeiture is payable to a common informer.

(2) Nothing in the foregoing subsection shall be construed as applying to any proceedings for the prosecution of a person on indictment or to any proceedings under the Summary Jurisdiction Acts.

(3) Where any person would, but for subsection (1) of this section, have been liable to a forfeiture or penalty, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and, in addition, to any non-pecuniary forfeiture to which he would have been liable as aforesaid:

Provided that if by virtue of any enactment he would have been liable in respect of the same offence to punishment either on summary conviction or on conviction on indictment, and either in addition to or in substitution for his liability to the forfeiture or penalty, he shall not be liable under this subsection.

(4) Any enactment relating to the burden of proof in proceedings precluded by subsection (1) of this section or providing a defence in such proceedings shall apply for the purpose of proceedings brought instead under the last foregoing subsection.

(5) Subsection (1) of this section shall bind the Crown so as to prevent the Crown from bringing proceedings as a common informer and, accordingly, the reference to a common informer in the proviso to that subsection shall include a reference to the Crown acting as a common informer.

Extension of powers of Parliament of Northern Ireland.

2. The Parliament of Northern Ireland shall, in order to give effect to a purpose similar to the purpose of this Act, have power to amend or repeal any enactment (including an enactment of the Irish Parliament) in force at the commencement of this Act, to the extent that the enactment forms part of the law of Northern Ireland.

Short title, interpretation and commencement.

3.—(1) This Act may be cited as the Common Informers Act, 1951.

(2) The reference in this Act to any penalty or forfeiture under any Act in the Schedule to this Act shall include a reference to any penalty or forfeiture under any such Act as extended by any other Act ; and for the purposes of this Act a person shall be treated as none the less liable because the consent of the Attorney General or of some other person would have been needed before proceedings were instituted.

(3) This Act shall come into operation on the first day of September, one thousand nine hundred and fifty-one.

SCHEDULE

Sections 1 & 3.

ACTS PROVIDING FOR COMMON INFORMER ACTIONS

Session and Chapter	Subject matter or title	Relevant provisions
5 Edw. 3. c. 5	Sale of Wares after Close of Fair.	
2 Hen. 6. c. 17	Quality and Marks of Silver Work.	
23 Hen. 8. c. 9	The Ecclesiastical Jurisdiction Act, 1531.	Section one.
28 Hen. 8. c. 5	The Apprentices Act, 1536.	
32 Hen. 8. c. 9	The Maintenance and Embracery Act, 1540.	Section three.
33 Hen. 8. c. 27	The Leases by Corporations Act, 1541.	
2 & 3 Phil. & Mary c. 7.	The Sale of Horses Act, 1555.	
31 Eliz. c. 6	The Simony Act, 1588.	
31 Eliz. c. 12	The Sale of Horses Act, 1588.	Section one.
1 & 2 Jac. 1. c. 5.	An Act to prevent the over-charge of the People by Stewards of Courte Leets and Courte Barons.	
14 Car. 2. c. 4	The Act of Uniformity, 1662.	Section ten.
5 & 6 Will. & Mary c. 20.	The Bank of England Act, 1694.	Section twenty-six.
8 & 9 Will. 3. c. 8.	An Act for Incouraging the bringing in wrought Plate to be coined.	So much as authorises the recovery of a pecuniary forfeiture at the suit of a common informer.
12 & 13 Will. 3. c. 4.	The Plate Assay Act, 1700.	So much of section three as authorises the recovery of a pecuniary forfeiture. Section five. Section six. Section eight.
12 Geo. 2. c. 26	The Plate (Offences) Act, 1738.	Section one. Section five. Section twenty-one.
15 Geo. 2. c. 20	The Gold and Silver Thread Act, 1741.	
17 Geo. 2. c. 40.	The Universities (Wine Licences) Act, 1743.	Section eleven.
18 Geo. 2. c. 24	The Linen (Trade Marks) Act, 1744.	Section three. Section four.
25 Geo. 2. c. 36	The Disorderly Houses Act, 1751.	Section two.
29 Geo. 2. c. 23	The Fisheries (Scotland) Act, 1756.	

Session and Chapter	Short title	Relevant provisions
5 Geo. 3. c. 49	The Bank Notes (Scotland) Act, 1765.	
11 Geo. 3. c. 31	The White Herring Fisheries Act, 1771.	
13 Geo. 3. c. 52	The Sheffield Assay Office Act, 1773.	So much of section four as authorises the recovery of a pecuniary forfeiture. Section thirteen. Section fifteen. Section nineteen. Section twenty-three.
21 Geo. 3. c. 49	The Sunday Observance Act, 1780.	
25 Geo. 3. c. 77	The Fires Prevention Act, 1785.	
28 Geo. 3. c. 7	The Gold and Silver Thread Act, 1788.	Sections one to four.
38 Geo. 3. c. 48	The Land Tax Commissioners Act, 1798.	
38 Geo. 3. c. 69	The Gold Plate (Standard) Act, 1798.	
39 Geo. 3. c. 34	The Partridges Act, 1799.	Section three.
49 Geo. 3. c. 126	The Sale of Offices Act, 1809.	Section six.
52 Geo. 3. c. 155	The Places of Religious Worship Act, 1812.	Section ten.
53 Geo. 3. c. 127	The Ecclesiastical Courts Act, 1813.	Section nine.
55 Geo. 3. c. 194	The Apothecaries Act, 1815.	
59 Geo. 3. c. 38	The North American Fisheries Act, 1819.	
3 Geo. 4. c. 46	The Levy of Fines Act, 1822.	Section ten.
6 Geo. 4. c. 50	The Juries Act, 1825.	Section forty-six.
3 & 4 Will. 4. c. 90.	The Lighting and Watching Act, 1833.	Section fifty.
6 & 7 Will. 4. c. 20.	The Ecclesiastical Leases Act, 1836.	Section three.
2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section forty-two.
6 & 7 Vict. c. 90.	The Public Notaries Act, 1843.	Section ten.
10 & 11 Vict. c. 16.	The Commissioners Clauses Act, 1847.	Section fifteen.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	Section thirty.
24 & 25 Vict. c. 96.	The Larceny Act, 1861.	Section one hundred and two.
37 & 38 Vict. c. 48.	The Hosiery Manufacture (Wages) Act, 1874.	Section three.

Session and Chapter	Short title	Relevant provisions
38 & 39 Vict. c. 18.	The Seal Fishery Act, 1875.	
40 & 41 Vict. c. 43.	The Justices Clerks Act, 1877.	Section nine.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Subsection (4) of section one hundred and fifty-nine.
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act, 1949.	Subsection (2) of section eighty-seven. Subsection (2) of section one hundred and sixteen.

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