ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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C A P. XLIII.

An Act to amend the Municipal Franchise in certain Cases. [23d *July* 1858.]

WHEREAS by Section Nineteen of an Act passed in the Session holden in the Fifty-ninth Year of His late Majesty King *George* the Third, Chapter Twelve, intituled *An* 59 G. 3. c. 12.
Act to amend the Laws for the Relief of the Poor, the Inhabitants of any Parish in Vestry assembled are empowered to resolve and direct that the Owner or Owners of all Houses, Apartments, or Dwellings in such Parishes, being the immediate Lessor or Lessors of the actual Occupier or Occupiers, which shall respectively be let to the Occupiers thereof at any Rent or Rate not exceeding Twenty Pounds nor less than Six Pounds by the Year, for any less Term than One Year, or on any Agreement by which the Rent shall be reserved or made payable at any shorter Period than Three Months, shall be assessed to the Rates for the Relief of the Poor for or in respect of such Houses, Apartments, or Dwellings, and the Outhouses and Curtilages thereof, instead of the actual Occupiers: And whereas it is doubtful whether in such Case such Occupier is entitled to any Municipal Privileges and Franchises to which, by virtue of an Act

passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, he would have been entitled if he himself had been rated and had paid such Rate or Rates: And whereas, when the Owner of any Tenement is rated to the Relief of the Poor by virtue of an Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of Her present Majesty, intituled *An Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements*, instead of the Occupier thereof, and has paid all Money due on account of any Rate or Rates in respect of such Tenement, such Occupier is entitled to all Municipal Privileges and Franchises to which by virtue of the said recited Act of King *William* the Fourth he would have been entitled if he himself had been rated and had paid such Rate or Rates: Be it enacted by the Queen'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:

Where Owner is rated, Occupier to be entitled to the same Municipal Privileges under 5 & 6 W. 4. c. 76. as if he was rated instead of the Owner.

I. Where the Owner of any such House, Apartment, or Dwelling in the said first-recited Act mentioned shall be rated to the Relief of the Poor by virtue of Section Nineteen of the said first-recited Act, instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such House, Apartment, or Dwelling, such Occupier shall be entitled to all Municipal Privileges and Franchises to which by virtue of the said Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, he would have been entitled if he himself had been rated and had paid such Rate or Rates; and if such Owner so rated as aforesaid shall not have paid such Rate or Rates, it shall be lawful for such Occupier to tender to the Overseers of the Poor or other Person authorized by Law to receive the same the Amount of any Rate or Rates then due from such Owner in respect of such House, Apartment, or Dwelling, and such Overseer or other Person so authorized as aforesaid shall be bound to receive the same, and such Occupier shall, on the Payment or Tender of such Amount, be entitled to exercise all such Privileges and Franchises as herein-before mentioned: Provided always, that any Occupier so paying any Rate or Rates in respect of any such House, Apartment, or Dwelling, where the Owner is rated to the same, shall be entitled to deduct and retain the Amount so paid by him from the next Payment of Rent to be made by him to such Owner, or to recover the

the same from such Owner as Money paid to and for the Use of such Owner, and upon such Payment being so made by such Occupier, and being by him so deducted or retained from his Rent, the Production by such Owner of the Receipt of such Occupier for the Amount so deducted shall be sufficient Proof of such Rate or Rates having been duly paid.

II. So much of the said Act of the Fifty-ninth Year of His late Majesty King *George* the Third as remains unrepealed and this Act shall be read and construed together as One Act. Recited Act and this Act to be read as One.

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