CHAP. 61.

An Act to amend the Corrupt Practices Commission Expenses Act, 1869. A.D. 1871.

[31st July 1871.]

WHEREAS under the Acts relating to Commissioners to inquire into corrupt practices at elections for members to serve in Parliament (herein-after referred to as election commissioners), the expenses of such commissioners in the case of any county, city, or borough are charged on and raised by contributions from the parishes in such county, city, or borough:

And whereas by the Corrupt Practices Commission Expenses Act, 1869, it was provided that the Commissioners of Her Majesty's Treasury might advance such moneys as might be required for the expenses of any election commissioners in the case of any county, city, or borough, and might obtain repayment of such advances by contributions from the parishes in such county, city, or borough, in manner therein mentioned: 32 & 33 Vict. c. 21.

And whereas in the case of parishes situate partly within and partly without the parliamentary boundary of a city or borough, the portions of such parishes which are outside the parliamentary boundary are under the said Acts charged with the amount of the contributions for the said expenses and advances in respect of such city or borough, and it is expedient to relieve those portions from such charge, and to relieve the other portions of such parishes, and the parishes within the parliamentary boundary of any city or borough, from the like charge in respect of the county:

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; (that is to say,)

1. This Act may be cited as "The Election Commissioners Expenses Act, 1871." Short title.

A.D. 1871.

To be construed with 32 & 33 Vict. c. 21.

2. This Act shall be construed as one with the Corrupt Practices Commission Expenses Act, 1869, (in this Act referred to as the principal Act,) and that Act and this Act may be cited together as the Election Commissioners Expenses Acts, 1869 and 1871.

Liability of part of parish outside parliamentary boundary of city or borough and of parishes inside the borough.

3. Where the election commissioners were appointed in respect of any city or borough, and a parish is situate partly within and partly without the parliamentary boundary of such city or borough, then, for the purpose of any contribution towards paying the expenses of such commissioners or repaying the advances for such expenses (whether such expenses or advances have been incurred or made before or after the passing of this Act), and for all the purposes of the principal Act, that part of such parish which is situate within such boundary shall be liable exclusively of the other part of such parish to such contribution, and shall be deemed to be a parish by itself, and the overseers of the whole parish shall be deemed to be also the overseers of the part so declared to be a parish by itself.

For the purpose of raising any such contribution in any place declared by this Act to be a parish by itself, a separate rate shall be assessed, made, allowed, published, collected, and levied in the same manner as the poor rate, and the overseers shall in relation to such separate rate have the same powers, privileges, and protections, and be subject to the same obligations, as they have and are subject to in relation to a poor rate, and shall, by means of such separate rate, collect the sum directed by the certificate to be paid to the local officer as the contribution of such parish, together with such further sum in addition as the overseers may estimate to be necessary to provide for the expenses of assessing, making, allowing, publishing, levying, and collecting such separate rate, and for loss by rates which may be excused or become irrecoverable; and the officers ordinarily employed in the collection of the poor rate in the whole of the said parish shall, if required by the overseers, collect such separate rate.

Where the election commissioners were appointed in respect of any county, the parishes situate within the parliamentary boundary of any city or borough shall not be liable to any contribution towards paying the expenses of such commissioners, or repaying the advances for such expenses; and the provisions of this section with respect to that part of a parish which is situate within the parliamentary boundary of any city or borough shall apply, mutatis mutandis, to that part thereof which is situate without such boundary.

4. Where default is made by the local officer of any county, city, or borough, then—

Raising of money on default of local officer.

(1.) In the case of any part of a parish declared by this section to be a parish by itself which is not comprised in a municipal borough having a separate court of quarter sessions, the contribution of such parish to any rate made in pursuance of the principal Act by the justices in general or quarter sessions assembled shall be assessed, raised, and collected in the same manner as any contribution to a county rate of a part of any parish, the other part of which is comprised in a municipal borough having a separate court of quarter sessions; and all enactments relative to the assessing, raising, and collecting such contribution shall apply accordingly; and, moreover, the provisions of this Act with respect to a separate rate shall extend to a separate rate levied for the purpose of this section.

32 & 33 Vict. c. 21.

(2.) In the case of any parish comprised in a municipal borough having a separate court of quarter sessions, the amount determined by the Commissioners of the Treasury under the principal Act as the amount to be paid by and as the contribution of such parish shall be paid to the said Commissioners of the Treasury by the overseers of such parish, and the said Commissioners may enforce payment thereof by the overseers by the same means and in the same manner as the council of such borough may enforce payment of any sum which the overseers are ordered by such council to pay towards the borough rate, and for the purpose of this section such part of any parish situate partly within and partly without the municipal borough as is comprised in the municipal borough shall be deemed to be included in the term "parish," and the overseers of the whole parish shall be deemed to be the overseers of such part as if they had been appointed by the council to act as overseers therein.

The provisions of the principal Act and this Act, with respect to proceedings on default being made by the local officer, shall be in addition to any other remedy which the Commissioners of the Treasury may have for obtaining payment of the sum named in the requisition.

5. In this Act—

Definition of terms.

The term "parliamentary boundary" means the boundary of a city or borough, as fixed for the purpose of the election of members to serve in Parliament for such city or borough:

A.D. 1871.

The term "municipal borough" means any place for the time being subject to the Act of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act "to provide for the regulation of municipal corporations in England "and Wales," and the Acts amending the same:

The term "parish" means a place for which a separate poor rate is or can be made.

Duration of Act.

6. This Act shall continue in force for the same period as the principal Act, and no longer.

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