CHAPTER 27.

An Act to extend certain Provisions of the Poor Rate Assessment and Collection Act, 1869, to the Highway Rate, and for other purposes. [12th July 1882.]

A.D. 1882.

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:

Short title.

1. This Act may be cited as the Highway Rate Assessment and Expenditure Act, 1882.

Extent of Act.

2. This Act shall not extend to Scotland or to Ireland.

Power to rate and compound with owners of small tenements. (32 & 33 Vict. c. 41.)

3. Where in any parish the vestry have, under section four of the Poor Rate Assessment and Collection Act, 1869, ordered or shall hereafter order that the owners of all rateable hereditaments to which section three of that Act extends shall be rated to the poor rate in respect of such hereditaments instead of the occupiers, such order shall be deemed to extend to and include the highway rate, and whilst such order is in force the respective owners of such hereditaments shall be rated and assessed instead of the occupiers thereof to the highway rates made after the passing of this Act for any highway parish which is co-extensive with such parish or with any part thereof, and to which otherwise such occupiers might by law be rated; subject nevertheless to the abatements or deductions and to the conditions specified in sections four and five of the said Act; and for the purposes of this section the term "overseers" in section four of the said Act shall be construed to mean "surveyor "of highways or other person authorised by law to make and levy "a highway rate."

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The surveyor of highways, or other person authorised by law to make and levy a highway rate, shall have the same powers, remedies, and privileges for recovering the rates made under this Act upon owners, as the overseers of the poor have under the said Poor Rate Assessment and Collection Act, 1869, for the recovery of a poor rate, and when the overseers are required by law to levy the highway rate, and such rate applies to the whole parish, they may levy the same as part of the poor rate.

5 & 6 W. 4. c. 50.

Section thirty of the Highway Act, 1835, relating to the composition for rates in certain cases under local Acts is hereby repealed.

Valuation lists conclusive for highway rate.

4. In every highway rate made after the passing of this Act the several hereditaments included therein and assessable to the poor rate shall be rated according to the annual rateable value thereof appearing in the valuation list for the time being in force in the parish which is co-extensive with or includes the highway parish to which the highway rate relates, and where any valuation list has been amended on objection pursuant to section one of the Union Assessment Committee Amendment Act, 1864, the assessment committee shall give notice of such amendment to the surveyor of highways or other person authorised to make and levy the highway rate, who shall thereupon alter the then current highway rate accordingly.

27 & 28 Vict. c. 39.

Provision for balances of outgoing surveyors.

5. If the rates levied by a surveyor of highways, together with any other sums received by him during his term of office, prove insufficient to meet the whole of the expenditure lawfully incurred by him, and such deficiency has not arisen from any neglect or default on his part, his successor in office may reimburse to him the amount of such deficiency.

Power to maintain mile stones and to fence.

6. The expenses incurred by a highway authority in maintaining, replacing, or setting up mile stones on any highway, and in fencing by posts and rails or otherwise a highway where such fencing is required for the protection of persons travelling thereon against danger, shall be a lawful charge upon the highway rate.

Waywardens' rate accounts.

41 & 42 Vict. c. 77.

42 & 43 Vict. c. 6.

7. The provisions of section nine of the Highways and Locomotives (Amendment) Act, 1878, as amended by the District Auditors Act, 1879, in relation to the audit of the accounts of highway authorities and their officers shall extend to the accounts of a waywarden of any highway parish within a highway district with respect to the highway rates levied by him.

Recovery and payment of certified balances.

8. Moneys, goods, or chattels certified by an auditor at a highway audit to be due from any person shall be recoverable by the like process and with the like powers as in the case of moneys, goods, or chattels certified at the audit of the poor rate accounts, and where an auditor shall take proceedings for the recovery of any moneys, goods, or chattels certified at a highway audit or shall lay any information for a penalty in consequence of the default of any officer or other person to attend any such audit or to produce the proper accounts or vouchers, or to make or sign the proper declaration before him, the costs incurred by the auditor, when not recovered from the defendant, shall, if the Local Government Board consent thereto, be paid to the auditor by the highway authority, and may be recovered from such authority in a summary manner.

The moneys certified at a highway audit shall, where there is a treasurer of the highway authority, be paid to such treasurer, and where there is no such officer to the highway authority for the time being; and the goods or chattels so certified shall be delivered over to the person authorised to receive the same.

Provision as to excluded parts of parishes.

9. Where at the time of the passing of this Act part of a parish is excluded from an urban sanitary district, but such excluded part is for purposes connected with the repairs of highways and the payment of highway rates treated as forming part of the district, the owners and ratepayers of the excluded part may by resolution passed at a meeting to be convened and conducted in manner provided by Schedule Three of the Public Health Act, 1875, decide that such part shall be a highway parish, and if the resolution is approved by an order of the Local Government Board the excluded part shall from a date to be fixed by the said order be for all purposes connected with highways, surveyors of highways, and highway rates, considered and treated as a separate highway parish.

38 & 39 Vict. c. 55.

Interpretation.

10. In this Act—

"Highway audit" means the audit of the accounts of a highway authority or their officers or of any waywarden:

"Highway authority" means as respects a highway district, the highway board, and as respects a highway parish not included in a highway district, the surveyor or surveyors or other officers performing similar duties:

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"Highway rate" means a rate made for the repairs of the highways and includes any separate rate made to meet the orders or precepts of a highway authority:

"Parish" means a place for which a separate poor rate can be made:

"Highway parish" means a place separately maintaining its own highways, and, in a highway district, a place for which a waywarden may be elected or a separate highway rate be made.

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