ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

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Cap. lxxii.

An Act for better assessing and collecting the Poor Rates in the Borough of *Kidderminster* in the County of *Worcester*. [21st *June* 1841.]

WHEREAS the Borough of *Kidderminster* in the County of *Worcester* is large and populous, and the Poor belonging thereto are numerous, and supported at a great Expence: And whereas the Laws now in force for assessing Monies for the Relief of the Poor of the said Borough are found inconvenient and ineffectual, and the Rates and Assessments made in the said Borough are in many Cases rendered unproductive: And whereas it would tend to the Equalization and Reduction of the present Poor Rates within the said Borough if further and additional Powers were given for assessing such Rates; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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, That after the passing of this Act the Owner of every Dwelling House within the said Borough of *Kidderminster*, the yearly Rent or Value whereof shall not amount to Ten Pounds, shall be rated and assessed

Owners of Dwelling Houses of a yearly Rent

of less than 10*l.* to be rated instead of the Occupier.

assessed to the Rates for the Relief of the Poor of the said Borough, in respect of such Dwelling House, instead of the actual Occupier thereof; and upon Nonpayment of the Sums so to be rated the same shall and may be levied upon and recovered from such Owner so to be rated and assessed, and his Goods and Chattels, in the same Manner as Poor Rates are now by Law recoverable.

Power for Owners to compound for Rates.

II. And be it enacted, That if the Owner of any Dwelling House within the said Borough, the yearly Rent or Value whereof shall not amount to Ten Pounds, shall be desirous of paying a reduced Rate for a Year for the same, whether occupied or not, the Overseers of the Poor of the said Borough, or any Two of them, shall compound with such Owner for the Payment of the Rates charged or chargeable thereon in manner following; (that is to say,) where the annual Rent or Value of the Dwelling House rated shall not amount to the Sum of Seven Pounds, at any Sum not less than One Third of the Amount of each Rate, and at any Sum not less than One Half of the Amount of each Rate where the annual Rent or Value of the Dwelling House shall amount to the Sum of Seven Pounds, and shall not amount to the Sum of Ten Pounds; and all such Compositions and reduced Rates shall be entered in the Rate Book of the said Overseers, and shall be recoverable in like Manner as Poor Rates are now by Law recoverable.

Meetings to be held for compounding.

III. And be it enacted, That the Overseers of the Poor of the said Borough shall yearly hold a Meeting for the Purpose of entering into any such Composition with such Owners as last aforesaid, and the said Overseers shall give Seven Days Notice of the Time and Place of every such Meeting, in the same Manner as Notices of Vestry Meetings are now required to be given, the first yearly Meeting for such Purpose to be held within Ten Days after the Publication of the first Rate to be made for the Relief of the Poor of the said Borough after the passing of this Act.

The Goods of the Occupier liable to Distraint for Arrears of Rates; but he may deduct from his Rent the Amount of Rates paid.

IV. And be it enacted, That the Goods and Chattels of every Person occupying any Dwelling House whereof the Owner is by this Act made liable to pay the said Rates as aforesaid shall be liable at all Times to be distrained and sold for Payment of so much of the said Rates, or of any Compositions for the same, and of all Arrears thereof, as shall be due in respect of the same Premises, during the Time of his Occupancy only; but no such Occupier shall at any Time be required to pay any greater Sum for or towards the Discharge of any such Rate, Composition, or Arrears than the Amount of the Rent actually due by such Occupier to the Owner of the Premises so occupied by him at the Time when the said Rate shall be made or demanded: Provided also, that every such Occupier who shall pay any such Rate, Composition, or Arrears, or any Part thereof, or upon whose Goods and Chattels the same shall be levied, may from Time to Time deduct the Amount of such Rate which shall be so paid or levied from the Rent then due or at any Time thereafter to become due from him to the Owner of the Premises, and the Payment shall be a good and sufficient Discharge to such Occupier against his Owner for so much Money as he shall have paid in the

Manner directed by this Act, or shall have sustained the Loss of by reason of any Distress made under this Act.

Power for Persons rated to appeal.

V. And be it enacted, That every Person rated as the Owner of any such Dwelling House as aforesaid who shall think himself aggrieved by any such Rate shall have such and the like Remedy by Appeal against the same as any Person thereby rated; and every Person so rated as an Owner shall be entitled to be present and vote in Vestry in like Manner as if he were an Occupier of and rated as such in respect of the same Dwelling House.

Omissions in Rates may be supplied.

VI. And be it enacted, That if the Name of any Person liable to be rated to the Relief of the Poor of the said Borough of *Kidderminster* shall be omitted from any Rate, or if any Error shall be made in any Name, or if any Person, after the making of any Rate, shall become the Owner or Occupier of any Dwelling House within the said Borough, or shall become liable to be rated in respect of any Dwelling House by virtue of this Act, it shall be lawful for the said Overseers of the Poor, at any Time after the Discovery of any such Omission or Error, or new Ownership, Occupancy, or Liability as aforesaid, to cause the Name of every such Person to be corrected or added to or substituted in any such Rate; and every such Person shall thereupon be deemed, to all Intents and Purposes, to be properly rated, although such Rate shall have been previously allowed and published: Provided always, that any such Person whose Name shall be so inserted in such Rate as last aforesaid may appeal against the same at the General Quarter Sessions of the Peace which shall be holden next after such Insertion of his Name as aforesaid.

Owners not Residents liable to Actions for Rates, &c.

VII. And be it enacted, That where any Poor Rate or Composition made within the said Borough shall remain unpaid by the Person by this Act made liable to the Payment thereof, for the Space of One Calendar Month after the same shall have become due, and the Person so made liable to the Payment of such Rate or Composition shall not be a resident Householder within the said Borough, it shall be lawful for the Overseers of the Poor of the Borough for the Time being, whether the said Rate or Composition shall have become due in their own Time or in the Time of their Predecessors, to recover the same in manner as by this Act is provided with respect to the Recovery of Rates and Compositions to the Payment of which the several Owners of Dwelling Houses are by this Act made liable, or, at the Option of the said Overseers, to bring an Action of Debt for the same against the Person so made liable as aforesaid, in any of Her Majesty's Superior Courts of Record, in which Action it shall be sufficient for the Plaintiffs to sue by the Name and Description of "The Overseers of the Poor of the Borough of *Kidderminster*:" Provided always, that before any such Action shall be commenced a Notice, signed by the said Overseers, or by any Two or more of them, shall be left at the Dwelling House or last known Place of Abode of the Person so made liable to the said Rates or Compositions, or if such Person had no Dwelling House, or his Lodging House or last reputed Place of Abode cannot be discovered, then at

or

or upon the Premises liable to the Rate, which said Notice shall state that certain Rates, or that certain Compositions for Rates, (describing them,) are due from such Person, and that at the Expiration of Twenty-one Days from the Delivery of the said Notice an Action at Law will be commenced for the Recovery of such Rates or for such Compositions (as the Case may be), unless the same shall in the meantime be discharged: Provided also, that no such Action shall be commenced under the Authority of this Act after the Expiration of Twelve Calendar Months from the Time when such Rate or Composition (as the Case may be) shall have become due.

Tenant or Occupier refusing to give the Name of the Owner liable to a Penalty.

VIII. And be it enacted, That if on the Request of the said Overseers or of the Collector of the said Rates, or any of them, the Tenant or Occupier of any Dwelling House within the said Borough of *Kidderminster* shall refuse or wilfully omit to disclose, or shall wilfully mis-state, to the said Overseers or Collector making such Request, the Name of the Owner of such Dwelling House, or of the Person receiving or authorized to receive the Rents of the same, it shall be lawful for any Justice of the Peace for the said Borough of *Kidderminster*, on Oath made before him of such Request, and of such Refusal or wilful Omission or Mis-statement, to summon the Person who shall have so refused or wilfully omitted or mis-stated as aforesaid to appear, at the Time and Place to be mentioned in such Summons, before such Justice or before some other Justice for the said Borough; and if the Person so summoned shall neglect or refuse to attend at the Time and Place mentioned in the Summons, or if he shall attend and not show good Cause to the Justice then present for such his Refusal or wilful Omission or Mis-statement, it shall be lawful for such Justice, upon Proof, in case of such Neglect or Refusal to attend as aforesaid, of the due Service of the said Summons, to impose a Penalty upon such Person who shall have so refused or wilfully omitted or have made such wilful Mis-statement, not exceeding the Sum of Five Pounds, to be recovered as the Rates or Compositions are by this Act made recoverable, the said Penalty to be payable to the said Overseers for the Use of the Poor Rates of the said Borough.

Arrears of Rates to remain a Charge upon the Premises.

IX. And be it enacted, That in default of Payment of any such Rate in respect of any Dwelling House, the Owner whereof shall be rated in pursuance of the Provisions herein contained, or any Part thereof, and shall have made such Composition as aforesaid, the same shall be and remain a Charge upon the Premises in respect whereof the same shall be so rated, and shall and may, after Five Days Notice left upon the Premises rated, not only be levied by Distress and Sale of the Goods and Chattels of any such Owner, or of any Person occupying the same Dwelling House, or any Part thereof, subject to the Limitation herein-before contained, but also shall and may be sued for and recovered of and from such Owner by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, in which it shall be sufficient for the said Overseers to sue by the Name and Description of "The Overseers of the Poor of the Borough of *Kidderminster*," in manner as herein-before enacted.

X. And

Justices may order Rates to be remitted in certain Cases.

X. And be it enacted, That in case the Owner of any Dwelling House who, under the Provisions herein-before contained, shall be rated for such Dwelling House (and who shall not have compounded with the said Overseers as aforesaid) shall make it appear to the Satisfaction of any Two or more of Her Majesty's Justices of the Peace of the said Borough of *Kidderminster* that he has been unable, either by reason of their being no sufficient Distress upon the Premises, or the absconding of any Tenant or Occupier of such Dwelling House, or by reason of its having remained void and unoccupied for the Whole or any Part of the Year for which he shall have been rated in respect thereof, to obtain Payment of any Part of the Rent which would otherwise have been paid for the same, it shall and may be lawful to and for such Justices, and they are hereby authorized and required, having first duly summoned the Overseers or the Collector of the District in which the Premises so rated shall be situated, and having, in the Presence of such Overseers or Collector, or in his or their Absence if he or they shall neglect or refuse to attend at the Time and Place mentioned in such Summons, duly inquired into and investigated on Oath the Cause or Occasion of such Loss, and whether by due Diligence such Loss might not have been prevented, to remit to such Owner such Portion of the Rate charged upon the said Premises as shall have accrued due for the Period during which such Owner shall, by any or either of the Causes aforesaid, have been unable to obtain Payment of Rent, and make such Order therein as such Justices may deem expedient.

Rates to be apportioned on Holder quitting.

XI. And be it enacted, That when any Rate shall have been made for a particular Period, and the Owner who shall be rated to such Rate shall cease to be the Owner of the Dwelling House in respect whereof he shall be rated before the End of such Period, such Owner shall be liable to pay a Portion only of the Rate payable for the whole of such Period, proportionate to the Time during which he continued to be Owner; and if any Person shall become the Owner of any Dwelling House so rated as aforesaid during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held the Dwelling House so rated.

Persons entering upon unoccupied Property to pay a Portion of the Rate.

XII. And be it enacted, That if any Dwelling House rateable under this Act shall have been unoccupied at the Time of making any Rate, and in respect of which no Composition shall have been made as aforesaid, and any Person shall occupy such Dwelling House during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Overseers to rate the Owner of such Dwelling House who shall pay a Portion of the said Rate proportioned to the Time during which such Dwelling House shall be so occupied as aforesaid.

Not to affect Agreements between Landlords and Tenants.

XIII. And be it enacted, That nothing in this Act contained shall extend to alter, affect, or make void any Covenant, Contract, or Agreement between Landlord, Lessee, or Tenant relating to the Payment of any Poor Rates within the said Borough of *Kidderminster*.

Persons receiving Rents to be deemed the Owners.

XIV. And in order to prevent Disputes touching the Designation of Owner intended to be made liable by this Act, be it enacted, That the Person receiving the Rent of any rateable Dwelling House within the said Borough from the Occupier thereof, on his own Account or as Trustee or Agent of any other Person, shall be deemed and taken to be the Owner of the same for the Purposes of such rating.

Saving of all Municipal and Parochial Franchises.

XV. And be it enacted, That nothing in this Act contained shall prejudice or affect any Municipal or Parochial Franchises to which the Occupier of any Dwelling House within the said Borough would by Law be now entitled, but that such Occupier shall and may claim to be put upon the Burgess List, and use and exercise any such Franchises, in the same Manner, to all Intents and Purposes, as he might or could have done before the passing of this Act, as if he had been rated and assessed in his own Name.

For paying the Expences of the Act.

XVI. And be it enacted, That all the Costs, Charges, and Expences of passing this Act, and all other Charges and Expences incident to or attending the obtaining thereof, or in any Manner relating thereto, shall be borne, paid, and defrayed out of any Monies belonging to the said Borough of *Kidderminster*, or to the said Overseers, or out of any Monies to be received for the Relief of the Poor of the said Borough.

Construction of certain Terms in this Act.

XVII. And be it enacted, That in construing this Act Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall be understood to include the Singular Number; and the Word "Person" shall be understood to include Corporation; and Words importing the Masculine Gender shall be understood to include Females as well as Males; and that the Word "Rate" shall include Assessments; and that the Word "Overseers" shall include Churchwardens, Assistant Churchwardens, and Assistant Overseers; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

Public Act.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

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