ANNO DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. xii.

An Act for better assessing the Poor Rates on small Tenements in certain Parishes and Places within the Union of *Kidderminster*.

[24th *May* 1849.]

WHEREAS the following Parishes and Places situate within the Union of *Kidderminster*, (that is to say,) *Kidderminster Foreign*, *Lower Mitton*, *Bewdley*, *Wolverley*, *Chaddesley Corbett*, *Ribbesford*, *Churchill*, *Stone*, *Rushock*, and *Broome*, all in the County of *Worcester*, *Upper Arley* in the County of *Stafford*, and *Dowles* in the County of *Salop*, contain a great Number of small Tenements, which are let at small annual Rents, and the Poor belonging thereto are numerous, and supported at a great Expense, and in consequence of the Inability of the Occupiers of such Tenements to pay the Poor Rates thereupon imposed the same are in a great measure rendered unproductive, and it is expedient therefore that better Provision should be made for the rating of such small Tenements to such Rates, and for the collecting of such Rates; but the same cannot be effected without the 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 in citing this Act in other Acts of Parliament, and in

Short Title.

legal and other Instruments and Proceedings, it shall be sufficient to use the Expression "The *Kidderminster* Union Small Tenements Rating Act, 1849."

Construction of certain Terms in this Act.

II. 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 include the Singular Number; and the Word "Person" shall include Corporation; and the Words importing the Masculine Gender shall include Females as well as Males; the Word "Rate" shall include Assessments; the Word "Parish" shall include any Borough, Hamlet, or other Place; the Word "Overseers" shall include Churchwardens, Assistant Churchwardens, and Assistant Overseers and Collectors; and the Word "Tenement" shall include Lands and Hereditaments and all Property whatsoever rateable to the Poor Rates, unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

Owners of Tenements rated to the Poor Rates at any Sum not exceeding 7*l.* to be rated instead of Occupiers.

III. And be it enacted, That after the passing of this Act the Owner of every Tenement within the following Parishes in the Union of *Kidderminster*, (that is to say,) *Kidderminster Foreign*, *Lower Mitton*, *Bewdley*, *Wolverley*, *Chaddesley Corbett*, *Ribbesford*, *Churchill*, *Stone*, *Rushock*, and *Broome*, all in the County of *Worcester*, *Upper Arley* in the County of *Stafford*, and *Dowles* in the County of *Salop*, or any or either of them, which shall be assessed to the Poor Rate at any annual Sum not exceeding Seven Pounds rateable Value, ascertained according to Law, shall hereafter be rated to and pay such Poor Rates instead of the actual Occupier of the same Tenement; and upon Nonpayment of any such Rate, or of the Sum for which the same may be compounded, as in this Act mentioned, such Rate or Sum may be levied and recovered by Distress and Sale of the Goods and Chattels of such Owner wheresoever the same may be found, in like Manner as Poor Rates within the said Parishes respectively may by Law now be levied and recovered from Occupiers, or the same may be recovered from such Owner by Action of Debt at the Suit of the Party authorized to make or recover such Rate, with Costs, in any Court of Law having competent Jurisdiction.

How Actions may be brought.

IV. And it enacted, That in any Action or other Proceeding it shall be sufficient to sue by the Name or Description of "The Overseers of the Poor" of the Parish in which the Tenement in respect of the Rate whereon such Action or other Proceeding shall have arisen shall be situate, without specifying the individual Names of such Overseers, and whether the Cause of such Action or Proceeding shall have arisen whilst the Overseers for the Time being shall have been in Office, or in the Time of any of their Predecessors in Office; and no such Action or Proceeding shall abate or be discontinued by reason of the Death, Removal, or Retirement of all or any of the Persons who may have been such Overseers when the same was commenced, or during the Continuance of the same.

Notice of Action.

V. And be it enacted, That before any Action for the Recovery of any Rate or Composition shall be commenced, a Notice, signed by

the Person or Persons intending to bring such Action, or their or his Attorney, shall be sent by Post to or left at the existing or last known Place of Abode of the Person liable to pay such Rate or Composition, or if the existing and last Place of Abode of such Person cannot be discovered, then left at or upon the Tenement in respect of which he shall be liable to such Rate or Composition, which said Notice shall state that a certain Rate or Composition for a Rate, as the Case may be, (describing the same,) is due from such Person, and that at the Expiration of Fourteen Days from the posting or leaving of the said Notice an Action at Law will be commenced for the Recovery of such Rate or Composition (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.

Designation of Owner.

VI. And in order to prevent Disputes touching the Meaning of the Word "Owner" in this Act, be it enacted, That as well the actual Owner as the Landlord, Lessor, or other Person or Persons receiving or claiming to be entitled to the Rent of any Tenement immediately payable by the Tenant or Occupier thereof, either on his own Account or as Agent of any other Person, or the Mortgagee in receipt of such Rent, shall be deemed and taken to be the Owner of the same for the Purposes of this Act.

Penalty on Occupiers refusing to give Name of Owner when requested.

VII. And be it enacted, That if on the Request of the Officer authorized to make or collect any such Rate as aforesaid within any of the said Parishes the Tenant or Occupier of any such Tenement as aforesaid within such Parish shall refuse or wilfully omit to disclose, or shall wilfully mis-state to such Officer, the Name of the Landlord, Owner, or Lessor of such Tenement, or of the Person receiving or authorized to receive the Rent of the same, it shall be lawful for any Justice of the Peace for the County within which such Parish or Hamlet may be, on Oath made before him of such Request, and of such Refusal or wilful Omission or Mis-statement, to summon, by Writing under his Hand, 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 any Two Justices for the same County, and such Summons may be served by delivering a Copy thereof to the Person summoned, or by leaving the same at his Dwelling House or last known Place of Abode; and if the Person so summoned shall neglect or refuse to attend at the Time and Place mentioned in such Summons, or if he shall attend and shall not show good Cause to the Justices then present for such his Refusal or wilful Omission or Mis-statement, it shall be lawful for such Justices forthwith, or (in case of the Neglect or Refusal of such Person to attend as aforesaid) upon Proof of the due Service of the said Summons, to convict the Person who shall have so refused or wilfully omitted or have made such wilful Mis-statement, and upon such Conviction to order and adjudge that such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, with Costs, to be recovered by Warrant of Distress under the Hands of such Justices; and such

Penalty,

Penalty, when levied, shall be applied to the Purposes for which the said Rates are to be applied.

The Word "Owner" a sufficient Description, if Name unknown.

VIII. And be it enacted, That whenever the Name of any Owner of any such Tenement as aforesaid shall not be known, it shall be sufficient to rate such Owner in the Rate Book of the Parish in which such Tenement shall be situate as the Owner thereof by the Description of "Owner" only, without stating his Name.

Person rated as Owner to vote.

IX. And be it enacted, That every Person so rated as an Owner, and who shall have paid all Rates due, shall be entitled to be present and vote in Vestry in like Manner as if he was the Occupier of the Tenement in respect of which he shall be rated and was rated as such Occupier.

Rate Books to be open to Inspection of Owners.

X. And be it enacted, That the respective Rate Books of the Officers authorized to make or collect any of the said Rates in either of the said Parishes shall be open for the Inspection of the Owner of any such Tenement as aforesaid, without Fee or Reward, in the same Manner, to all Intents and Purposes, as such Rate Books are now by Law required to be open to the Inspection of other Rate-payers.

Owner may compound for Rates.

XI. And be it enacted, That in all Cases where any Owner shall have been rated or shall have been liable to be rated in pursuance of this Act in respect of any such Tenement as aforesaid, it shall be lawful for such Owner to give Notice in Writing to the Officer authorized to make or collect any such Rate of his Intention to compound for the same, by Payment of a reduced Rate, whether such Tenement be occupied or not, and that in every such Case every such Owner shall thenceforth, until he shall give Notice in Writing for determining such Composition, be liable to pay Two Thirds only of the Amount of any such Rate; and all such Compositions shall be entered in the Rate Book of such Officers, and such Owners shall be thenceforth rated accordingly.

Occupier liable to be distrained upon for Arrears of Rates.

XII. And be it enacted, That the Goods and Chattels of any Person renting or occupying any Tenement the Owner whereof is by this Act made liable to pay the said Rates shall be liable at all Times to be distrained and sold for Payment of any Rate or Composition, or of such Part of any Rate or Composition, and all Arrears thereof, as shall become due in respect of the same Tenement 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 or Composition or Arrears than the Amount of the Rent actually due by such Occupier to the Owner of the Tenement so occupied by him at the Time when the said Rate shall be made and demanded: Provided also, that each and every such Occupier who shall pay any such Rate or 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 or Composition or Money 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

Owner of such Tenement, and the Receipt for such Payment shall be a good and sufficient Discharge to such Occupier against the 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.

Summons or Warrant may include several Persons.

XIII. And be it enacted, That every Summons or Warrant of Distress for Nonpayment of any Rate or Composition payable by virtue of this Act may include several Persons as well one Person, and several Sums in respect of several Tenements of which the same Person may be Owner.

Appeal.

XIV. And be it enacted, That all Rates to the Payment of which the Owner of any Tenement is hereby made liable shall and may be appealed against by such Owner in the same Manner as the Poor Rate within the Parish in which such Tenement shall be situate may now or at any Time hereafter be appealed against: Provided also, that in case any Owner shall be rated in respect of any Tenement, and shall appeal against such Rate, and thereby seek to increase the Assessment of the same Tenement so as to throw the Burden thereof on the Person renting or occupying the same, or if the Person so renting or occupying the same shall be rated in respect of such Tenement, and shall appeal against such Rate, and thereby seek to diminish the Assessment of such Tenement, so as to throw the Burthen thereof on the Owner of the said Tenement, then and in either of the said Cases the Justices of the Peace before whom such Appeal shall be brought shall not hear such Appeal until sufficient Proof shall be given before them that the Person so renting or occupying as aforesaid, or the Owner as aforesaid, (as the Case may be,) shall have had Ten Days Notice of such Appeal, by Writing under the Hand of the Party intending to appeal, either by Service thereof upon him, or by Delivery thereof at his usual or last known Place of Abode, stating in such Notice the Grounds of such Appeal.

Occupier may be rated, on his own Application.

XV. And be it enacted, That in all Cases whenever the Tenant or Occupier of any Tenement within either of the said Parishes (in respect of which Tenement the Owner thereof shall be rated under the Provisions of this Act) shall be desirous of being rated instead of such Owner to the Rates herein-before mentioned, the Officers authorized to make or collect the same Rates are hereby authorized and required, upon the Application of such Tenant or Occupier, to rate such Tenant or Occupier, and insert his Name in their Rate Books in respect of such Tenement, instead of the Owner thereof; and in case such Officer shall neglect or refuse so to do such Tenant or Occupier shall nevertheless be deemed to have been rated in respect of such Tenement from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid, and upon Payment or Tender by him of such Rate shall be entitled to the same Powers and Privileges in all respects as other Persons would be entitled to who had been included in and had paid the same Rate in respect of any other Tenement in the same Parish, anything herein-before contained to the contrary notwithstanding.

Omissions in Rates may be supplied.

XVI. And be it enacted, That if the Name of any Person liable to be rated shall be omitted from any such Rate as aforesaid, or if any Error shall be made in any Name, or if any Person, after the making of any such Rate, shall become the Owner or Occupier of any Tenement within either of the said Parishes, or shall become liable to be rated in respect of any Tenement by virtue of this Act, it shall be lawful for the Overseers of the Poor of the Parish to which such Rate refers, 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 in manner aforesaid at the General Quarter Sessions of the Peace for the County in which the Parish or Hamlet to which such Rate refers shall be situate, to be holden next after such Insertion of his Name as aforesaid.

Justices may order Rates to be remitted in certain Cases.

XVII. And be it enacted, That in case the Owner of any Tenement who, under the Provisions herein-before contained, shall be rated for such Tenement, (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 for the County within which the same Tenement shall be situate, that he has been unable, either by reason of there being no sufficient Distress upon the Premises, or by the absconding of any Tenant or Occupier of such Tenement, or by reason of such Tenant or Occupier having become bankrupt or insolvent, or by reason of such Tenement 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 be lawful for such Justices, having first duly summoned the Overseers or the Collector of the Parish 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.

XVIII. 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 Tenement 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 Tenement so rated as aforesaid during any Part of any Period for which

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 Tenement so rated.

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

XIX. And be it enacted, That if any Tenement 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 afterwards occupy such Tenement 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 Tenement, who shall pay a Portion of the said Rate proportioned to the Time during which such Tenement shall be so occupied as aforesaid.

Not to affect Agreements between Landlords and Tenants.

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

Tenants under existing Leases to defray Owner's Amount of Rates paid by them.

XXI. Provided always, and be it enacted, That when any Owner shall be rated in respect of any such Tenement as aforesaid which shall be in the Occupation of any Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums paid by him during the Continuance of such Lease or Agreement on account of any Rates by this Act made payable by the Owner, unless it shall have been agreed that the Owner should pay all such Rates in respect of such Tenement; and every Sum so payable by the Tenant to the Owner may be recovered, if not paid upon Demand, in the same Manner as Arrears of Rent due under an actual existing Demise are recoverable.

Owners of small Tenements converted into Dwelling Houses, and let in Lodgings or separate Apartments, to be rated.

XXII. And whereas it may happen that after the passing of this Act some Tenements to which this Act extends may be converted into One or more Dwelling House or Dwelling Houses, and may be let in Lodgings or separate Apartments: Be it enacted, That in all Cases in which any Tenements within the said Parishes, or any or either of them, now severally assessed or hereafter to be severally assessed to the Poor Rate at any annual Sum not exceeding Seven Pounds rateable Value, ascertained according to Law, shall after the passing of this Act be converted into One or more Dwelling House or Dwelling Houses, and be let in Lodgings or separate Apartments, the Owner of such Dwelling House or Dwelling Houses, whatever the annual rateable Value thereof may be, shall be rated to the before-mentioned Rates in respect of such Dwelling House or Dwelling Houses, in the same Manner, and subject to the same Provisions for the Recovery and enforcing Payment of such Rates, as is and are herein directed and contained with respect to such Tenements as aforesaid, and shall be entitled to the same Right of compounding and other Rights, and be subject to the same Liabilities, as the Owners of such Tenements as aforesaid are by this Act entitled and subject unto.

XXIII. And

Expenses of Act.

XXIII. And be it enacted, That all the Costs, Charges, and Expenses of preparing and passing this Act, and all preliminary and other Charges and Expenses incident to or attending the obtaining thereof, or in any Manner relating thereto, shall be borne, paid, and defrayed out of the first Monies to be received by the Overseers of the Poor of the said Parishes respectively on account of Poor Rates, in the same Proportions in which the said Parishes respectively now contribute or are liable to contribute to the Common or Establishment Charges of the said *Kidderminster* Union.

Public Act.

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

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