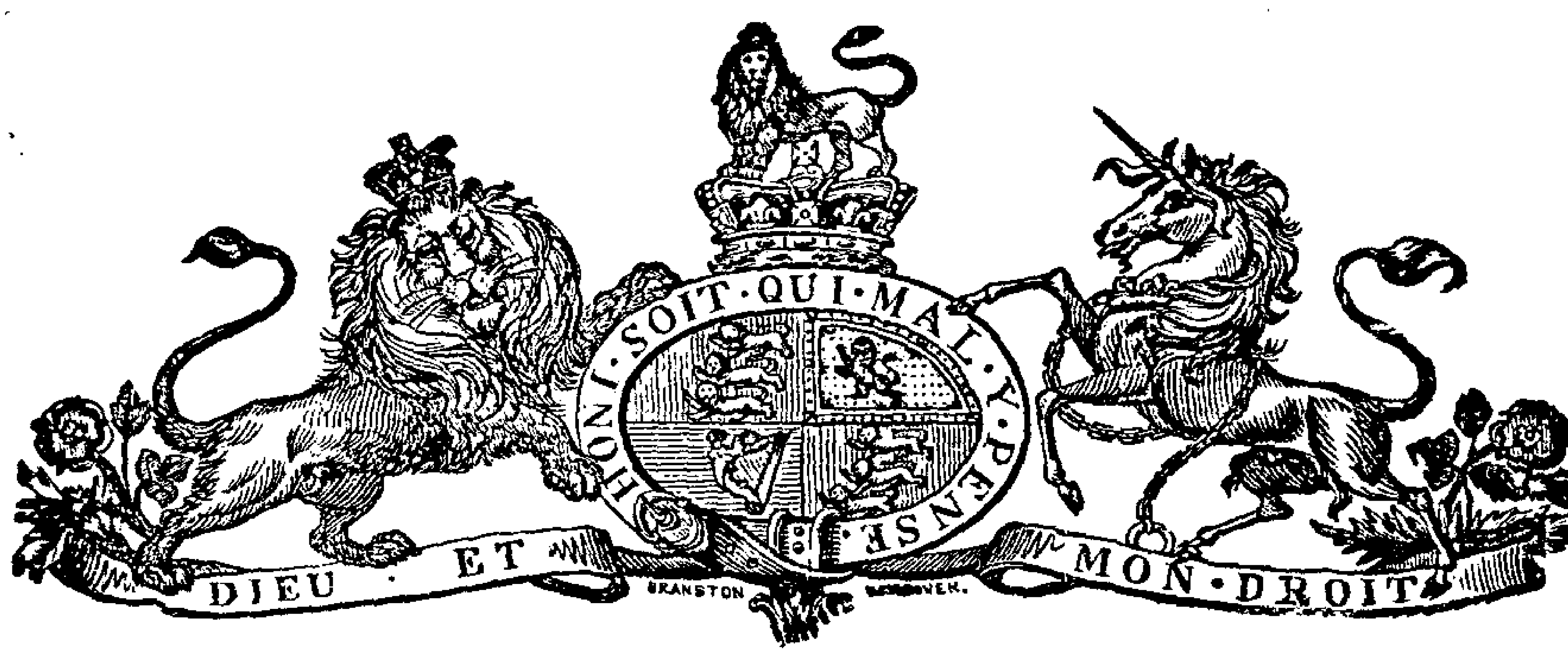


ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. lxvi.

An Act for rating to the Relief of the Poor and other Parochial and Local Rates the Owners of certain Property within the Parishes of *King's Norton, Northfield,* and *Beoley* in the County of *Worcester, Edgbaston* in the County of *Warwick,* and *Harborne* in the County of *Stafford,* in lieu of the Occupiers thereof. [25th *June* 1847.]

WHEREAS the several Parishes of *Kingsnorton, Northfield,* and *Beoley* in the County of *Worcester,* the Parish of *Edgbaston* in the County of *Warwick,* and the Parish of *Harborne* in the County of *Stafford* comprise various Hamlets, and contain a great Number of Tenements, which are let at small annual Rents, and in consequence of the Inability of the Occupiers of a large Proportion of such Tenements to pay the Poor Rates, Highway Rates, Borough Rates, County Rates, Lighting, Watching, and Cleansing Rates, and Gaol Rates, thereupon imposed, such Rates 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, and for the Collection of the aforesaid Rates: 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 Tenement within the said several Parishes of *Kingsnorton*, *Northfield*, and *Beoley* in the County of *Worcester*, the Parish of *Edgbaston* in the County of *Warwick*, and the Parish of *Harborne* in the County of *Stafford*, which may be assessed to any Poor Rate, Highway Rate, Borough Rate, County Rate, Lighting, Watching, and Cleansing Rate, or Gaol Rate, within the said several Parishes or any or either of them, or within any Hamlet or Township in any of the above-named Parishes, at any annual Sum not exceeding Seven Pounds Ten Shillings rateable Value, which said annual Sum of Seven Pounds Ten Shillings shall be ascertained according to the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter 96, intituled *An Act to regulate Parochial Assessments*, shall hereafter be rated and pay such several Rates respectively in respect of such Tenement, instead of the actual Occupier thereof, and upon Nonpayment of any such Rate, or of the Sum for which the same may be compounded, as herein-after mentioned, such Rate or Sum shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Owners, wheresoever the same may be found, in like Manner as other Rates of the like Nature within the said Parishes respectively may now by Law and the said Statute be levied upon and recovered from the Occupiers, and the same may be recovered from such Owners, 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.

Owners of Tenements not exceeding Seven Pounds rateable Value to be rated.

6 & 7 W. 4. c. 96.

How Actions to be brought.

II. And be 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" or "The Surveyors of the Highways" of the several Parishes, as the Case may require; and that no such Action or other Proceeding shall abate or be discontinued by reason of the Death, Removal, or Retirement of the Plaintiffs in such Action or Proceeding.

Notice of Action.

III. Provided always, and be it enacted, That before any such Actions or Proceeding 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 the Post to or 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 left at or upon the Premises liable to the Rate, which said Notice shall state that certain Rates or certain Compositions for Rates (describing them) are due from such Person, and that at the Expiration of Fourteen Days from the posting or 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

this Act after the Expiration of Twelve Calendar Months from the Time when such Rate or Composition (as the Case may be) shall have been due.

Occupier may be rated on his own Application.

IV. And be it enacted, That in all Cases, whenever the Tenant or Occupier of any Tenement within the aforesaid Parishes, or within any Hamlet or Township therein, the Owner of which Tenement may have been or may be liable to be rated under the Provisions of this Act, shall be desirous of being rated, instead of such Owner, to all or any of the Rates herein-before mentioned, the Officer authorized to make or collect the Rate to which such Tenant or Occupier shall so be desirous to be rated is hereby authorized and required, upon the Application of such Tenant or Occupier, to rate such Tenant or Occupier, and insert his Name in his 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, on sufficient Proof of such his Application, 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, Hamlet, or Township.

Owner may compound for Rates.

V. And be it enacted, That in all Cases where any Owner shall have been or shall be liable to be rated in pursuance or this Act in respect of any such Tenement as aforesaid, it shall be lawful for such Owner to give Notice 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 like Notice for determining such Composition, be liable to pay One Half of such Rate only; and all such Compositions shall be entered in the Rate Book of such Officers, and such Owners shall be thenceforth rated accordingly.

When Name of Owner is not known, the Word "Owner" a sufficient Description.

VI. And be it enacted, That whenever the Name of any such Owner shall not be known it shall be sufficient to rate such Owner in the Rate Books of the said several Parishes as the Owner of the Property to be rated by the Description of "Owner," without stating his Name.

Designation of Owner.

VII. And in order to prevent Disputes touching the Designation of Owner intended to be made liable by this Act to the Payment of Rates, be it further enacted, That the Person receiving or claiming to be entitled to receive the Rack Rent of any Tenement immediately payable by the Occupier thereof, either on his own Account or the Mortgagee in Receipt of such Rent, shall be deemed to be the Owner of the same for the Purposes of this Act.

Occupiers refusing to give Names of

VIII. And be it enacted, That if, on the Request of the Person authorized to make or the Collector of the said Rates, the Occupier

of Owners, liable to a Penalty.

of the said Property shall refuse or wilfully omit to disclose or shall wilfully mis-state the Name of the Owner of such Property, or of the Person receiving or authorized to receive the Rents of the same, any Justice of the Peace, on Oath made before him of such Request, and of such Refusal or wilful Omission or Mis-statement, may summon the Person who shall have so refused or wilfully omitted or mis-stated as aforesaid to appear at a Time and Place to be mentioned in such Summons before such Justice, or before some other Justice; 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, such Justice, upon Proof, in case of the Refusal or Neglect to attend as aforesaid, of the due Service of the said Summons, or on such Attendance, may 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, with Costs, as the Rates or Compositions under this Act may be recovered.

Tenant under existing Leases to repay the Owner.

IX. Provided always, That when any Owner shall be rated in respect of any rateable Property 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 which shall be paid by the Owner on account of any Rates under this Act during the Continuance of such Lease payable by the Occupier, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property; and every such Sum of Money payable by the Tenant to the Owner under the Provision herein-before contained may be recovered, if the same be not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Occupiers liable to be distrained upon for Arrears of Rates.

X. And be it enacted, That in all Cases where the Owner is absent, or cannot be found, or refuses or neglects to pay the Rates or Composition to which he is by this Act liable, such Rates or Composition may be paid by the Occupier of the Premises in respect of which such Rate or Composition shall be due, whether such Rate or Composition have been demanded from such Owner or not; and that the Goods and Chattels of every such Occupier shall be liable at all Times to be distrained and sold for Payment of so much of the same Rate, or of any Composition for the same, and all Arrears thereof, as shall become due in respect of the same Premises during the Time of his Occupation only, after such Rate shall have been demanded from such Occupier; but no such Occupier shall at any Time be required to pay any greater Sum for or towards the discharging 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 demanded: Provided also, that every such Occupier who shall pay any such Rate or Composition, or Arrears, or any Part thereof, may from Time to Time deduct the Amount of such Rate 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 of the Premises; 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,

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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.

XI. 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 as one Person, and several Sums in respect of Tenements of which the same Person may be Owner or the same Person may be Occupier.

Appeal.

XII. And be it enacted, That all Rates to the Payment of which the several Owners of Tenements are hereby made liable shall and may be appealed against by such Owners in the same Manner as other similar Rates within the said several Parishes of *King's Norton*, *Northfield*, *Beoley*, *Edgbaston*, and *Harborne*, or any of them, might have been appealed against by the Occupiers or Parties aggrieved, before the passing of this Act.

Rate Books to be open for Inspection.

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

Cottages converted into Dwelling Houses, and let in Lodgings, &c., liable to Rates.

XIV. And whereas it may happen that after the passing of this Act small Tenements to which this Act extends may be converted into One or more Dwelling House or Dwelling Houses, for the Purpose of letting the same in Lodgings or separate Apartments; be it therefore enacted, That in all Cases in which any small Tenements within the said Parishes now severally assessed or hereafter to be severally assessed to the Rate for the Relief of the Poor of the said Parishes at a Sum not exceeding the net annual Value of Seven Pounds Ten Shillings shall after the passing of this Act be formed into One or more Dwelling House or Dwelling Houses, and to be let in Lodgings or separate Apartments, the Owners of such Dwelling House or Dwelling Houses, whatever the net annual 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 are herein mentioned and contained with respect to such small Tenements, and shall be entitled to the same Right of compounding, and shall otherwise in all respects be entitled to the same Rights and subject to the same Liabilities as are by this Act provided with reference to the before-mentioned Owners of Tenements in the said Parishes of the net annual Value of not exceeding Seven Pounds Ten Shillings.

Expences of Act.

XV. And be it enacted, That all the Costs, Charges, and Expences of passing this Act, and all preliminary and 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 the Poor Rates for the said Parishes of *King's Norton*, *Northfield*, *Beoley*, *Edgbaston*, and *Harborne*, out of the Highway Rates for the same Parishes, out of the Borough Rate for the Borough of *Birmingham*,

out of the County Rate for the said Counties of *Worcester*, *Warwick*, and *Stafford*, in proportion to the Amount of the said last-mentioned respective Rates or Assessments made on the Average of the Two Years ended at *Lady Day* next preceding the passing of this Act within the said several Parishes, such Costs, Charges, and Expences to be taxed by the Clerk of the Peace for the County of *Worcester*, and the same shall be paid out of the first Monies received or to be received by the Officers authorized to make and collect the said Rates respectively.

Short Title.

XVI. And be it enacted, That in citing this Act in any Act of Parliament, legal Instrument, or other Document, it shall be sufficient to use the Expression "The *King's Norton*, *Northfield*, *Beoley*, *Edgbaston*, and *Harborne* Rates Bill, 1847."

Interpretation of Act.

XVII. And be it enacted, That whenever in this Act any Word is used importing the Singular Number only the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and any Word importing the Masculine Gender only shall be understood to include Females as well as Males; the Word "Tenement" shall include all Property of every Description rateable to the Poor Rate, Highway Rate, Borough Rate, County Rate, or Lighting, Watching, and Cleansing Rate, or Gaol Rate, in the said several Parishes of *Kingsnorton*, *Northfield*, and *Beoley* in the County of *Worcester*, or in the said Parish of *Edgbaston* in the County of *Warwick*, or in the said Parish of *Harborne* in the County of *Stafford*, or in any Hamlet or Township in any or either of such Parishes, as the Case may require, except Land let or used for Farming Purposes; the Words "Mortgagee in the Receipt of Rents" shall be held to include every other Description of Incumbrancer in possession as well as a Mortgagee; the Words "Officer authorized to make or collect the Rate" shall mean (as the Case may be or the Subject require) Churchwardens, Overseers, Assistant Overseers, Collectors of Rates, Surveyors, Assistant Surveyors, Board of Surveyors, Commissioners, and all other Persons whose Duty it may be to make or collect any of the several Rates which form the subject of this Act; unless in any of the Cases aforesaid it be otherwise specially provided, or 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 by all Judges and Justices and others.

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