ANNO DECIMO

VICTORIÆ REGINÆ.

Cap. xxxiii.

An Act for better assessing and collecting the Poor, Church, and Highway Rates within the Parish of *Kingston-upon-Thames* in the County of *Surrey*. [8th *June* 1847.]

WHEREAS the Parish of *Kingston-upon-Thames* in the County of *Surrey* is large and populous, and the Poor belonging thereto are numerous, and supported at a great Expence: And whereas the said Parish contains a great Number of Cottages and other small Houses, with the Appurtenances, the Rates imposed upon which for the Relief of the Poor and for other Purposes are rendered in a great measure unproductive, in consequence of the Inability of the Occupiers of such Tenements to pay the same: And whereas the Laws now in force for assessing such Rates are found inconvenient and ineffectual; and it would tend to the Equalization and Reduction of the present Rates within the said Parish if better Provision were made for the rating of such small Tenements, and for the Collection of 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

Owners of Tenements of the annual Value of 9*l.* to be rated instead of the Occupier.

6 & 7 W. 4. c. 96.

of the same, That after the passing of this Act the Owner of every Cottage or small House, with the Appurtenances, within the said Parish of *Kingston-upon-Thames*, now assessed or hereafter to be assessed to the Rate for the Relief of the Poor of the said Parish at a net annual Value not exceeding Nine Pounds (such Value to be ascertained according to the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*), shall, in those Cases where the Occupier thereof shall pay a Rack Rent for the same, be rated and assessed to the Rates for the Relief of the Poor, and for the Repairs and Services of the Church of the said Parish, and for the Repairs of the Highways within the said Parish, in respect of such Cottage or small House, with the Appurtenances, instead of the actual Occupier thereof, at Two Thirds of such net annual Value as aforesaid; and upon Nonpayment of the Sums so to be respectively rated the same, together with the Costs and Charges of recovering and levying the same, shall and may be levied upon and recovered from such Owner so to be rated and assessed, and his Goods and Chattels, wherever the same may be found, in like Manner as other Rates of the like Nature within the said Parish may by Law be levied and recovered upon and from the Occupier; 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.

II. And be it enacted, That in any such Action or other Proceeding it shall be sufficient to sue by the Name or Description of "The Churchwardens and Overseeers of the Poor of the Parish of *Kingston-upon-Thames*," or of "The Churchwardens of the Parish of *Kingston-upon-Thames*," or of "The Board of Surveyors of the Highways of the Parish of *Kingston-upon-Thames*," or of "The Surveyors of the Highways of the Parish of *Kingston-upon-Thames*," respectively, without specifying the Names of the individual Churchwardens, Overseers, and Surveyors for the Time being; and no such Action or other Proceeding shall abate or be discontinued by the Death, Removal, or Retirement of any such respective Officers.

Notices of Actions to be given.

III. Provided always, and be it enacted, That before any such Action shall be commenced a Notice, signed by the Person or Persons intending to bring such Action, or his or their Attorney, shall be sent by 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 have no Dwelling House, or his Lodging House or last reputed Place of Abode cannot be discovered, then such Notice shall be 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 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.

Owner may compound for Rates.

IV. And be it enacted, That in all Cases where any Owner shall have been or shall be 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 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 all such Rates as aforesaid on One Half of such net annual Value only; and all such Compositions shall be entered in the Rate Books of such Officers, and such Owners shall be thenceforth rated accordingly.

The Word "Owner" deemed a sufficient Description.

V. 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 Parish as the Owner of the Property to be rated by the Description of "Owner," without stating his Name.

Persons receiving Rents to be deemed Owners.

VI. 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 or claiming to be entitled to receive the Rack Rent of any Tenement from the Occupier thereof, or the Mortgagee in receipt of such Rent, shall be deemed to be the Owner of the Tenement for the Purposes of rating under this Act.

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

VII. And be it enacted, That if on the Request of the said Churchwardens and Overseers, Churchwardens, or Surveyers respectively, or of the Collectors of the said Rates, or any or either of them, the Tenant or Occupier of any such Tenement within the said Parish shall refuse or wilfully omit to disclose or shall wilfully mis-state to the said Churchwardens and Overseers, Churchwardens, Surveyors, or Board of Surveyors, or Collectors, or any or either of them, making such Request, the Name of the Owner of such Tenement, or of the Person receiving or authorized to receive the Rents of the same, it shall be lawful for any Justice, 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 any Two or more Justices; 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 Justices then present for such his Refusal or wilful Omission or Mis-statement, it shall be lawful for such Justices upon Proof (in case of the Neglect or Refusal of such Person to attend as aforesaid) of the due Service of the said Summons, or on such Attendance, 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, with Costs, as the Rates or Compositions are by this Act made recoverable;

recoverable, the said Penalty to be payable to the said Overseers, for the Use of the Poor, in aid of the Poor Rates of the said Parish.

Tenants under existing Leases to repay the Owner.

VIII. Provided always, and be it enacted, That when any Owner shall be rated in respect of any Tenement 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.

IX. And be it enacted, That in all Cases where the Owner is absent, and cannot be found, or refuses or neglects to pay the Rate or Composition to which he is by this Act liable, such Rate or Composition may be paid by the Occupier of the Premises in respect of which such Rate or Composition shall be due; 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 discharging of any such Rate or 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 and demanded: Provided also, that 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 which shall be so paid or levied, and the Costs and Charges of recovering and levying the same, 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 in the Manner directed by this Act, or shall have sustained the Loss of by reason of any Distress made under this Act.

Summonses or Warrants may include several Persons.

X. 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.

XI. 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 Owner in the same Manner as other

other similar Rates within the said Parish might have been appealed against by the Occupiers or Parties aggrieved before the passing of this Act; and every Person so rated as an Owner shall, on Payment by him of such Rates, 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 Tenement.

Rate Books to be open for Inspection.

XII. 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.

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

XIII. And be it enacted, That if any Tenement rated under this Act shall have been unoccupied at the Time of making any Rate, and no such Composition as aforesaid shall have been made in respect thereof, and any Person shall occupy such Tenement during any Part of the Period to elapse between the making of any such Rate and the subsequent making of another such Rate, it shall be lawful for the Persons legally authorized to make such Rate to rate the Owner of such Tenement for the same, who shall pay a Portion of the said first-mentioned Rate proportioned to the Time during which such Tenement shall be so occupied as aforesaid.

Owners of Cottages converted into Dwelling Houses and let in Lodgings or separate Apartments liable to Rates.

XIV. And whereas it may happen that after the passing of this Act Cottages or small Houses 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 Cottages or small Houses within the said Parish now severally assessed or hereafter to be severally assessed to the Rate for the Relief of the Poor of the said Parish at a Sum not exceeding the net annual Value of Nine Pounds shall, after the passing of this Act, be formed into One or more Dwelling House or Dwelling Houses, and 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 Cottages or small Houses, 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 Parish of the net annual Value of not exceeding Nine Pounds.

Reserving Rights of Occupier to be rated, if he so desire.

XV. And be it enacted, That if the Occupier of any Tenement whereof the Rates are hereby made payable by the Owner shall signify in Writing to the Officers authorized to collect such respective Rates his Desire to be subjected to the Payment of such Rates, and shall tender, or, on Demand, pay to such Officers, the Rates which shall

from Time to Time become due in respect of such Tenement, such Occupier shall thereupon be and thenceforth continue entitled to have and enjoy all Rights and Privileges which as a Rate-payer he would have been entitled to have and enjoy if this Act had not passed: Provided always, that in case such Occupier shall make default in Payment, on Demand, of any such Rate, the Owner of such Tenement shall thereupon become and shall thenceforth remain liable to the Payment of the said Rates in respect of such Tenement, and shall on such Payment be entitled and continue to have and enjoy all Rights and Privileges which by virtue of this Act he would have been entitled to have and enjoy if no such Desire as aforesaid had been signified.

Salary of Vestry Clerk to be paid out of Poor Rates.

XVI. And whereas for many Years past the Rate-payers of the said Parish have appointed a Vestry Clerk for the Purpose of conducting the Affairs of such Parish, and Doubts have arisen as to the Source from whence the Salary of such Officer should be paid, and it is expedient that such Doubts should be removed; be it therefore enacted, That the Amount which shall from Time to Time be fixed by the said Rate-payers in Vestry assembled as the Salary of their Vestry Clerk shall and may be paid out of the Rates for the Relief of the Poor of the said Parish.

Act not to extend to Hamlets of Ham and Hook.

XVII. Provided always, and be it enacted, That none of the Powers and Provisions in this Act contained shall by virtue of such Act extend to or be exercised in the Hamlets of *Ham* and *Hook* within the said Parish of *Kingston-upon-Thames* or either of them.

Liability to Rates not to disqualify Justices.

XVIII. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice in the Execution of the same.

For paying Expences of Act.

XIX. 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 any Monies in the Hands of the Overseers of the Poor, or out of any Monies to be received for the Relief of the Poor of the said Parish.

Short Title of Act.

XX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments or Proceedings, and in other Documents, it shall be sufficient to describe it as "The *Kingston-upon-Thames* Small Tenements Act, 1847."

Construction of certain Terms in this Act.

XXI. 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; Words importing the Masculine Gender shall be understood to include Females as well as Males; the Word "Rate" shall include Assessments; the Word "Overseers" shall include Assistant Overseers; the Word "Churchwardens" shall include Assistant Churchwardens;

Churchwardens; the Expression "the Surveyors of the Highways" shall include "the Board of Surveyors of the Highways," if any such there be; the Word "Justice" or "Justices" shall mean any Justice or Justices of the Peace acting within his or their Jurisdiction, and who shall not be interested in the Matter in question; and the Word "Tenement" shall be understood to mean any Cottage or small House or Dwelling House, with the Appurtenances, liable to be assessed to any parochial or other Rates by virtue of this Act; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

This Act to be subject to Provisions of any future general Act.

XXII. Provided always, and be it enacted, That this Act shall be subject to the Provisions of any general Act relating to the rating of Tenements which may pass during the present Session of Parliament, so far as the Provisions of such last-mentioned Act shall be applicable to this Act.

Public Act.

XXIII. 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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