SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 11.

An Act to provide for the Payment of Compensation for Damage done during a certain Riot in the Metropolitan District. [16th April 1886.]

A.D. 1886.

WHEREAS on the eighth day of February last certain houses and shops in the metropolitan police district and in the city of London were injured, and the property therein injured, stolen, or destroyed by persons taking part in a riot:

And whereas it is expedient to provide compensation, as hereinafter mentioned, for the owners of the said houses, shops, and property:

Be it therefore 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 for all purposes as the Metropolitan Police (Compensation) Act, 1886.

Compensation to persons for damage by riot.

2. Where a person shows, in manner provided by this Act, that a house or shop occupied by him in the metropolitan police district, or in the city of London, was injured or the property therein was injured, stolen, or destroyed by any persons who took part in such riot as aforesaid, such compensation as herein-after mentioned for such injury, stealing, or destruction shall be paid out of the metropolitan police rate and the City of London police rate conjointly in such proportions as the annual values of the property liable and subject to those rates respectively bear to each other. Where it is shown, in manner provided by this Act, that such person received, by way of insurance or otherwise, any sum to recoup him for such injury, stealing, or destruction, the compensation otherwise payable to him under this Act shall, if exceeding such sum, be reduced by the amount

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thereof, and in any other case shall not be paid; and the payer of such sum shall be entitled to compensation under this Act in respect of the sum so paid as if he had suffered the said injury, stealing, or destruction; and any policy of insurance given by such payer shall continue in force as if he had made no such payment. Where such person was recouped as aforesaid otherwise than by payment of a sum, this enactment shall apply as if the value of such recoupment were a sum paid.

Mode of awarding compensation.

3.—(1.) Claims for compensation under this Act shall be made to the police receiver, who shall inquire into the truth thereof, and shall, if satisfied, pay such compensation as may appear to him to be just.

(2.) The police receiver, with the approval of one of Her Majesty's Principal Secretaries of State, may from time to time make regulations respecting the time within which, and the manner in which and conditions under which such claims are to be made, and compensation therefor paid, and may exclude all claims not made in accordance with such regulations. Such regulations may also provide for the particulars to be inserted in any claim, and for the verification of any claim, or any facts incidental thereto by statutory declarations, production of books, vouchers, and documents, entry of premises, and otherwise, and may also provide for any matter authorised by this Act to be prescribed, and for the police receiver obtaining such information and assistance for determining the said claims as he may think necessary. The said regulations shall be published in the "London Gazette," and in not less than two daily newspapers circulating in the metropolitan police district.

Appeal as to award or refusal of compensation.

4.—(1.) If any person is aggrieved by the decision of the police receiver in respect of his claim, he may within the prescribed time appeal to the arbitrator appointed under this Act, and such arbitrator shall hear the case in such manner as he thinks fit; and for the said purpose, sections one hundred and thirty-three and one hundred and thirty-seven of the Railways Clauses Consolidation Act, 1845, shall apply.

8 & 9 Vict. c. 20.

(2.) The decision of the arbitrator as to the right of the claimant to compensation on such claim, and the amount thereof (if any) shall be final, and the amount (if any) awarded may, if the appeal succeeds, be increased by such reasonable sum for costs as the arbitrator thinks just. But if the appeal fails, the arbitrator shall award to the police receiver such sum as he thinks just for costs and for the trouble caused by the appeal, and for the costs of

arbitration; and the sum so awarded shall be deducted from the compensation, if any, payable to the claimant, but if no compensation is so payable, the award of the said sum may be made a rule of the High Court of Justice and be enforced accordingly.

(3.) The arbitrator under this Act shall be appointed by the Chairman of the Metropolitan Board of Works, with the approval of one of Her Majesty's Principal Secretaries of State, and may be paid such remuneration as the Commissioners of Her Majesty's Treasury may fix. And in case of such arbitrator dying or becoming incapable to act before he has made an award upon all appeals under this Act, another arbitrator shall be appointed in manner aforesaid, and the appeals shall be determined in the same manner as if he had been the arbitrator originally appointed, and so on as often as occasion requires.

Payment of compensation and expenses, and raising of money.

5.—(1.) The police receiver shall pay out of moneys in his hands on account of the metropolitan police all compensation payable under this Act, and the remuneration of the arbitrator and the costs of arbitration, and all costs and expenses payable by him in or incidental to the execution of this Act, and the amount required to meet such payments shall be raised as part of the metropolitan police rate and of the City of London police rate respectively in the proportions herein-before mentioned, notwithstanding the limits otherwise authorised for such rates, and no portion of the said amount shall be contributed by the Treasury.

(2.) All sums awarded by the arbitrator to the police receiver under this Act shall be applied in reduction of the amount required to meet the said payments.

Exclusion of other proceedings.

6. No proceeding before justices nor any action or other legal proceeding shall, after the passing of this Act, be instituted, nor, if commenced before the passing of this Act, be continued against the authorities of the hundred or any other public authority for the purpose of recovering compensation for any damage for which compensation can be awarded under this Act, and any order made before the passing of this Act for payment of any such compensation shall be cancelled.

Definitions.

7. In this Act—

The expression "person" includes a body of persons, corporate or unincorporate:

The expression "police receiver" means the receiver for the metropolitan police district:

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The expression "metropolitan police rate" means the rate authorised to be levied for raising that proportion of the sum required for defraying the expenses of the metropolitan police force which can be raised by a rate.

An empty house or shop shall be deemed for the purposes of this Act to have been occupied by the owner.

The expression "City of London police rate" means the rate authorised to be levied for defraying that proportion of the sum required for defraying the expenses of the City of London police force which can be raised by a rate.

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