ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

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C A P. XCVI.

An Act to regulate Parochial Assessments.

[19th *August* 1836.]

WHEREAS it is desirable to establish one uniform Mode of rating for the Relief of the Poor throughout *England* and *Wales*, and to lessen the Cost of Appeal against an unfair Rate: Be it enacted by the King'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 from and after such Period, not being earlier than the Twenty-first Day of *March* next after the passing of this Act, as the Poor Law Commissioners shall by any Order under their Seal of Office direct, no Rate for the Relief of the Poor in *England* and *Wales* shall be allowed by any Justices, or be of any Force, which shall not be made upon an Estimate of the net annual Value of the several Hereditaments rated thereunto; that is to say, of the Rent at which the same might reasonably be expected to let from Year to Year, free of all usual Tenants Rates and Taxes, and Tithe Commutation Rent-charge, if any, and deducting therefrom the probable average annual Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain them in a State to command such Rent: Provided always, that nothing herein contained shall be construed to alter or affect the Principles or different relative Liabilities (if any) according to which different Kinds of Hereditaments are now by Law rateable.

All Rates to be made on the net annual Value of the Property.

Proviso.

II. And be it further enacted, That every such Rate made after the said Period shall, in addition to any other Particular which the Form of making out such Rate shall require to be set forth, contain

Rates to be made in a given Form.

an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Schedule to this Act annexed, so far as the same can be ascertained; and the Churchwardens and Overseers, or other Officers whose Duty it may be to make and levy the said Rate, or such a Number of the said Churchwardens and Overseers or other Officers as are competent to the making and levying of the same, shall, before the Rate is allowed by the Justices, sign the Declaration given at the Foot of the said Form; and otherwise the said Rate shall be of no Force or Validity: Provided always, that nothing herein contained shall be construed to prevent the Owners of Tenements from compounding for the Rates to be assessed on the same, in such Manner as they were by any Statute or Statutes enabled to do before the passing of this Act, so that the gross estimated Rental of the Hereditaments compounded for be entered on the Rate in the proper Column.

Nothing herein to prevent Owners from compounding for Rates.

Power to order new Survey and Valuation.

III. And be it enacted, That when it shall be made to appear to the Poor Law Commissioners by Representation in Writing from the Board of Guardians of any Union or Parish under their Common Seal, or from the Majority of the Churchwardens and Overseers or other Officers competent as aforesaid to the making and levying the Rate, that a fair and correct Estimate for the aforesaid Purposes cannot be made without a new Valuation, it shall be lawful for the Poor Law Commissioners, where they shall see fit, to order a Survey, with or without a Map or Plan, on such Scale as they shall think fit, to be made and taken of the Messuages, Lands, and other Hereditaments liable to Poor Rates in such Parish, or in all or any One or more Parishes of such a Union, and a Valuation to be made of the said Messuages, Lands, and other Hereditaments according to their annual Value, and to direct such Guardians to appoint a fit Person or Persons to make and take every such Survey, Map or Plan, and Valuation, and to make Provision for paying the Costs of every such Survey, Map or Plan, and Valuation, either by a separate Rate or by a Charge on the Poor Rates, as they may see fit; but in case of such Charge being made, then Provisions shall be made for paying off not less than One Fifth of the Sum charged on the Rates, and such Interest as may from Time to Time be payable in respect of such Charge or any Part thereof, in each succeeding Year, till the whole is repaid.

Power for Surveyors to enter and examine Lands, &c. for Purposes of Survey and Plans.

IV. And be it further enacted, That for the Purpose of making every such Survey, Map or Plan, and Valuation, it shall be lawful for the Person or Persons so to be appointed for making the same respectively, together with their and every of their Assistants and Servants, at all reasonable Times, until the same respectively shall be completed, to enter, view, and examine, survey and admeasure, all and every Part of the Messuages, Lands, and other Hereditaments aforesaid, and to do or cause to be done any Act or Thing necessary for making such Survey, Map or Plan, and Valuation: Provided always, that any Map, Survey, Plan, or Valuation made previously to the Appointment of such Person or Persons which shall be tendered to him or them, and which shall be in his or their Judgment and to his or their Satisfaction a just and true Map or Survey, proper for the Purposes aforesaid, may be used for such Purposes.

Power to take Copies or Extracts of Rates gratis.

V. And be it further enacted, That it shall be lawful for any Person or Persons rated to the Relief of the Poor of the Parish in respect of which any Rate shall be made, at all seasonable Times, to take Copies thereof or Extracts therefrom without paying any thing for the same, any thing in any Act of Parliament to the contrary notwithstanding; and in case the Person or Persons having the Custody of such Rate shall refuse to permit or shall not permit such Person or Persons so rated as aforesaid to take Copies thereof or Extracts therefrom, the Person or Persons so refusing or not permitting such Copy or Extract to be made shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered in a summary Way before any Justice of the Peace having Jurisdiction in the Parish or Place.

Penalty for Refusal to permit.

Justices acting in Petty Sessions to hold Four Special Sessions in the Year to hear Appeals.

VI. And be it enacted, That the Justices acting in and for every Petty Sessions Division shall Four Times at least in every Year hold a Special Sessions for hearing Appeals against the Rates of the several Parishes within their respective Divisions, and shall cause public Notice of the Time and Place when and where such Special Sessions will be holden to be affixed to or near to the Door of the Parish Church of the said Parishes, Twenty-eight Days at the least before the holding of the same; and such Special Sessions shall and may be adjourned from Time to Time by the Justices there present, as they may think fit; and at such special or adjourned Sessions the Justices there present shall hear and determine all Objections to any such Rate on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any Hereditaments included therein, which Decision shall be binding and conclusive on the Parties, unless the Person or Persons impugning such Decision shall within Fourteen Days after the same shall have been made cause Notice to be given in Writing of his, her, or their Intention of appealing against such Decision, and of the Matter or Cause of such Appeal, to the Person or Persons in whose Favour such Decision shall have been made, and within Five Days after giving such Notice shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions, or any Adjournment thereof; and such Justices, upon hearing and finally determining such Matter of Appeal, shall and may, according to their Discretion, award such Costs to the Party or Parties appealing or appealed against as they shall think proper, and their Determination in or concerning the Premises shall be conclusive and binding on all Parties, to all Intents and Purposes whatsoever: Provided always, that no such Objection shall be inquired into by the said Justices in Special Session unless Notice of such Objection in Writing under the Hand of the Complainant shall have been given, Seven Days at least before the Day appointed for such Special Session, to the Collector, Overseers, or other Persons by whom such Rate was made: Provided also, that the said Justices in Special Session shall not be authorized to inquire into the Liability of any Hereditaments to be rated, but only into the true Value thereof and into the Fairness of the Amount at which the same shall have been rated.

Seven Days Notice to be given of Objections.

Proviso.

VII. And

Justices may act with all the Powers of Justices in Quarter Sessions.

VII. And be it enacted, That the Justices present at any such special or adjourned Session shall for the aforesaid Purpose have all the Powers of amending or quashing any such Rate so objected to of any Parish or other District within their Division, and likewise of awarding Costs to be paid by or to any of the Parties, and of recovering such Costs, which any Court of Quarter Sessions of the Peace has upon Appeals from any such Rate, except as herein excepted: Provided always, that no Order of the said Justices shall be removed by Certiorari or otherwise into any of His Majesty's Courts of Record at *Westminster*: Provided also, that nothing in this Act contained shall be construed to deprive any Person or Persons of the Right to appeal against any Rate to any Court of General or Quarter Sessions: Provided also, that no Order of the said Justices in Special Session shall be of any Force pending any Appeal touching the same Subject Matter to the Court of General or Quarter Sessions of the Peace having Jurisdiction to try such Appeal, or in opposition to the Order of any such Court upon such Appeal.

Act confined to England and Wales.

VIII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be repealed this Session.

IX. And be it further enacted, That this Act may be repealed or amended by any Act which shall be passed in this Session.

SCHEDULE to which this Act refers.

Form of Rate.

An ASSESSMENT for the RELIEF of the POOR of the Parish of *Merton* in the County of *Surrey*, and for other Purposes chargeable thereon according to Law, made this *Thirtieth* Day of *March* in the Year of our Lord One thousand eight hundred and *thirty-seven*, after the Rate of *Sixpence* in the Pound.

No.	Arrears due, or if excused.	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.	Rate at 6*d.* in the Pound.
	£ s. d.					A. R. P.	£ s. d.	£ s. d.	£ s. d.
1	- - -	James Smith	John Green	Land and Buildings.	Whiteacre Farm.	40 0 0	60 0 0	55 0 0	1 7 6
2	- - -	Ditto	Ditto	House and Garden.	In West Street	0 1 0	30 0 0	25 0 0	0 12 6
3	- - 7½ Excused	John Poor -	Ditto	House -	In Brick Lane	- - -	1 10 0	1 5 0	0 0 7½
&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.

Declaration of Overseers and Churchwardens.

We, do declare the several Particulars specified in the respective Columns of the above Rate to be true and correct, so far as we have been able to ascertain them, to which End we have used our best Endeavours.

Thomas Jones, Overseer.
John Thomas, [Churchwarden, *&c. &c.*]

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