

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. LV.

An Act to amend the Laws regarding the Removal of the Poor and the Contribution of Parishes to the Common Fund in Unions.

[1st *August* 1861.]

WHEREAS it is desirable that the Laws for the Removal of the Poor should be amended: 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:

So much of Sect. 1. of 9 & 10 Vict. c. 66. as prescribes a Residence of 5 Years to be altered to 3 Years, &c.

1. That after the Twenty-fifth Day of *March* next the Period of Three Years shall be substituted for that of Five Years specified in the First Section of the Statute Ninth and Tenth *Victoria*, Chapter Sixty-six, and the Residence of a Person in any Part of a Union shall have the same Effect in reference to the Provisions of the said Section as a Residence in any Parish.

Provision for Orphan Children under 16 Years of Age.

2. Where a Child under the Age of Sixteen Years, residing with its surviving Parent, shall be left an Orphan, and such Parent shall at the Time of Death have acquired an Exemption from Removal by reason of a continued Residence, such Orphan shall, if not otherwise irremovable,

movable, be exempt from Removal in like Manner and to the same Extent as if it had then acquired for itself an Exemption from Removal by Residence.

Provision for deserted Wives.

3. Where a married Woman shall have been or shall be deserted by her Husband, and shall after his Desertion reside for Three Years in such a Manner as would, if she were a Widow, render her exempt from Removal, she shall not be liable to be removed from the Parish wherein she shall be resident, unless her Husband return to cohabit with her.

Chargeability of Wayfarers.

4. Where any destitute Wayfarer, Wanderer, or Foundling shall be or become chargeable upon the Common Fund of any Union, the Cost of the Relief of such Wayfarer, Wanderer, or Foundling shall continue to be charged to such Common Fund until the Relief shall be discontinued.

Chargeability of sick Persons.

5. When any Person shall be or become chargeable upon the Common Fund of a Union, by reason of some Accident or Sickness which will not produce permanent Disability, the Chargeability upon such Fund shall cease when the Person shall be cured, and thenceforth, if the Relief continue, the Cost thereof shall be charged to the Parish where the poor Person shall be then residing unless he shall be in the Workhouse of the Union, and in such Case it shall be charged to the Parish wherein he was residing when he was removed to such Workhouse, and the Overseers of the Parish so charged may apply for and obtain an Order of Removal.

Lunatics to be chargeable upon the Common Fund.

6. The Cost of the Examination of any Lunatic Pauper, present or future, of his Removal to and from, and his Maintenance in any Asylum, Licensed House, or Registered Hospital, who would under any Provision of the Sixteenth and Seventeenth *Victoria*, Chapter Ninety-seven, be chargeable to a Parish in a Union, shall from and after the Twenty-fifth Day of *March* next be borne by the Common Fund of the Union comprising such Parish.

Orders in Lunacy may be obtained by or appealed against by Boards of Guardians.

7. The Guardians of any Union may obtain Orders upon the Guardians of any other Union, or upon the Guardians or Overseers of any Parish not comprised in a Union, or upon the Treasurer of the County, and may appeal against or defend any Orders in respect of any Lunatic Paupers hereby made chargeable upon the Common Fund of the Union, in like Manner and subject to the same Incidents and Provisions as are contained in the said last cited Act, in respect of Lunatic Paupers chargeable to any Parish in such Union: Provided that every Appeal now pending may be continued and determined as though this Act had not been passed.

Proviso for pending Appeals.

8. The

Chargeability of Union Paupers on Common Fund made perpetual.

8. The temporary Provisions of the several Statutes whereby the Costs of the Relief, Burial, and Maintenance of certain Paupers have been made chargeable upon the Common Fund of Unions until the End of this Session of Parliament are hereby made perpetual.

Parishes comprised in any Union formed under 4 & 5 Vict. c. 76. to contribute to Common Fund according to the annual Value of rateable Property.

9. And whereas it is also expedient to alter the Mode in which the Contributions of Parishes to the Common Fund of the Union in which they are comprised are now calculated: Be it therefore enacted, That after the Twenty-fifth Day of *March* next the several Parishes comprised in any Union already formed or hereafter to be formed under the Provisions of the Fourth and Fifth of *William* the Fourth, Chapter Seventy-six, shall contribute to the Common Fund thereof, in proportion to the annual rateable Value of the Lands, Tenements, and Hereditaments in such Parishes respectively assessable by the Laws in force for the Time being to the Relief of the Poor, and in no other Manner, whether the Lands, Tenements, and Hereditaments shall be actually rated or not, and whether the Rate levied shall be collected in full or upon any Composition: Provided always, that nothing herein contained shall alter or affect the Liability of any Parish comprised in any such Union in regard to any Charge lawfully created in the said Union, and secured upon the Poor Rates of all or any of the Parishes comprised therein, which shall have been created at any Time previous to the said Twenty-fifth Day of *March;* but the same shall continue to be charged and payable in like Manner as it would by Law have been charged and payable if this Act had not been passed; provided also, that nothing herein contained shall apply to any Contribution which shall be in arrear from any Parish in such Union on the said Twenty-fifth Day of *March*, but the same shall be recoverable and shall be applicable in the same Manner as if this Act had not been passed.

Proviso as to Liabilities.

Proviso for Contributions in arrear.

Mode of ascertaining the annual rateable Value.

10. The Guardians of every such Union, in computing the Amount of Contribution to the Common Fund from the several Parishes, shall take the annual rateable Value of such Property in every Parish therein from the Valuation upon which such Parish was assessed to the County Rate, or, where there is no County Rate, to the Borough or Ward Rate, or other Rate in the Nature of a County Rate, in the last Assessment made not less than One Month next preceding the Day when the Order for such Contribution is made.

No Order for Contribution to be deemed void by reason of Error in the Calculation.

11. No Order of Guardians for Contribution purporting to be made in accordance with this Act shall be deemed to be void by reason of any Error in the Estimate of the rateable Value of the Property in any Parish in the Union upon which the Contribution shall have been calculated; but every Parish affected by such Error shall

shall be entitled to have the same set right in the making out and closing of the Accounts of the Union or at the Audit thereof.

Interpretation of Terms, and Consolidation of the Acts.

12. The Words used in this Act shall be construed in the like Manner as in the said Act of King *William* the Fourth; and the Provisions contained therein and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

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