

CHAPTER 38.

An Act to provide Compensation for Losses by Riots. A.D. 1886.

[25th June 1886.]

WHEREAS by law the inhabitants of the hundred or other area in which property is damaged by persons riotously and tumultuously assembled together are liable in certain cases to pay compensation for such damage, and it is expedient to make other provision respecting such compensation and the mode of recovering the same:

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 Riot (Damages) Act, 1886.

Compensation to persons for damage by riot.

2.—(1.) Where a house, shop, or building in any police district has been injured or destroyed, or the property therein has been injured, stolen, or destroyed, by any persons riotously and tumultuously assembled together, such compensation as herein-after mentioned shall be paid out of the police rate of such district to any person who has sustained loss by such injury, stealing, or destruction; but in fixing the amount of such compensation regard shall be had to the conduct of the said person, whether as respects the precautions taken by him or as respects his being a party or accessory to such riotous or tumultuous assembly, or as regards any provocation offered to the persons assembled or otherwise.

(2.) Where any person having sustained such loss as aforesaid has received, by way of insurance or otherwise, any sum to recoup him, in whole or in part, for such loss, the compensation otherwise payable to him under this Act shall, if exceeding such sum, be reduced by the amount thereof, and in any other case shall not be paid to him, and the payer of such sum shall be entitled to compensation under this Act in respect of the sum so paid in like

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manner as if he had sustained the said loss, and any policy of insurance given by such payer shall continue in force as if he had made no such payment, and 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 authority of the district in which the injury, stealing, or destruction took place, and such police authority shall inquire into the truth thereof, and shall, if satisfied, fix such compensation as appears to them just.

(2.) A Secretary of State may from time to time make, and when made, revoke and vary regulations respecting the time, manner, and conditions within, in, and under which claims for compensation under this Act are to be made, and all claims not made in accordance with such regulations may be excluded. Such regulations may also provide for the particulars to be stated in any claim, and for the verification of any claim, and of 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 which under this Act can be prescribed, and for the police authority obtaining information and assistance for determining the said claims.

(3.) The said regulations shall be published in the London Gazette, and every police authority shall cause the same to be published in their police district, and copies thereof to be at all times sold to any applicant at a price not exceeding sixpence for each copy.

Right of action to person aggrieved.

4.—(1.) Where a claim to compensation has been made in accordance with the regulations, and the claimant is aggrieved by the refusal or failure of the police authority to fix compensation upon such claim, or by the amount of compensation fixed, he may bring an action against the police authority to recover compensation in respect of all or any of the matters mentioned in such claim and to an amount not exceeding that mentioned therein, but if in such action he fails to recover any compensation or an amount exceeding that fixed by the police authority, he shall pay the costs of the police authority as between solicitor and client.

(2.) If the amount of compensation for which such action is brought does not exceed one hundred pounds, the action shall be brought in the county court for any district in which any part of the police district is situate.

Payment of compensation and

5.—(1.) Where any compensation under this Act has been fixed by or recovered in an action against the police authority, that

authority shall, on the prescribed conditions having been complied with, pay in the prescribed manner the amount of such compensation out of moneys held by them or their treasurer on account of their police force, and shall also pay out of the said moneys, all costs and expenses payable by them in or incidental to the execution of this Act; and the amount required to meet the said payments (in this Act referred to as riot expenses), shall be raised as part of the police rate.

expenses, and raising of money.

(2.) In the case of a county divided into districts within the meaning of the County Police Act, 1840, as amended by section four of the County and Borough Police Act, 1856, the riot expenses shall be defrayed by the district in which the injury, stealing, or destruction took place, as part of the local expenditure thereof.

3 & 4 Vict. c. 88. 19 & 20 Vict. c. 69.

(3.) Where the police forces of a borough and a county have been consolidated, riot expenses shall be paid by the county and borough respectively in such proportions as may have been agreed upon by the police authority for the county and the council of the borough, and if no agreement is made, in such proportions as a Secretary of State may from time to time determine; and such agreement may from time to time be made in the same manner and subject to the same conditions as an agreement to consolidate the said police forces.

(4.) Where the police rate is limited, an addition to that rate shall, if necessary, be levied for the purpose of raising the sum required to pay riot expenses under this Act.

6. This Act shall apply—

Application of Act to wreck and machinery.

(*a*) in the case of the plundering, damage, or destruction of any ship or boat stranded or in distress on or near the shore of any sea or tidal water, or of any part of the cargo or apparel of such ship or boat, by persons riotously and tumultuously assembled together, whether on shore or afloat; and

(*b*) in the case of the injury or destruction, by persons riotously and tumultuously assembled together, of any machinery, whether fixed or movable, prepared for or employed in any manufacture, or agriculture, or any branch thereof, or of any erection or fixture about or belonging to such machinery, or of any steam-engine or other engine for sinking, draining, or working any mine or quarry, or of any staith or erection used in conducting the business of any mine or quarry, or of any bridge, waggon-way, or trunk for conveying minerals or other product from any mine or quarry;

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in like manner as if such plundering, damage, injury, or destruction were an injury, stealing, or destruction in respect of which compensation is payable under the foregoing provisions of this Act, and as if, in the case of such ship, boat, or cargo not being in any police district, such plundering, damage, or destruction took place in the nearest police district.

As to claimants in the case of churches, public institutions, &c.

7. For the purposes of this Act—

(*a.*) where a church or chapel has been injured or destroyed, or any property therein has been injured, stolen, or destroyed, the churchwardens or chapelwardens, if any, or, if there are none, the persons having the management of such church or chapel, or the persons in whom the legal estate in the same is vested; and

(*b.*) where a school, hospital, public institution, or public building, has been injured or destroyed, or any property therein has been injured, stolen, or destroyed, the persons having the control of such school, hospital, institution, or building, or the persons in whom the legal estate in the same is vested;

shall be deemed to be the persons who have sustained loss from such injury, stealing, or destruction, and claims may be made by any one or more of such persons in relation both to the building and to the property therein, and payment to any such claimant shall discharge the liability of the police authority to pay compensation, but shall be without prejudice to the right of any person to recover the compensation from such payee.

Compensation for loss sustained before passing of Act.

8. The police authority of any district other than the City of London or the metropolitan police district may, if they think fit, within one month after the passing of this Act, by order declare that claims for compensation under this Act may be made in respect of losses sustained within such district during any period not exceeding twelve months next before the passing of this Act, and thereupon the said authority shall consider such claims, and may allow such compensation (if any) as they think fit, and the compensation so allowed shall be paid out of the fund in this Act provided with respect to riot expenses in like manner as if such expenses had been incurred after the passing of this Act.

A Secretary of State shall have power to make special regulations under this Act for the purpose of any claims for compensation to be made in pursuance of this section.

Definitions.

9. In this Act, unless the context otherwise requires—

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

The expression "police district" means one of the districts set forth in the first column of the First Schedule to this Act; and the expressions "police authority" and "police rate" mean, as respects each police district, the authority and rate respectively mentioned opposite to that district in the second and third columns of that Schedule, and the expressions defined in that Schedule shall have the meanings thereby assigned to them:

The expression "house, shop, or building" includes any premises appurtenant to the same:

The expression "borough" means a borough subject to the Municipal Corporations Act, 1882, and the Acts amending the same: 45 & 46 Vict. c. 50.

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

Repeal of Acts, and provision as to references to repealed Acts.

10.—(1.) The Acts specified in the Second Schedule to this Act are hereby repealed to the extent in the third column of that Schedule mentioned, without prejudice to anything done or suffered in pursuance of any enactment so repealed, and any proceeding commenced before the passing of this Act under any enactment hereby repealed may be continued and any compensation upon such proceeding recovered in like manner as if such repeal had not been enacted.

(2.) A reference in any Act to an Act or enactment hereby repealed shall be deemed to be made to this Act.

Extent of Act.

11. This Act shall not extend to Scotland or Ireland.

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FIRST SCHEDULE.

POLICE DISTRICTS AND AUTHORITIES.

Police District.	Police Authority.	Police Rate.
The city of London and the liberties thereof.	The mayor and commonalty and citizens of London, acting by the common council.	The police rate.
The Metropolitan Police District.	The receiver for the Metropolitan Police District.	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.
Any county, riding, parts, division, or liberty of a county maintaining a separate police force.	The justices in general or quarter sessions assembled.	The police rate.
A borough maintaining a separate police force.	The mayor, aldermen, and burgesses of the borough, acting by the council.	The borough fund or borough rate.
Any town not being a borough and maintaining a separate police force under any Local Act of Parliament.	The commissioners or other authority under the Local Act.	The fund or rate applicable under the Local Act for the expenses of the police force.
The river Tyne within the limits of the Acts relating to the Tyne Improvement Commissioners.	The Tyne Improvement Commissioners.	The tonnage rates and dues and other sums applicable under the Acts relating to the improvement of the river Tyne for the expenses of maintaining the police force.

In this Act the expression "county" does not include a county of a city or county of a town.

All liberties of a county not maintaining a separate police force under the Acts relating to police forces shall be deemed to form part of the county of which they form part for the purposes of those Acts.

Where the police force of a borough has been consolidated with the police force of a county such borough shall be deemed for the purposes of this Act to form part of the police district constituted by the said county.

Such parts of any county as are within the Metropolitan Police District or as form part of any other police district shall not be deemed for the purposes of this Act to form part of the county police district. A.D. 1886.

SECOND SCHEDULE.

Acts Repealed.

Session and Chapter.	Title.	Extent of Repeal.
7 & 8 Geo. 4. c. 31. -	An Act for consolidating and amending the laws in England relative to remedies against the hundred.	The whole Act.
2 & 3 Will. 4. c. 72. -	An Act to extend the provisions of an Act of the seventh and eighth years of the reign of His late Majesty King George the Fourth relative to remedies against the hundred.	The whole Act.
17 & 18 Vict. c. 104. -	The Merchant Shipping Act, 1854.	Section four hundred and seventy-seven, from "in "England" down to "riotous assemblage, or "as near thereto as cir- "cumstances permit," both inclusive.

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