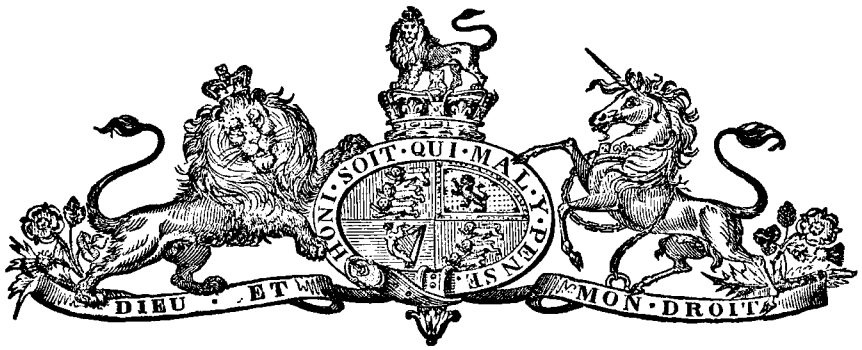


ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. LXV.

An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates. [28th *July* 1849.]

WHEREAS there are several Parishes and Places in *England* and *Wales* Parts of which are comprised in Boroughs not subject to contribute to the County Rate or County or District Police Rate, while the Parts out of the Borough are liable to contribute thereto: And whereas there are several Parishes Parts of which are comprised in Boroughs which are subject to District, Borough, and other Rates, while the Parts out of the Borough are not liable to contribute thereto: 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 of the same, That where any Parish or Place separately maintaining its own Poor shall be divided in manner herein-before stated, and any County Rate, or County or District Police Rate, or other Rate which may by Law be raised in like Manner as a County Rate, shall be assessable upon the Part of the Parish or Place which is comprised within the County and excluded from the Borough, the Overseers of such

The Overseers of Parishes situated partly within Boroughs and partly without to collect the

County Rates, County Police Rates, and District Police Rates leviable on the Part of the Parish not comprised within the Borough.

such Parish or Place shall, on Receipt of any Precept or other lawful Demand from the Justices of the County, or other due Authority in that Behalf, demanding the Payment of any Sum of Money as the Contribution of the Part of such Parish or Place out of the Borough towards any such Rate as aforesaid, with all convenient Speed assess the Sum so required upon the Persons liable within such Part of the Parish or Place to pay the Poor Rate therein, by means of a separate Rate, to be made, allowed, and published in like Manner as the Poor Rate, and either by themselves or by the Collector of Poor Rates for the Time being appointed for the said Parish or Place shall collect the same separately or with the Poor Rate payable by the Parties assessed thereto, and for the Purposes of assessing and collecting the same shall have all such Powers, Authorities, Privileges, Protections, and Incidents as belong to them in the assessing and Collection of the Poor Rate; and all Provisions of the Law for enforcing the Collection of the Poor Rate, and recovering the Costs of the Proceedings therein, shall be applicable to the Collection of the Rate or Rates herein provided for.

Similar Provision for the Collection of the Borough Rate in Places similarly situated.

II. And be it enacted, That in every Case in which any such Parish or Place shall be partly within and partly without any Borough, the Overseers or other Persons charged with the Collection of the Rates made for the Relief of the Poor in such Parish or Place, upon the Receipt of any Warrant from the Mayor, or any Justice or Justices of the Peace, High Constable, or other Officer duly authorized to act in that Behalf within the Borough, for the Payment of Money for the Contribution of the Part of such Parish within such Borough towards any District, Borough, or other Rate, (which Warrants every such Mayor, Justice of the Peace, High Constable, and other Officer shall be severally empowered to direct to them in like Manner as if the whole of such Parish or Place were within their Borough,) shall assess upon and levy from the Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments liable to the Poor Rates in that Part of their Parish or Place which is within the Borough, the Amount mentioned in the Warrant, either as a separate Rate or Rates, for which the said Overseers shall have all the Powers which belong to them for levying a Rate for the Relief of the Poor, or with and as Part of the Poor Rate to which the Inhabitants and Occupiers of Property within that Part of the Parish or Place may be liable in common with the Inhabitants and Occupiers of Property within the other Part thereof which is not within the Borough, and out of the Monies so levied and collected shall pay the Amount mentioned in the Warrant to the Person duly authorized to receive the same, and in default thereof shall be subject to all the Provisions and Penalties provided by this Act, or any Act concerning the Non-payment of any Borough Rate.

III. And

Appeal against the Rate, and Audit of the Accounts.

III. And be it enacted, That any Person assessed to any Rate made under the Authority of this Act may appeal against the same in like Manner, and with the like Consequences in all respects, and subject to the same Provisions and Regulations, as in Appeals against the Poor Rate; and that every Overseer and Collector shall account for the Money levied, collected, and expended under the Authority of this Act, to the Auditor of the District comprising such Parish or Place, in like Manner as for the Poor Rate, and if any Balance be found to be in his Hands shall apply the same towards the next Rate required for the Purpose of this Act, or shall pay the same to his Successor in Office; and in default of his so applying the same while in Office, or making Payment to his Successor within Seven Days after the Balance shall have been found, such Auditor shall proceed to recover the same from the Person holding the same, in like Manner as Sums certified by him to be due from Persons accounting shall from Time to Time be recoverable, and he shall be paid his Costs and Expenses, when not recovered from the Defendant, by the then Overseers of the Parish or Place, who shall be reimbursed out of the Balance of such Rate, or, if need be, out of the next Rate.

Mode of procuring the Funds when the Precept is sent to the Guardians of the Union comprising the divided Place. 7 & 8 Vict. c. 33.

IV. And be it enacted, That where a Precept shall be issued to the Guardians of the Union comprising any such Parish or Place, under the Provisions of the Act passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties*, and such Precept shall contain a Sum to be assessed and charged in respect of any such Rate as is herein provided for upon a Part of such Parish or Place as aforesaid, the said Guardians may require the Overseers of such Parish or Place to pay to their Treasurer a Sum of Money sufficient to enable the said Guardians to pay the Sum so assessed, with the other Sums mentioned in the said Precept, to the Treasurer of the County or other Person lawfully authorized to receive it; and the said Overseers shall pay the Amount out of any Monies in their Possession belonging to the Parish or Place, or to the Part of such Parish or Place respectively, and reimburse themselves, if necessary, by a Rate, to be levied as hereinbefore described, upon the Persons liable thereto, or if they have no such Monies shall forthwith proceed to levy and collect the requisite Amount by such Rate, and pay the same over to the Treasurer of the said Guardians: Provided nevertheless, that if such Overseers make default and do not make the requisite Payment within the appointed Time, they shall be subject to be proceeded against in like Manner as the Overseers of a Parish wholly situated within the County are subjected to under the Provisions of the said Act.

V. And

Where the Amount required for the County or other Rate is small, the making of the Rate for Reimbursement may be postponed.

V. And be it enacted, That where the Amount required in respect of any such County Rate, Police or District Police Rate, from any Part of such Parish or Place as aforesaid, shall in the Judgment of such Overseers be so small as to render the levying and collecting of a separate Rate for it inconvenient, the Overseers may postpone the Reimbursement of themselves for any such Advance as aforesaid, and they or their Successors may afterwards, on the Recurrence of the next Precept or other lawful Demand, or of that next but one, levy and collect such a Rate as aforesaid to raise the whole Amount so previously advanced and unsatisfied out of the Poor Rates of the Parish, as well as the Amount required by the then Precept or Demand, and shall apply the Sum so collected in Reimbursement of the previous Payments, and the Satisfaction of such Precept or Demand, and shall apply the Balance, if any, towards the Discharge of the next Precept or Demand.

Repeal of certain Part of 1 Vict. c. 81.

VI. And be it enacted, That from the Twenty-ninth Day of September One thousand eight hundred and forty-nine so much of the Act passed in the First Year of Her Majesty, intituled *An Act to provide for the levying of Rates in Boroughs and Towns having Municipal Corporations in* England *and* Wales, as applies to the making, levying, and collecting the County Rate and Borough Rate in divided Parishes or Places, shall, except in respect of Rates before that Time made, levied, or collected, or of any Arrears of Rates in course of being collected, be repealed, and all Balances which may remain over the Sums required by the Precepts under which the Rate was levied shall be applicable towards the Discharge of the next County Rate or Borough Rate assessed upon such divided Parish or Place, and if not so applied by the Party holding the same shall be recoverable by the Person entitled to receive the same, on Complaint before Two Justices of the Peace of the County having Jurisdiction in that Part of the Parish or Place, who shall make an Order for the Payment of the Sum due, to be enforced in like Manner and with the like Consequences as Orders of Justices for the Payment of Money shall be then by Law enforceable.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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