ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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C A P. CX.

An Act for the better collecting Borough and Watch Rates in certain Places. [8th *August* 1845.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, Authority was given to the Councils of Boroughs in certain Cases to levy Borough Rates, and also Watch Rates, for the Purposes of the said Act: And whereas the Powers and Directions given by the said Act, and certain other Acts relating thereto, for the levying, assessing, and collecting such Borough Rates and Watch Rates, are found to be insufficient for that Purpose: 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 in every Case in which any Parish or Place liable to support its own Poor, or any extra-parochial Place, shall lie partly within and partly without any such Borough, and the Council of such Borough hath appointed or hereafter shall appoint One or more Persons to act as Overseer or Overseers within that Part of such Parish or Place, or those Parts of such Parishes or Places, which is or are within the same Borough, for making, levying, and collecting Borough Rates or Watch Rates made or hereafter to be made therein, the Person or Persons so appointed shall be empowered to levy and raise, by an equal Rate or Assessment upon all the Property within each of the Parts of Parishes or Places respectively for which he or they shall be so appointed, which, if such Part were

5 & 6 W. 4. c. 76.

Overseers for Parts of Parishes and Places within Boroughs to raise District Rates.

a Parish maintaining its own Poor, would be rateable to the Relief of the Poor, such Sums of Money as shall be required in order to raise the several Sums assessed upon such Parts of Parishes or Places respectively, or to reimburse such Person or Persons as aforesaid such Sums of Money as he or they shall have paid for any Borough Rate or Watch Rate made or hereafter to be made by the Council of the Borough wherein such Part of a Parish or Place, or Parts of Parishes and Places, respectively, shall be situated; such Rate or Assessment, or respective Rates or Assessments, to be paid by the Occupier or Occupiers for the Time being of such rateable Property as aforesaid; and that the Person or Persons so appointed or to be appointed to act as such Overseer or Overseers for the Purposes aforesaid shall have and exercise, in and for the Purpose of making, levying, and collecting every such Rate or Assessment as aforesaid, all the Powers which by the Laws now or hereafter to be in force Overseers of the Poor have or may have for making, assessing, collecting, and recovering Rates for the Relief of the Poor within their several Parishes; and every such Rate or Assessment made or to be made by any Person or Persons appointed or to be appointed to act as Overseer or Overseers of the Part of any Parish or Place within any such Borough shall, for the Purposes of this Act, be called a District Rate.

District Rates to be allowed and published.

II. And be it enacted, That no such District Rate, nor any separate Rate made by Overseers of the Poor for raising a Watch Rate as herein-after is mentioned, shall be demanded, collected, or payable, until the same shall have been allowed by Two or more Justices of the Peace usually acting in and for such Borough, and shall also have been published in like Manner as Rates for Relief of the Poor are by Law required to be allowed and published.

Persons aggrieved may appeal.

III. Provided always, and be it enacted, That any Person who shall think himself aggrieved by any such District Rate as aforesaid, or by any separate Rate to be made by any Overseers of the Poor for raising a Watch Rate as herein-after is mentioned, may appeal to the Recorder of the Borough in which such Rate has been made, at the next Quarter Session for the same Borough, or, in case there shall be no Recorder in such Borough, to the Justices at the next Court of Quarter Sessions for the County within which such Borough is situated, or whereunto it is adjacent; and such Recorder or Justices respectively shall hear and determine the same, and shall award Relief in the Premises as in the Case of an Appeal against any Rate made for the Relief of the Poor.

District Rates to be sufficient to raise the Amount required.

IV. And be it enacted, That every such District Rate as aforesaid made for the Purpose of raising Money to pay or reimburse any Borough Rate or Watch Rate charged by the Council of the Borough upon such Part of a Parish or Place, and every separate Rate to be made by Overseers of the Poor for raising a Watch Rate as herein-after mentioned, may be at such Amount or Rate in the Pound as may be necessary for raising the Sum or respective Sums so charged by such Council, so that no such District Rate, or Rate for raising a Watch Rate, exceed Two-pence in the Pound of

the annual Value of Property rateable thereunto, beyond the Rate in the Pound at which the Council of the same Borough shall have computed the general Borough Rate or Watch Rate so laid or charged by them; and that the Person or Persons collecting such District Rate shall be liable to account as an Officer appointed by the Council of the Borough in or for any Part of which he shall act, and shall be liable to the same Penalties, Remedies, and Proceedings in all respects, for refusing or neglecting to account and pay over the Monies from Time to Time remaining in his Hands, to which other Officers appointed by the Council are liable; and in case of there being a Surplus in the Hands of such Person or Persons arising from any District Rate, above the Amount for raising which such District Rate was made, then such Surplus shall be paid to the Treasurer of the Borough Fund, to the Credit of the Place within and for which such District Rate was made, and go in part of the next Rate of the like Denomination to be made and laid on such Place by the Council of such Borough; and in regard to separate Rates made by Overseers of the Poor for raising Watch Rates as is herein-after mentioned, such Overseers shall account for the Money collected under or by virtue of such separate Rates in like Manner as for Money collected under Rates made for the Relief of the Poor; and in case of there being a Surplus in the Hands of such Overseer, arising from any such separate Rate made for raising a Watch Rate, above the Amount to raise which such separate Rate was made, then such Surplus shall be paid to the Treasurer of the Borough Fund, to the Credit of the Place within and for which such separate Rate was made, and go in part of the next Watch Rate to be made and laid on such Place by the Council of such Borough.

Collectors to account.

Surplus of District Rate to be paid to the Treasurer.

Separate Rate made by Overseers for raising Watch Rates to be accounted for, and Surplus paid to the Treasurer.

V. And be it enacted, That it shall be lawful for the Council of the Borough in which any District Rate, or any separate Rate to be made by Overseers of the Poor for raising a Watch Rate as herein-after mentioned, shall be made, or for any Committee of the Council appointed for that Purpose, on Application by or on behalf of any Person rated in any such District Rate, or Rate for raising a Watch Rate, to be discharged therefrom, and on Proof of his or her Inability, through Poverty, to pay the Amount charged upon him or her by such District Rate, or Rate for raising a Watch Rate, to order that such Person shall be excused from the Payment of such District Rate, or Rate for raising a Watch Rate, and to strike out his or her Name therefrom; and the Sum at which such Person was so rated in such District Rate, or Rate for raising a Watch Rate, shall not thereafter be collected, nor shall any Person be charged therewith, or in any Manner called or liable to account for the same, or for omitting to collect or receive the same.

Persons rated may be excused on account of Poverty.

VI. And be it enacted, That in every Case in which a Part only of any Parish or Place liable to maintain its own Poor, and situated within any Borough, shall be liable to Watch Rate, the Overseers of the Poor of such Parish or Place shall not pay the Amount of any Watch Rate charged by the Council of such Borough upon such Parish or Place out of Money collected from any Rate or Rates for the Relief of the Poor, but shall make a separate Rate or Assessment

Watch Rates to be charged only upon Persons liable thereto.

ment upon the Part or Parts only of such Parish or Place liable to Watch Rates for raising and paying the same Watch Rate, which Rate shall be made in like Manner, and under like Regulations, and with like Means and Remedies for Recovery thereof, as are herein contained in relation to District Rates.

For Recovery of Rates.

VII. And be it enacted, That it shall be lawful for the Person or Persons appointed or to be appointed to act as Overseer or Overseers for making, levying, and collecting Borough Rates and Watch Rates in the Parts of Parishes or Places situate within the Limits and Jurisdiction of any City or Borough as aforesaid, or any of them, and for the Overseers of the Poor making any separate Rate or Assessment for the Purpose of raising the Amount of any Watch Rate, by Warrant from any Two Justices of the Peace usually acting in and for the Borough wherein the Parishes, Parts of Parishes or Places, in or for which any District Rate, or Rate for raising a Watch Rate, may be made, shall be situated, to levy upon every Person who shall refuse to pay the Amount assessed or charged upon him or her by any such District Rate, or Rate for raising a Watch Rate, according as they shall be assessed, the Amount so assessed or charged upon him, her, or them, together with the Costs and Charges of recovering and enforcing Payment of the same, to be ascertained by such Justices, by Distress and Sale of the Offender's Goods, rendering to the Parties the Overplus; and in default of such Distress it shall be lawful for any Two such Justices of the Peace to commit him or them to the Common Gaol of or used for the same Borough, there to remain, without Bail or Mainprize, until Payment of the said Amount and Arrearages.

Overseer may be appointed for Two or more Parts of Parishes.

VIII. And be it enacted, That whenever there shall be within any Borough Two or more Parishes or Places, each separately maintaining its own Poor, or Two or more extra-parochial Places, and each of them partly within and partly without the Limits and Jurisdiction of such Borough, it shall be lawful for the Council of such Borough to appoint some One Person or some Two Persons to act as Overseer or Overseers for making, levying, and assessing District Rates and Watch Rates within any Two or more of the Parts of Parishes or Places, or within all the Parts of Parishes or Places, lying within the Limits and Jurisdiction of such Borough, without regard to the Residence of the Person or Persons so to be appointed; and every Person appointed to act as an Overseer for the making, levying, and collecting District or Watch Rates under the Provisions of this Act, and the Acts herein recited, shall be allowed and paid out of the Borough Fund such Allowances or Remuneration for his Services as the Council shall direct.

Alteration of Act.

IX. 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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