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C A P. CXI.

An Act to amend the Laws relating to the assessing of County Rates. [8th *August* 1845.]

Justices at Sessions to appoint Committees for assessing County Rates.

WHEREAS it is expedient to amend the Laws in being relating to the assessing of County Rates: 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, That from and after the passing of this Act it shall be lawful for Her Majesty's Justices of the Peace of every County in *England*, assembled at their General or Quarter Sessions of the Peace, or at any Adjournment thereof, from Time to Time, as often as they may deem it necessary, to appoint any Number of Justices, not exceeding Eleven in Number nor less than Five, to be a Committee for the Purpose of preparing fair and equal County Rates, or of altering and amending such Rates from Time to Time as Circumstances may require.

Meetings of Committee.

II. And be it enacted, That the Committee so appointed shall hold their First Meeting after their Appointment at such Time and Place as shall be fixed by the said Court of Quarter Sessions, and their subsequent Meetings at such Times and Places as they shall themselves appoint for carrying this Act into execution; and at every Meeting of the said Committee, if Three or more Members thereof are present, they shall be competent to act as fully and effectually as if all the Members of the said Committee were present.

Committee may appoint a Clerk.

III. And be it enacted, That such Committee may from Time to Time, as they may see fit, appoint a Clerk to assist them in the Execution of their Duties under the Provisions of this Act, and may at any Time remove such Clerk, and appoint another in his Stead.

Committees may require Returns of the annual Value of the Property in any Parish liable to be assessed, with the Date of the last Valuation.

IV. And be it enacted, That for the Purpose of preparing such fair and equal County Rates the said Committee, by their Order in Writing, to be signed by their Clerk, may from Time to Time, as often as they may deem it necessary, direct the Overseers of the Poor, Constables, Assessors, and Collectors of public Rates of or for any Parish, Township, or Place within the County, and all other Persons having the Custody or Management of any public or parochial Rates or Valuations of any such Parish, Township, or Place, to make Returns in Writing to the said Committee, at such Times and Places as they may appoint, of the Amount of the full and fair annual Value of the whole or of any Part of the Property within the Parish, Township, or Place liable to be assessed toward the County Rate, together with the Date of the last Valuation for the Assessment of such Parish, and the Name of the Surveyor by whom the Valuation was made; and the Overseers of the Poor required to make any such Return in respect of any Parish, Township, or Place maintaining its own Poor, and the Constable or other Person required to make any such Return in respect of any Place not maintaining its own Poor, shall, before they present the same to the said Committee, lay the same before a Vestry Meeting of the Parish, Township, or Place for which they act, or where no Vestry Meeting is held before some other Meeting of the Inhabitants of such Place, if any such there be, at which the public Business of such Place is commonly transacted.

Such Returns to be laid before a Vestry Meeting previous to their being presented to the Committee.

Declaration of the Property liable to the County Rate.

V. And be it declared and enacted, That the Property liable to be assessed towards the County Rate shall be taken to be the Property which in any Parish or Place maintaining its own Poor is liable to be rated to the Relief of the Poor, or which in any Place not maintaining its Poor would be liable to be rated for the Relief of the Poor if such Place were a Parish.

Meaning of "full and fair annual Value."

VI. And be it declared and enacted, That for the Purposes of assessing any County Rate the Words "full and fair annual Value" shall be taken to mean the net annual Value of any Property as the same is or may be required by Law to be estimated for the Purpose of assessing the Rates for the Relief of the Poor.

Committees empowered to inspect Rates, Assessments, Valuations, &c.

VII. And be it enacted, That the said Committee may from Time to Time, as often as they may deem it necessary, by their Order in Writing, signed as aforesaid, require the said Overseers of the Poor, Constables, Assessors, Collectors, and any other Persons whomsoever, to appear before them when and where and as often as the said Committee may deem expedient, and to produce all parochial and other Rates, Assessments, Valuations, Apportionments, and other Documents in their Custody or Power relating to the Value of or Assessment on all or any of the Property within the several Parishes and Places aforesaid which may be liable to be assessed toward the County Rate, and to be examined on Oath, and answer such Questions as the said Committee may put to them respectively touching the said Rates, Assessments, Valuations, or Apportionments, or the Value of the Property aforesaid; and the said Committee shall be authorized and empowered to administer such Oath, and to examine the Parties upon Oath as aforesaid.

VIII. And

Penalty on Overseers or others refusing to attend or produce Documents.

VIII. And be it enacted, That every Overseer of the Poor, Constable, Assessor, Collector, or other Person so required to make Returns, or to appear as aforesaid, who shall, without any reasonable Excuse, neglect to make such Returns in Writing as aforesaid, or wilfully make any false Return, and every Person who shall neglect or refuse to appear when required so to do as aforesaid, or to be sworn or examined, or to produce such Documents as herein-before provided, shall forfeit a Sum not exceeding Twenty Pounds, to be prosecuted and recovered by Order of the said Committee before any Two of Her Majesty's Justices of the Peace.

Committees may cause new Valuations to be made.

IX. And be it enacted, That the said Committee may from Time to Time, and so often as they may think fit, by their Order in Writing, to be signed as aforesaid, direct that the whole or any Part of any Parish, Township, or Place within the County shall be valued, and may appoint One or more Person or Persons to make such Valuation; and the Person or Persons so appointed may at all reasonable Times, and with or without Assistants, enter upon, view, examine, survey, and measure all and any Lands, Houses, or other Property within such Parish, Township, or Place liable to be assessed toward the County Rate, in order to ascertain the Value at which the same ought respectively to be charged.

Allowances and Compensation to Persons employed in the Execution of this Act.

X. And be it enacted, That the said Committee from Time to Time may make such Allowances and Compensations to their Clerk, and to the Overseers, Constables, Collectors, Surveyors, or other Persons employed in the Execution of this Act, as to them shall appear reasonable and proper, which, together with the Costs of Printing and other Expences necessarily incurred by the said Committee in or about the preparing or amending any Rate, shall be paid, by an Order of the Court of General or Quarter Sessions of the Peace, out of the County Stock.

If Parish Officers neglect or make false Returns, Expences of Valuations to be paid by Parishes.

XI. And be it enacted, That if any Overseers neglect to make any such Return in Writing as aforesaid, or wilfully make any false Return or Statement of the Amount of the full and fair annual Value of the Property within the Parish, Township, or Place liable to be assessed towards the County Rate, any Court of General or Quarter Sessions of the Peace, upon the Report of the said Committee, may order that the whole of the Expences incurred by the said Committee in ascertaining the Amount of the full and fair annual Value of the same shall be charged upon the Parish, Township, or Place of which the Overseers have been guilty of such Neglect or Misconduct as aforesaid, in addition to the Proportion of the County Rate to be paid by such Parish, Township, or Place; and such Expences shall be raised, levied, and collected by such and the like Ways and Means as County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made, in the Case of every such additional Assessment, between the Sum or Sums charged for any such Expences and the Sum or Sums assessed for the County Rate.

When Committee have prepared a County Rate differing in

XII. And be it enacted, That when and so soon as the Committee appointed as aforesaid have prepared any County Rate in which the total Amount of the annual Value of the Property in any Parish or Place

Value from the preceding, they shall cause it to be printed and distributed to the acting Justices and Overseers of the Poor.

Overseers to submit the Rate to a Vestry Meeting.

Place within the County is estimated at a greater or less Amount than in the last preceding County Rate, they shall cause such Rate to be printed in such Form as they may think proper, and shall forthwith cause to be sent by the General Post or otherwise One Copy of the same to every acting Justice of the Peace for the County, and to the Overseers of the Poor, Constables, or other Persons charged with the Collection or Levy of the County Rate in every Parish and Place within such County; and such Overseers of the Poor, Constables, or other Persons shall, within Twenty-one Days after the Receipt of such Rate, call a Vestry Meeting of such Parish or Place, and shall submit the said Copy of the said Rate to such Vestry Meeting; and any Person rated to the Relief of the Poor or liable to contribute to the County Rate in such Parish or Place may at all reasonable Times inspect and examine the said Copy of the said Rate, whilst the same remains in the Custody of any such Overseer, Constable, or other Person, and take Extracts or Copies therefrom, without the Payment of any Fee for the same.

Notice of the Time within which Objections may be made to the proposed Rate to be sent to the Overseers.

XIII. And be it enacted, That, together with the Copy of such proposed Rate, there shall also be sent by the said Committee to the Overseers of the Poor or Constable of every such Parish or Place, or other Person as aforesaid, a Notification of a reasonable Time, not less than One Calendar Month, within which any Objections to the proposed Rate may be forwarded to the said Committee by such Overseers or Constable or other Person as aforesaid, or by any Person affected by such Rate; and the said Committee shall fix a Time and Place when and where such Objections will be taken into consideration by the said Committee, and for hearing the Parties making such Objections.

Notice to be given when Rate will be taken into consideration by Court of General or Quarter Sessions.

XIV. And be it enacted, That when any proposed Rate has been finally corrected and approved of by the said Committee, they shall lay the same before the Court of General or Quarter Sessions holden next thereafter, and such Court shall thereupon order public Notice to be given in One or more of the Newspapers usually circulated within the County, that such Rate will be taken into consideration at the then next General or Quarter Session of the Peace to be held for the said County; and at such General or Quarter Session of the Peace the Court shall proceed to take the same into consideration, and to alter and amend the same as to them may seem proper, and, if they think fit, to allow and confirm the said Rate, or, instead of making any Alteration in the said Rate, or allowing and confirming the same, to refer back the said Rate for Amendment to the said Committee, and to adjourn the Consideration thereof to some future General or Quarter Session of the Peace; and in such last-mentioned Case the said Committee shall have the same Powers and Authorities for requiring Returns and ascertaining the Value of Property liable to be assessed toward the County Rate, in order to the revising or amending of the said Rate, as are herein-before given to them for preparing the same; and all the Clauses and Provisions herein-before contained for preparing any Rate shall be applicable in every respect to the Revision or Amendment of the same; and any Amendment or Alteration of such Rate by the said Committee shall be reported and taken into consideration at the General or Quarter Session of the Peace to which the Consideration thereof was adjourned;

but before any Alteration or Amendment of the said Rate made by the said Committee be allowed or confirmed by the Court of General or Quarter Session of the Peace the said Committee shall send at least Fourteen Days previous Notice thereof, by Post or otherwise, to every Parish and Place with respect to which such Alteration or Amendment is made.

Rate to be deemed valid after Confirmation by Court of General or Quarter Sessions.

XV. And be it enacted, That when the Court of General or Quarter Sessions of the Peace have so allowed and confirmed any Rate, the same shall be taken to be made, and shall be valid, legal, and effectual, to all Intents and Purposes, notwithstanding any Irregularity may have arisen in the making thereof, and notwithstanding the Officers of any Parish or Place may have omitted to make the Returns herein-before mentioned, subject nevertheless at all Times to Appeals against the same as herein-after provided; and the said Court shall cause Copies of the said Rate to be printed, and shall direct One of such Copies to be sent to every acting Justice of the Peace for the County, and One Copy to the Overseers of the Poor, Constable, or other Person charged with the Collection and Levy of the County Rate in every Parish and Place within the said County.

Appeal.

XVI. And be it enacted, That if at any Time after the said Rate has been made as aforesaid any Overseer or Overseers of the Poor, Constable, or other Person charged with the Collection and Levy of County Rate in any Parish or Place, or other Inhabitant or Inhabitants thereof, have reason to think that such Parish, Township, or Place is aggrieved by any such Rate, whether it be on account of some One or more of them being without sufficient Cause omitted altogether from the Rate, or on account of such Parish, Township, or Place being rated on a Sum beyond the full and fair annual Value of the Property therein liable to be assessed toward the County Rate, or on account of some other Parish or Parishes, Township or Townships, Place or Places, being rated on a Sum less than the full and fair annual Value of the Property therein liable to be assessed toward the County Rate, such Overseer or Overseers of the Poor, Constable, or other Person, or Inhabitant or Inhabitants, may appeal to the Justices of the Peace for the County, at the General or Quarter Session to be holden next after the Session at which such Rate was allowed and confirmed, against such Part of the Rate only as may affect the Parish or Parishes, Township or Townships, Place or Places which appear to be over-rated or under-rated, or omitted altogether from the Rate as aforesaid (subject to the Provisions herein-after contained); and if in any Case where any Overseer or Overseers, Constable, or other Person as aforesaid, of one Parish or Place, appeals against the Rate on any other Parish or Place, on account of the same being altogether omitted from such Rate, or on account of the same being rated at less than the full and fair annual Value thereof as aforesaid, such Overseer or Overseers, Constable, or other Person shall give Twenty-one Days previous Notice in Writing of the Intention to appeal, and of the Cause and Matter thereof, to the Overseers of the Poor, or where there are no such Overseers to the Constable or other Person charged with the Collection and Levy of County Rate in such other Parish or Place, and if in any Case where any such Overseer or Overseers, Constable, or other

Notice of Appeal.

Person appeal against the Rate on the ground that any Parish, Township, or Place is rated on a Sum beyond the full and fair annual Value of the rateable Property therein, such Overseer or Overseers, Constable, or other Person shall give Twenty-one Days Notice thereof in Writing, with the Cause and Matter thereof, to the Clerk of the Peace of the County, the said Justices shall be empowered to hear and determine such Appeal in manner by this Act directed, and either to confirm such Parts of the Rate as have been appealed against, or to correct such Inequalities or Omissions as shall be proved to exist therein, in such Manner as to them the said Justices may appear fair, just, and equitable; but no such Rate shall upon any Appeal be quashed or destroyed, in regard to any other Parish, Township, or Place, unless in Cases where the Justices of the Peace in General or Quarter Session assembled, or the major Part of them, deem it necessary to proceed to the making of an entire new Rate, and where they proceed therein according to the Provisions of this Act.

Hearing and determining Appeals.

XVII. And be it enacted, That it shall be lawful for the Court of General or Quarter Session of the Peace, upon any such Appeal, instead of hearing the said Appeal, to order, upon the Application of the Appellant or Respondent in such Appeal, a Survey and Valuation of their respective Parishes, Townships, or Places, and shall fix the next or some subsequent Session for receiving such Survey and Valuation, and for hearing and determining the said Appeal, and such Court shall also thereupon appoint a proper Person or Persons to make such Survey and Valuation; and the Person or Persons so appointed shall for that Purpose have full Power, with or without Assistants, to enter upon, view, and examine, survey, measure, and value, all and any Lands, Houses, and Property liable to be assessed toward the County Rate within the Parishes, Townships, and Places mentioned in such Order; and such Survey and Valuation shall be reported to the General or Quarter Session fixed as aforesaid for receiving the same; and the Court then and there assembled shall hear and determine the said Appeal in the Manner herein-before set forth.

Penalty on Persons obstructing Overseers, &c.

XVIII. And be it enacted, That every Person who in any Manner wilfully resists or obstructs any Overseer, Collector, Surveyor, or other Person in the Execution of his or their Duty under this Act shall forfeit and pay any Sum not exceeding Five Pounds, to be prosecuted and recovered before any Two or more of Her Majesty's Justices of the Peace for the County wherein the Offence is committed.

Penalties and Forfeitures, Costs and Charges, may be levied by Distress and Sale of Offenders Goods.

XIX. And be it enacted, That all Penalties and Forfeitures by this Act authorized to be imposed for any Offence against the same shall, upon Proof and Conviction of the Offences respectively before any Two Justices, as herein-before directed, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or, on Proof of such Conviction, by a Warrant under the Hands of any Two Justices (which Warrant such Justices are hereby empowered

and

and required to grant), and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon demand, unto the Owner of such Goods and Chattels; and if upon the Return of such Warrant it appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, by Warrant under their Hands, to cause such Offender to be committed to the Common Gaol or House of Correction of the County where the Offender may be or reside, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, be sooner paid and satisfied; and the said Penalties and Forfeitures, when recovered, shall be paid to the Treasurer of the County in which such Offence may have been committed or Forfeiture incurred, to be applied in aid of the Rates of the said County.

Committal.

Application of Penalties.

XX. And be it enacted, That the Charges and Expences of and attending any Survey and Valuation ordered to be made by any Court of Quarter Sessions in such Appeal as aforesaid shall be deemed Costs in such Appeal, and abide the Event thereof; and the Court before which any such Appeal is heard and determined may order the Costs in and about such Appeal to be paid by either Party, Appellant or Respondent, as they in their Discretion may think fit; but where any Appeal is made on the ground that any Parish, Township, or Place is rated on a Sum beyond the full and fair annual Value of the Property therein, if the Court before which such Appeal is heard determine in favour of the Appellants such Court shall ascertain the Costs and Charges incurred by such Appellants in and about such Appeal, and shall order the Treasurer of the County Rates to pay the same to such Appellants out of the public Stock of the County in his Hands.

Sessions to determine Costs of Appeal and of Valuation ordered by Sessions.

XXI. And be it enacted, That in any Case where any Committee appointed as aforesaid have directed the whole or any Part of any Parish, Township, or Place to be valued, and where in the Rate afterwards allowed and confirmed by any Court of Quarter Session upon the Report of such Committee, such Parish, Township, or Place is rated on a Sum greater than the Sum set forth in the Returns made to such Committee by the Overseers of the Poor, Constable, or other Person required to make such Return in any Place not maintaining its own Poor, if there be no Appeal against the Rate on such Parish, Township, or Place at the General or Quarter Session holden next after such Confirmation or Allowance thereof, the Justices of the Peace at such Session shall order the Overseers, Constable, or other Person as aforesaid of such Parish, Township, or Place to pay the Amount of the Expences incurred in making such Valuation; and in any such Case as aforesaid, if there be an Appeal to the Justices of the Peace at any General or Quarter Session against the Rate, on the ground that such Parish, Township, or Place is rated on a Sum beyond the fair annual Value of the Property therein, and if on such Appeal such Rate is confirmed as to such Parish, Township, or Place, or if it be not reduced to or below the Sums set forth in the Returns made to such Committee as aforesaid, the Justices of the Peace at such Session shall order the Overseers,

Costs of Valuations directed by Committee.

Overseers, Constable, or other Person as aforesaid of such Parish, Township, or Place to pay the Amount of the Expences incurred in making the Valuation under the Direction of the Committee; and such Expences shall be raised, levied, and collected by such and the like Ways and Means as County Rate can or may be raised, levied, and collected, and shall be paid therewith, due Distinction being made, in the Case of every such additional Assessment, between the Sums charged for or on account of any such Expences and the Sum or Sums assessed as and for the County Rate.

Applying Provisions of former Acts to this Act.

XXII. And be it enacted, That all the Powers, Authorities, Provisions, Clauses, and Regulations contained in any former Act or Acts relating to the Assessment, Collection, and levying of County Rates (save and except such Parts thereof respectively as are hereby varied, altered, or repealed,) shall be good, valid, and effectual for the Purposes of assessing, levying, collecting, and enforcing the Payment of the Rate or Rates hereafter to be made in pursuance of this Act, and for carrying this Act into execution.

County Rate not to be assessed otherwise than as directed by 5 & 6 W. 4. c. 76.

XXIII. And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, it is enacted, that after the Grant of a separate Court of Quarter Sessions of the Peace to any Borough it shall not be lawful to assess any Messuages, Lands, Tenements, or Hereditaments within such Borough to any County Rate thereafter to be made, but every Part of every such Borough shall thenceforward be wholly free and discharged from contributing otherwise than as therein-after provided to any Rate or Assessment of any Kind of and for the County in which any Part of such Borough is situated; be it therefore enacted, That nothing in this Act contained shall extend to render any such Borough, or any Property situated therein, liable to be assessed or to contribute to County Rate, save as in the said recited Act is mentioned and contained.

The Act extended to all Places having separate Commission of the Peace, and to all Rates of the Nature of County Rates.

XXIV. And be it enacted, That in the Construction of this Act the Word "County" shall mean and include any Riding or Division having a separate Commission of the Peace, and any Liberty, Franchise, or other Place in which Rates in the Nature of County Rates may be levied, having a separate Commission of the Peace, and not subject to the Jurisdiction of the County or Counties at large in which such Liberty, Franchise, or Place may lie, nor contributing or paying to the County Rates made for such County or Counties at large; and that the Words "County Rate" shall mean and include every Rate or Tax assessed in any County for all or any of the Purposes to which County Rate or Stock is or may hereafter be made liable.

Alteration of Act.

XXV. 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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