



Brine Pumping (Compensation for Subsidence) Act 1891

1891 CHAPTER 40

(vi.) Rates

36 Estimates and rates

- (1) Every board shall from time to time estimate the sums required to be levied in order to pay the claims under this Act, and of the amount per one thousand gallons of brine, estimated to be pumped or raised in their district, which will suffice to provide for such claims, and for the expenses of the board, and for the formation of the reserve fund herein-after mentioned, subject to the provisions of this Act, and shall make a rate accordingly within their district.
- (2) Every rate made by the board shall be payable on demand at the expiration of one month after such rate has been made, and the sum assessed on any person by any such rate may be recovered by the board either as a civil debt summarily, or in like manner as a poor rate is now recoverable, or by action in any court of competent jurisdiction.
- (3) Any rate or rate book purporting to be made by authority of the board, and to be sealed with their seal, or a certificate in writing, signed by the chairman or clerk, purporting to be given under this Act, and to be sealed with the seal of the board, shall be evidence that the person named therein is liable for the sum mentioned therein, and of all matters necessary to entitle the board to recover such sum.

37 Persons liable to rates

Every brine pumper in any compensation district shall be liable to be rated under this Act.

38 Limit of rate

The rate or rates to be made by a board on the brine pumpers within their district shall not in the aggregate in any period of twelve months exceed the sum of threepence per

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one thousand gallons of brine pumped or raised in the district by each of such brine pumpers during the preceding twelve months.

39 Mode of assessing rates

In assessing a rate in any district the board shall proceed as follows :—

- (i) They shall ascertain and determine by means of the returns to be made under this Act, and by such other evidence (if any) as they think necessary or convenient, the total yield of brine in any year or other period in the district:
- (ii) They shall fix what rate per one thousand gallons of brine will produce the necessary sum :
- (iii) They shall assess every brine pumper liable to pay the rate according to the number of gallons returned by him, subject to revision by the board.

40 Computation of quantity of brine

It shall be lawful for a board from time to time by regulations under this Act to establish and adopt any system or systems of computation of the quantity of brine pumped or raised at any pumping station or other place where brine is pumped or raised ; but such regulations shall not be held to limit their right to be guided by other evidence.

41 Returns to be made to board

- (1) It shall be lawful for a board, from time to time, by byelaws under this Act to prescribe forms and contents of returns, and the times (not being oftener than once a month for each pumping station) and the manner of making returns by any brine pumper in their district, or by any agent or servant of any such person, and to require such return to state (amongst other things) the quantities of brine pumped or raised at any pumping station.
- (2) Any person required by a board to make any return under this Act or such byelaws who fails to make such return, or wilfully or negligently makes a return untrue in any material respect, shall be liable on summary conviction to a penalty not exceeding twenty pounds for each offence.
- (3) A board may, by summons under their seal, require the attendance before them of any person liable to make any return under this Act, or who makes any claim under this Act, or of any agent or servant of any such person, and the production by him of any books or accounts, and may require a statutory declaration from any person so summoned touching any matter material to any question to be answered in any returns.
- (4) Any such person failing to attend, or to produce any such books or accounts, or to answer any questions put to him in pursuance of this section, shall be liable on summary conviction to a penalty not exceeding ten pounds,

42 Appeal against rate

Any person who deems himself aggrieved by any rate made under the provisions of this Act may appeal against such rate to the quarter sessions for the county on the ground that the quantity of brine in respect of which he ought to be assessed is less than the quantity in respect of which he is assessed.

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The provisions of section thirty-one of the Summary Jurisdiction Act, 1879 (as altered and amended by the Summary Jurisdiction Act, 1884), shall apply to appeals to quarter sessions under this Act as if the rate made under the provisions of this Act were a conviction or an order of a court of summary jurisdiction.

On appeals under this Act against any rate the court of quarter sessions shall have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal, as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs on appeals with respect to rates for the relief of the poor; and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeal: Provided that notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court of quarter sessions think fit so to order, be levied as if no appeal had been made, and such moneys when paid shall be taken as payment on account of the next effective rate made or to be made under this Act.

43 Abatement of claims, postponement of payments, &c

- (1) If at any time it appears to a board that the funds applicable for compensation in any district are or will become insufficient to meet in full the claims made or to be made on such funds, the board may so declare, and thereupon the board shall make a pro rata, abatement on the amounts which would otherwise be payable in respect of any claims to be made or allowed after such declaration.
- (2) Where it appears to a board that the compensation payable under this Act in any particular case is exceptional in character and amount, or that the immediate payment of the compensation in any particular case or cases will disable them from meeting the other claims on them, they may spread the payment of such compensation with or without interest over such number of years as they think just, having regard to all the circumstances of the case : Provided that it shall be lawful for the board, if and when they think fit, to make up in whole or in part the amount of any abatement made under this section out of any money which might otherwise have been carried to a reserve fund for such district.