



Inclosure and Drainage (Rates) Act 1833

1833 CHAPTER 35 3 and 4 Will 4

[1.] Mode of Proceeding for recovery of rates or assessments under inclosure Acts, &c., where no remedy has been already given. Limiting the recovery to six years from period of rate becoming due.

In all cases where no such remedy shall have been given, and where any such rate or assessment, rates or assessments, already made or hereafter to be made, or any part thereof, and whether made at one time or at several times, shall have been or shall be in arrear and unpaid for the space of twenty-one days after a notice in writing requiring payment thereof shall have been personally served on or left at the place of abode of the person or persons, or one of the persons, by whom the said rate or assessment, rates or assessments, ought to be paid, or at the place of abode of the tenant or occupier of the lands or grounds in respect of which the said rate or assessment, rates or assessments, is or are made, it shall and may be lawful for any two or more of his Majesty's justices of the peace^{F1}... (not interested in the matter in question), and who are hereby required, upon complaint made to them by the person or persons, or any one of the persons, to whom for the time being the said rate or assessment or rates or assessments ought to be paid, or by the person or persons, or any one of the persons, who for the time being shall be duly appointed to make or collect such rate or assessment or rates or assessments, to summon the person or persons from whom any rate or assessment, rates or assessments, shall be due, and the witnesses on both sides, and upon the appearance or contempt of the party or parties accused, or any of them, to examine, such party or parties and witness or witnesses as may be then present, upon oath (which oath such justices are hereby authorized and empowered to administer), and to give judgment accordingly upon the matters and things brought before them, and by warrant or warrants under the hands and seals of such justices to levy the amount of all and every such rate or assessment, rates or assessments, so in arrear and unpaid, by distress and sale of the goods and chattels of the person or persons so making default in payment of such rate or assessment, rates or assessments, wheresoever the same can or may be found, or of the occupier or occupiers of any lands or grounds belonging to such person or persons in respect of which such rate or assessment, rates or assessments, is or are made, which may be found on such lands or grounds, together with the reasonable costs and charges of such proceeding, rendering the overplus arising by such sale (if any), after deducting the sum or sums to be levied by such distress and sale, and the charges of taking, keeping, appraising, and selling

Changes to legislation: There are currently no known outstanding effects for the Inclosure and Drainage (Rates) Act 1833, Section 1. (See end of Document for details)

the said distress, to the owner thereof (on demand); and the respective tenants of all the lands on which such distress shall be taken are hereby authorized and required to pay any sum of money for which such distress shall be made, and to deduct the same out of his, her, or their rent; and every tenant making such payment shall be acquitted, exonerated, and discharged for so much money as shall be by him or her so paid: Provided always, that no such levy by distress and sale shall be made in respect of any such rate or assessment when more than six years shall have elapsed from the time when such rate or assessment first became due, unless a promise in writing to pay the said rate or assessment shall have been given by the person or persons liable to the payment thereof to some person duly authorized to receive the same; and when such promise has been given, no such levy by distress or sale shall take place when more than six years shall have elapsed from the time that such promise was given: Provided also, that no such levy by distress and sale shall in any case exceed the amount of the rent due.

Textual Amendments

- F1** Words in s. 1 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), Sch. 8 para. 7, **Sch. 10**; [S.I. 2005/910](#), art. 3(y)

Modifications etc. (not altering text)

- C1** S. 1 modified (E.W.S.) (1.4.1996) by [S.I. 1996/674](#), reg. 2, **Sch. Pt. II para. 5(1)(2)(f)**
C2 S. 1 modified (E.W.) (1.4.1996) by [S.I. 1996/675](#), art. 2, **Sch. Pt. II para. 7(1)(2)(f)**

Changes to legislation:

There are currently no known outstanding effects for the Inclosure and Drainage (Rates) Act 1833, Section 1.