



BILLE RIALTAIS AITIULA (RATAI AR THITHE COMH-
NAITHE BEAGA), 1928.

LOCAL GOVERNMENT (RATES ON SMALL DWELLINGS)
BILL, 1928.

*Mar do tugadh isteach.
As introduced.*

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SAORSTÁT EIREANN.

BILLE RIALTAIS AITIULA (RATAI AR THITHE COMH-
NAITHE BEAGA), 1928.

THE LOCAL GOVERNMENT (RATES ON SMALL
DWELLINGS) BILL, 1928.

5

BILL

entitled

AN ACT TO MAKE PROVISION FOR THE RATING OF THE
OWNERS OF SMALL DWELLINGS IN LIEU OF THE
OCCUPIERS THEREOF IN THE CASE OF RATES 10
WHICH BUT FOR THIS ACT WOULD BE MADE ON
SUCH OCCUPIERS AND TO MAKE PROVISION FOR
THE ADJUSTMENT OF RENTS AND OTHER MATTERS
CONNECTED WITH THE RATING OF SUCH OWNERS.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT 15
EIREANN AS FOLLOWS:—

Definitions.

1.—(1) In this Act,
the expression “rating authority” means the council of a
county, a county or other borough, or an urban district;

the expression “small dwelling” means a hereditament or tene- 20
ment separately valued under the Valuation Acts whereof the
valuation under those Acts does not exceed six pounds and the
whole or any part of which is actually used or is adapted for
use as a dwelling;

the word “owner” means, as the case may require, either the 25
person for the time being receiving (whether on his own account
or as agent or trustee for another) the rack-rent of the small
dwelling in relation to which the word is used or the person who
would for the time being so receive such rack-rent if such small
dwelling were let at a rack-rent;

the word “rack-rent” means rent which is not less than two- 30
thirds of the valuation under the Valuation Acts of the property
out of which the rent arises.

(2) The valuation of a hereditament or tenement which is a new
building within the meaning of section 69 of the Local Govern- 35
ment Act, 1925 (No. 5 of 1925) and section 11 of the Local
Government Act, 1927 (No. 3 of 1927) shall for the purposes of
this section be taken to be the valuation thereof before such
valuation is reduced under those sections, and the valuation of a
hereditament or tenement the valuation of which is reducible 40
under section 12 of the Local Government Act, 1927, shall for the
purposes of this section be taken to be the valuation thereof before
such valuation is reduced under the said section 12.

Application of Act.

2. This Act applies to every rate made by a rating authority
which is made for the service of the local financial year ending 45
on the 31st day of March, 1930 or any subsequent local financial
year and which (save as is otherwise provided by this Act or any
other Act in respect of particular classes of rateable property) is
made on the occupier of the rated property.

Rating of owner of small dwelling.

3.—(1) Every rate to which this Act applies made in respect 50
of a small dwelling shall be made on the owner of such dwelling
and, save where the owner is also the occupier, no such rate shall
be made on the occupier of such dwelling.

(2) Whenever a rate is made by virtue of this section on the
owner of a small dwelling and the name of such owner is not 55

fully known or is not known at all to the rating authority by whom such rate is made, such owner may be described in such rate by the words "the owner" without any name or addition.

5 (3) A rate made by virtue of this section on the owner of a small dwelling shall not be invalidated by any error or defect in the statement of the name of such owner or by the use of the description "the owner" without any name or addition, and every such rate shall be recoverable from such owner notwithstanding such error or defect or the use of such description.

10 (4) Notwithstanding anything to the contrary contained in any other Act, every rate made by virtue of this section on the owner of a small dwelling shall be payable by such owner and on his default by any subsequent owner of such small dwelling from whom such rate is demanded and by no other person.

15 (5) Every rate made by virtue of this section on the owner of a small dwelling may be recovered from such owner or a subsequent owner liable to pay the same by all or any of the remedies (except distraint on the goods of a person other than such owner or subsequent owner) by which such rate could be recovered from
20 the occupier or a subsequent occupier respectively of such dwelling if such rate had been made on such occupier and this Act had not been passed and, in the case of a rate which when made on an occupier is not recoverable from a subsequent occupier, may be recovered from a subsequent owner liable to pay the same by all
25 or any of the remedies (except as before excepted) by which poor-rate made on an occupier is recoverable from a subsequent occupier.

(6) It shall not be lawful for a rating authority to commence any proceedings for the recovery from a subsequent owner of a
30 rate made by virtue of this section on the owner of a small dwelling after the expiration of two years from the making of such rate.

4.—(1) Whenever a rate to which this Act applies is made by virtue of this Act on the owner of a small dwelling every gale of
35 rent which becomes due and payable by an occupier of such small dwelling in respect of such small dwelling (whether together with or without other premises) during the twelve months next after the making of such rate shall be increased by an amount which bears the same proportion to the amount of such rate as the period
40 in respect of which such gale is payable bears to one year.

(2) All rent liable to be increased under this section shall as so increased be payable and recoverable in the same manner and by the same means as such rent would have been payable and recoverable if the same had not been so increased.

45 (3) Every contract not to increase a rent liable to be increased under this section or not to enforce the payment of such increase or to allow a deduction or set off against such increase or any part thereof or to indemnify the person liable to pay such increased rent against such increase or any part thereof or other
50 wise operating to relieve the person liable to pay such increased rent from the payment of such increase or any part thereof shall be void.

(4) In the application of sub-section (1) of section 8 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1923
55 (No. 19 of 1923) to a small dwelling in respect of which a rate has been made by virtue of this Act on the owner, the amount mentioned in paragraph (b) of that sub-section shall not be reckoned in the calculation of the amount by which the rent of such dwelling may exceed the standard rent and in lieu thereof
60 the amount by which the rent of such dwelling is for the time being increased by virtue of this section shall be reckoned and included in the calculation under the said section 8 of the amount by which the rent of such dwelling may exceed the standard rent.

5.—(1) Whenever a small dwelling is on the 1st day of April, 1929 held (whether together with or without other premises) under
65 Adjustment of rent in certain cases.

a lease which binds or purports to bind the lessor to pay or allow a deduction or set off against or indemnify the lessee against or otherwise to relieve the lessee from the rates payable in respect of such dwelling, all rent payable under such lease in respect of a period commencing on or after the 1st day of April, 1929 shall be reduced 5

(a) in the case of an annual rent by an amount equal to the amount of the rates in respect of such small dwelling for the local financial year commencing on the 1st day of April, 1928 to which the relief afforded or purported to be afforded to the lessee by such lease extended or purported to extend, and 10

(b) in the case of any rent other than an annual rent, by an amount which bears to the rates in respect of such small dwelling for the local financial year commencing on the 1st day of April, 1928 to which the relief afforded or purported to be afforded to the lessee by such lease extended or purported to extend the same proportion as the period by reference to which such rent is calculated bears to one year. 20

(2) In this section the word "lease" includes any contract of tenancy whether in writing or verbal whereby the relation of landlord and tenant is created, and the words "lessor" and "lessee" respectively include the landlord of and the tenant under such tenancy. 25

Relief in respect
of unoccupied
premises.

6.—(1) Whenever a rate is required by this Act to be made on the owner of a small dwelling and at the time of making such rate such small dwelling is unoccupied within the meaning of this section, section 12 of the Poor Relief (Ireland) Act, 1862 shall apply to such rate whether such rate is or is not poor-rate but subject to the modification that no portion of such rate shall be recoverable by virtue of that section from an occupier of such dwelling who is not also the owner thereof. 30

(2) Neither section 180 of the Towns Improvement Clauses Act, 1847 nor the proviso to section 60 of the Towns Improvement (Ireland) Act, 1854 nor (save as is otherwise expressly provided by this section) section 12 of the Poor Relief (Ireland) Act, 1862 shall apply in respect of the making of a rate on a small dwelling which is required by this Act to be made on the owner of such dwelling. 40

(3) Whenever a rate is made by virtue of this Act on the owner of a small dwelling and such dwelling becomes and continues unoccupied within the meaning of this section during a continuous period of not less than three months within the local financial year for the service of which such rate is made, the person who is liable to pay or has paid such rate shall be entitled to claim and receive from the rating authority by whom such rate was made an allowance or refund (as the case may require) in respect of such rate of one-twelfth of such rate in respect of every completed month (reckoned from any day of one month to the corresponding day of the next month) during which such dwelling is so unoccupied. 45

(4) The Poor Law Acts (Ireland) Amendment Act, 1890 shall not apply to any rate which is made by virtue of this Act on the owner of a small dwelling. 55

(5) The following provisions shall apply in respect of every small dwelling to which the Increase of Rent and Mortgage Interest (Restrictions) Acts, 1923 and 1927 for the time being apply, that is to say—

(a) section 16 of the Increases of Rent and Mortgage Interest (Restrictions) Act, 1923 (No. 19 of 1923) and section 9 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1926 (No. 24 of 1926) shall not apply to such dwelling; 60

(b) such dwelling shall not at any time while the said Acts apply to it be deemed to be unoccupied within the meaning of this section and, if in fact so unoccupied, shall be deemed to be in the occupation of the owner thereof; 65

5 (c) whenever the owner of such dwelling has paid a rate made by virtue of this Act on him in respect of such dwelling and, during a continuous period of not less than three months within the local financial year for the service of which such rate is made, such dwelling is deemed by virtue of this section to be in the occupation of the owner thereof and is unoccupied for the purpose of the execution of additions, alterations, or repairs thereto or because the owner is *bona fide* unable to obtain a suitable tenant therefor at the maximum rent for the time being permitted under the said Acts, such owner shall be entitled to claim and receive from the rating authority by whom such rate was made a refund in respect of such rate of one-twelfth of such rate in respect of every completed month (reckoned from any day of one month to the corresponding day of the next month) of the said continuous period but not exceeding in the whole or in the aggregate one-half of such rate.

20 (6) A small dwelling shall not be deemed to be unoccupied within the meaning of this section during any period in respect of which a person other than the owner thereof is entitled to the occupation of such dwelling and pays to such owner rent therefor.

25 7.—(1) In calculating the amount of any increase or reduction to be made in any rent in pursuance of this Act any fraction of a penny less than a halfpenny shall be disregarded and any fraction of a penny equal to or greater than a halfpenny shall be reckoned as a penny.

General provisions as to increases and reductions of rent.

30 (2) Where a rent is liable to be increased or reduced under the one section of this Act in respect of different premises, rates, or events or is liable to be increased under one section and reduced under another section of this Act, all such increases and reductions shall be independent and cumulative.

35 8. Whenever the provisions of this Act are inconsistent with the provisions of any local or private Act the provisions of this Act shall to the extent of such inconsistency be in substitution for and shall override the provisions of such local or private Act.

Relation of this Act to local and private Acts.

9.—This Act may be cited as the Local Government (Rates on Small Dwellings) Act, 1928.

Short title.

BILLE RIALTAIS AITIÚLA (RATAI AR
THITHE COMHNAITHE BEAGA), 1928.

BILLE

(mar do tugadh isteach)

dá ngairmtear

Acht chun soerú do dhéanamh chun únaerí
tithe comhnaithe beaga do rátú in ionad
sealbhairí na dtithe sin i gcás rátaí do
cuirfí ar na sealbhairí sin mara
mbeadh an tAcht so agus chun soerú
do dhéanamh chun cíosanna do cheartú
agus i gcóir nithe eile a bhaineas le rátú
na n-únaerí sin.

An tAire Rialtais Aitiúla agus Sláinte Puiblí
do thug isteach.

Do hordúidh ag Dáil Éireann do chlóbhuála,
15adh Feabhra, 1928.

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LOCAL GOVERNMENT (RATES ON SMALL
DWELLINGS) BILL, 1928.

BILL

(as introduced)

entitled

Act to make provision for the rating of the
owners of small dwellings in lieu of the
occupiers thereof in the case of rates
which but for this Act would be made on
such occupiers and to make provision for
the adjustment of rents and other matters
connected with the rating of such owners.

Introduced by the Minister for Local Govern-
ment and Public Health.

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