

SAORSTÁT EIREANN.

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

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

*Mar do leasúiodh i gCoiste.
As amended in Committee.*

ARRANGEMENT OF SECTIONS.

Section.

1. Definitions.
2. Extension of definition of small dwelling.
3. Application of Act.
4. Rating of owner of small dwelling.
5. Increase of rent where owner rated.
6. Adjustment of rent in certain cases.
7. Relief in respect of unoccupied premises.
8. Rates on small dwellings owned by rating authority.
9. General provisions as to increases and reductions of rent.
10. Relation of this Act to local and private Acts.
11. Short title.

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 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. 10

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

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 tenement 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, and also includes any other hereditament or tenement which by virtue of any other provision of this Act is for the time being a small dwelling for the purposes of this Act; 20

the word “owner” means, as the case may require, either the 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; 25

the word “rack-rent” means rent which is not less than two-thirds of the valuation under the Valuation Acts of the property out of which the rent arises. 30 35

(2) The valuation of a hereditament or tenement which is a new building within the meaning of section 69 of the Local Government 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 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. 40 45

(3) Every house or cottage which was or shall be erected or provided under the Housing of the Working Classes (Ireland) Acts, 1890 to 1919, or under the Labourers (Ireland) Acts, 1883 to 1919, shall be a small dwelling for the purposes of this Act so long as it is owned by an authority having power to erect or provide houses under those Acts or any of them. 50

(4) In the case of a small dwelling which at the making of a rate to which this Act applies is or is included in a holding to which the Land Act, 1923, applies the person who is then the occupier of the small dwelling shall be the owner thereof for the purposes of this Act in respect of such rate. 55

2.—(1) The Minister may, if he so thinks fit, on the application of the council of a county or other borough by order extend the limit of valuation of small dwellings under this Act from six pounds to such greater sum not exceeding twelve pounds as he shall think fit and may, if he so thinks fit, on the application of such council by order at any time revoke such order.

Extension of definition of small dwelling.

(2) So long as an order under this section is in force in respect of a county or other borough the expression "small dwelling" in this Act shall mean in relation to such borough a hereditament or tenement separately valued under the Valuation Acts whereof the valuation under those Acts does not exceed the sum fixed in that behalf by such order and the whole or any part of which is actually used or is adapted for use as a dwelling.

(3) Every order made under this section shall be published forthwith in two newspapers circulating in the county or other borough to which such order relates or in two separate issues of one newspaper so circulating.

3.—This Act applies to every rate made by a rating authority which is made for the service of the local financial year ending 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.

Application of Act.

4.—(1) Every rate to which this Act applies made in respect 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.

Rating of owner of small 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 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.

(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.

(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.

(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 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 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 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.

5.—(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 rent which becomes due and payable by an occupier of such small dwelling in respect of such small dwelling (whether together with

Increase of rent where owner rated.

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 in respect of which such rate 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. 5

(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 otherwise operating to relieve the person liable to pay such increased rent from the payment of such increase or any part thereof shall be void. 15

(4) In the application of section 8 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1923 (No. 19 of 1923) to a small dwelling the following provisions shall have effect, that is to say:— 20

(a) the word "rates" in paragraph (b) of sub-section (1) of the said section 8 shall not include a rate made by virtue of this Act on the owner of such small dwelling, and

(b) the amount by which the rent of such small 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 small dwelling may exceed the standard rent. 25 30

Adjustment of rent in certain cases.

6.—(1) Whenever a small dwelling is on the 1st day of April, 1929, held (whether together with or without other premises) under 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— 35

(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 40

(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. 45 50

(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. 55

Relief in respect of unoccupied premises.

7.—(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. 60 65

(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.

5 (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
10 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
15 so unoccupied.

(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.

20 (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—

25 (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;

30 (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;

35 (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
40 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
45 not exceeding in the whole or in the aggregate one-half of such rate.

50 (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.

55 8.—Wherever a rating authority is the owner of a small dwelling such rating authority shall not make in respect of such small dwelling any rate which would by this Act be required to be made on the owner of such small dwelling, but nevertheless in every such case all the provisions of this Act in relation to the increase of the rent of a small dwelling on the owner of which a rate is made by virtue of this Act shall apply to such small dwelling as fully as if such rate were actually made in respect thereof and
50 the amount of every increase made under the said provisions in the rent of such small dwelling shall when received by such rating authority be applied by them for the purposes for which such rate in respect of such small dwelling would be applicable.

Rates on small dwellings owned by rating authority.

General provisions as to increases and reductions of rent.

9.—(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.

5

(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.

10

Relation of this Act to local and private Acts.

10.—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.

Short title.

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

15

P

Q

R

S

E

T

F

U

G

V

H

W

I

X

J

Y

K

Z

L

A

M

B

O

C

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

B I L L E

(*mar do leasuíodh i gCoiste*)
dá ngairmtear

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

*An tAire Rialtais Aitiúla agus Sláinte Puiblí
do thug isteach.*

*Do horduíodh ag Dáil Éireann óo chló-bhuala,
28adh Márta, 1928.*

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN TSOLATHAIR.

Le ceannach trí MESSRS. EASON AND SON, LTD.,
40 agus 41 Sráid Iochtarach Uí Chonaill,
Baile Atha Cliath.

Cló bhualte ag MESSRS. CAHILL AND CO., LTD.,
[*Dhá Phinginn Glan.*]

Wt. 11—1209. 575. 2/28. C.&Co. (6808).

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

B I L L

(*as amended in Committee*)
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.*

*Ordered by Dáil Éireann to be printed,
28th March, 1928.*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through MESSRS. EASON & SON, LTD.
40 and 41 Lower O'Connell Street,
Dublin.

Printed by CAHILL AND CO., LTD.
[*Twopence Net.*]