



Municipal Corporations Act 1882

1882 CHAPTER 50 45 and 46 Vict

PART VII

BOROUGH FUND: BOROUGH RATE: COUNTY RATE

Borough Fund

^{F1} 139

Textual Amendments

F1 S. 139 repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. X Group 1](#)

140 Application of borough fund.

(1) The borough fund shall be applicable to and charged with the several payments specified in the Fifth Schedule.

(2) ^{F2}

Textual Amendments

F2 Ss. 125–132, 140(2)–(4), 141–144 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. II](#)

141– ^{F3}

143

Textual Amendments

F3 Ss. 125–132, 140(2)–(4), 141–144 repealed by [Local Government Act 1933 \(c. 51\)](#), [Sch. 11 Pt. II](#)

*Changes to legislation: There are currently no known outstanding effects for the
Municipal Corporations Act 1882, Part VII. (See end of Document for details)*

Borough Rate

144 F4

Textual Amendments
F4 Ss. 125–132, 140(2)–(4), 141–144 repealed by Local Government Act 1933 (c. 51), **Sch. 11 Pt. II**

145 F5

Textual Amendments
F5 S. 145 repealed by Rating and Valuation Act 1925 (c. 90), **Sch. 8**

146 F6

Textual Amendments
F6 S. 146 repealed by S.I. 1974/1351

147– F7
148

Textual Amendments
F7 Ss. 147, 148 repealed by Rating and Valuation Act 1925 (c. 90), **Sch. 8**

149 Borough rate to go to borough fund; and its application.

All sums levied in pursuance of the borough rate shall go to the borough fund; and, subject to the foregoing provisions of this Part, the same shall be applied to all purposes to which the borough fund is applicable under this Act, or otherwise by law; and, as regards a borough named in the schedules to the ^{M1}Municipal Corporations Act, 1835, to all purposes to which, before the passing of that Act, a borough rate was by law applicable in the borough, or a county rate was applicable in a county.

Marginal Citations
M1 1835 c. 76.

Changes to legislation: There are currently no known outstanding effects for the Municipal Corporations Act 1882, Part VII. (See end of Document for details)

County Rate

[^{F8}150 General exemption of quarter sessions boroughs from county rate.

- (1) Where a borough has a separate court of quarter sessions, the justices of a county wherein the borough or any part thereof is situate shall not assess any hereditaments in the borough to any county rate; and, except as is expressly by this Act provided, every part of the borough shall be wholly free from contributing to any rate or assessment of any kind of and for that county.
- (2) But nothing in this section shall prevent the levy or collection of arrears of any county rate made before the grant of a separate court of quarter sessions.]

Textual Amendments

- F8** S. 150 repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#) but not so as to affect the areas which were rating areas at the commencement of that Act

151^{F9}

Textual Amendments

- F9** Ss. 151, 153(1)(a) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

152 Liability of certain quarter sessions boroughs to other county expenses.

- (1) If the whole or any part of the area for the time being comprised in a borough having a separate court of quarter sessions was, before the eleventh of July one thousand eight hundred and thirty-two, chargeable with or liable to contribute to the county rate of the county in which it is situate, the municipal corporation shall, . . .^{F10} continue liable to contribute to the county rate for other purposes (in this Act referred to as general county purposes), as if this Act had not been passed.
- (2) General county purposes shall not include the costs arising out of coroners' inquests, or the expenses incurred under the ^{M2}Sale of Food and Drugs Act, 1875, in respect of the county, . . .^{F11}, or payments to or in respect of special constables.

Textual Amendments

- F10** Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)
F11 Words repealed by [Weights and Measures Act 1963 \(c. 31\)](#), [Sch. 9 Pt. I](#)

Marginal Citations

- M2** 1875 c. 63.

153 Mode of accounting by borough to county.

- (1) The treasurer of each county shall, not more than twice in every year, send to the council of each borough situate in the county . . .^{F12} an account shewing separately—

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- (a) ^{F13}
- (b) If the borough is liable to contribute to the county rate for general county purposes, all sums expended out of the county rate for general county purposes, and all sums received in aid or on account of the county rate, and the proportion chargeable on the borough of the sums so expended after deduction of the sums so received;

and shall make an order on the council for the payment of the sum appearing by this account to be due from the municipal corporation of the borough.

- (2) The council shall thereupon forthwith order the sum so appearing to be due, with all reasonable charges of making and sending the account, to be paid to the treasurer of the county out of the borough fund.
- (3) If the order is not complied with, two justices ^{F14}... may, on the complaint of the treasurer of the county, made within one month after the issue of the order, issue and send to the treasurer of the borough a warrant requiring him to pay to the treasurer of the county, besides the sum mentioned in the order, the additional sum mentioned in the warrant, the same being calculated in the proportion of one shilling to every ten on the sum mentioned in the order; and until payment thereof the treasurer of the county shall have, in respect of the warrant, all the powers for the recovery thereof which are given against a guardian or overseer for the recovery of county rates and surcharges.
- (4) If any difference arises concerning the account, it shall be decided by the arbitration of a barrister, named, on the application either of the treasurer of the county or of the treasurer of the borough, by the Secretary of State. The arbitrator may, if he thinks fit, adjourn the hearing from time to time, and may require all such information to be afforded by either party as he thinks fit. He shall by his award in writing determine the amount to be paid by the council to the treasurer of the county, and his award shall be final and conclusive. He shall also assess the costs of the arbitration and determine by whom and out of what fund they shall be paid.

Textual Amendments

F12 Words repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**

F13 Ss. 151, 153(1)(a) repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**

F14 Words in s. 153(3) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 10**; S.I. 2005/910, art. 3(y)

Changes to legislation:

There are currently no known outstanding effects for the Municipal Corporations Act 1882, Part VII.