CHAPTER cxxiii.

An Act to confer further powers upon the Local Board for the District of Bridlington in relation to the Princes Parade and for other purposes. [12th August 1889.]

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WHEREAS by a provisional order which was confirmed by the Local Government Supplemental Act 1865 the Local Board for the district of the township of Bridlington in the east riding of the county of York (who are herein-after referred to as "the Local Board" and their district which has since that time been extended as "the district") were empowered to acquire certain properties for the purpose of enabling them to improve existing and make new streets and promenades and to construct a sea wall and promenade thereon and for other purposes connected therewith respectively:

And whereas the Local Board acquired the said properties and constructed a sea wall and promenade thereon and laid out and planted a portion thereof or of the land adjacent thereto as a garden or pleasure ground which said promenade and garden or pleasure ground was formerly called or known as the Sea Wall Parade but has now been named "the Princes Parade":

And whereas the Local Board have been accustomed to charge for admission to the Princes Parade and have applied the moneys arising therefrom in maintaining the same and in providing a band of music to perform thereon and for other purposes:

And whereas it is expedient that the Local Board should be authorised to charge for admission to the Princes Parade and to the extension thereof by this Act authorised and also to make byelaws for the better regulation thereof:

And whereas it is expedient that the Local Board should be authorised to pay or contribute towards the payment of a band for the performance of music within the district:

And whereas the Local Board acquired the foreshore upon which the extension of the Princes Parade by this Act authorised is intended to be made by a grant from the Crown dated the thirtieth day of June one thousand eight hundred and sixty-four:

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And whereas it is expedient to confer further powers upon the Local Board in relation to the maintenance laying out improving and extension of the Princes Parade:

And whereas it is expedient to make further provision for regulating the traffic and preventing obstructions in the streets and the good government of the district:

And whereas it is expedient to authorise the Local Board to borrow money for the purpose of extending and improving the Princes Parade and sea wall:

And whereas the Local Board estimate that they will or may require to borrow for that purpose (being permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act 1875) a sum of money not exceeding ten thousand pounds:

And whereas at a special meeting of the Local Board held on the fifteenth day of December one thousand eight hundred and eighty-eight after ten clear days notice by public advertisement of such meeting and its purpose in the "Eastern Morning News" a local newspaper circulating in the district it was resolved by an absolute majority of the whole number of the Local Board that the expenses in relation to promoting the Bill for this Act should be charged upon the general district rate:

And whereas such resolution was published twice in the "Bridlington and Quay Gazette" a newspaper published and circulating in the district of the Local Board and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the sixteenth day of January one thousand eight hundred and eighty-nine being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district of the Local Board by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Bridlington Local Board Act 1889.

Interpretation.

2. In this Act the expression "the Princes Parade" includes the extension thereof by this Act authorised.

Local Board may provide a band of music.

3. The Local Board may from time to time pay or contribute towards the payment of a band for the performance of music in the open air at such place or places of public resort within the district and at such times as they may see fit and may from time to time make rules and regulations with respect to the times and places at which it may play Any rate necessary for the purpose of this section may be levied with and as part of the general district rate provided that the amount of such rate do not in any year exceed twopence in the pound on the rateable value of the district.

Power to Local Board to extend maintain and improve the Princes Parade.

4. The Local Board may extend the Princes Parade and sea wall and promenade northwards so as to join the new parade and sea wall and promenade recently constructed by them in front of the Beaconsfield Estate and they may maintain alter and improve the Princes Parade and may from time to time lay out and plant the same.

Power to charge for admission to Princes Parade.

5. The Local Board may close the Princes Parade or any part thereof and may charge for admission thereto at all times or on special days or on the occasion of the playing of the band of music or on any other occasion as they may see fit.

Local Board may contract with persons for the use of the Princes Parade.

6. The Local Board may grant pass tickets for the use of the Princes Parade on payment of such sums and on such terms and conditions as may be agreed on but so that all persons be charged alike and no preference be given to any person No such pass ticket shall be transferable or be used by any person except the person to whom it is granted or by any person after the period limited for its use If any person acts in contravention of any of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for every such offence be liable to a penalty not exceeding forty shillings to be recovered and applied as herein-after provided.

Power to close Princes Parade on special occasions.

7. The Local Board may on any special occasion but not exceeding twelve days in any one year nor more than four consecutive days on any one occasion close the Princes Parade or any part thereof and may on such occasions admit thereto the members of any society or of any public or private institution or persons being attendants at or supported by any public or private institution or such other persons as the Local Board may think fit and the admission of every individual thereto may on such occasions be either with or without payment as directed by the Local Board Provided always that nothing in this and the two preceding sections or in this Act generally contained shall be held to constitute the Princes

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Parade a garden or pleasure ground within the meaning of section one hundred and ninety-six of the Customs Consolidation Act 1876.

Power to make byelaws for regulation of Princes Parade.

8. For the purpose of regulating the use of the Princes Parade the Local Board may from time to time make byelaws for all or any of the following purposes and may by such byelaws provide for the removal therefrom of any person infringing any such byelaw by any officer of the Local Board or constable :—

For fixing the days on which and the hours at or during which any band or bands of music or music of any sort is or are to perform therein ;

For fixing the payments to be made for admission thereto or any part thereof or to any building therein ;

For prohibiting the use of abusive or insulting language or other misconduct on the part of persons using or resorting to the same ;

For prohibiting or regulating the smoking of tobacco therein or in any part thereof ;

For preventing or regulating the admission therein of dogs ;

For preventing males from intruding upon or using places therein set apart for the use of females and vice versâ.

Application of revenue.

9. All moneys received by the Local Board from the admission of any persons to the Princes Parade shall be applied to all or some of the following purposes that is to say in or towards maintaining the Princes Parade providing such band of music as aforesaid and paying the interest on or repayment of moneys borrowed by the Local Board Any surplus of such moneys shall be carried to the district fund and any deficiency in such revenue shall be made good out of that fund.

Restriction on advertising vehicles.

10. It shall not be lawful in any street in the district to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Local Board which consent shall be in writing under the hand of the clerk to the Local Board and may contain such terms and conditions as the Local Board think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds.

For regulating street music near Princes Parade.

11. The Local Board may by writing under the hand of their chairman or clerk from time to time prohibit for specified hours the playing of music in proximity to the Princes Parade.

Street musicians to depart when required to do so.

12. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing

in any street near or within the hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Prohibition of persons assembling in streets for purposes of betting.

13. Any three or more persons assembled in any part of any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Penalty on persons obstructing footways.

14. If two or more persons shall be assembled together in any street at any time of the night or day for the purpose of assaulting insulting or annoying foot passengers and if any such person shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

Byelaws.

15. All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six (both inclusive) of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Local Board under the powers of this Act.

Power to borrow.

16. (1.) The Local Board may with the sanction of the Local Government Board borrow on mortgage on the security of the revenue arising under this Act and of the district fund and general district rate or either of those securities any sum or sums of money not exceeding ten thousand pounds for the purpose of the extension of the Princes Parade sea wall and promenade by this Act authorised and in calculating the sums the Local Board may borrow under any other enactment or by order or sanction of any public department of State any sums they may borrow under this Act shall not be reckoned and the powers of the Local Board as to borrowing under this Act shall not be restricted by any of the provisions of the Public Health Act 1875.

(2.) Any moneys so borrowed shall be repaid within such period not exceeding fifty years from the time of borrowing the same and subject to such terms as to repayment or otherwise as that Board shall prescribe.

(3.) The provisions contained in sections two hundred and thirty-six to two hundred and thirty-nine (both inclusive) of the Public Health Act 1875 with respect to the mortgages to be executed by a Local Authority shall apply in the case of any mortgages granted under this Act and for the purposes of such application the Local Authority shall mean the Local Board.

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(4.) All mortgages granted under this Act shall rank together without any priority on account of the date of the mortgage deed or on any other account.

(5.) All mortgages granted by the Local Board before the passing of this Act shall during their continuance have priority of charge on the property revenues or rates therein comprised over all mortgages granted by the Local Board under this Act.

Annual return to Local Government Board.

17. The clerk of the Local Board shall within twenty-one days after the expiration of each year during which any instalment is required to be paid or any sum is required to be set apart for a sinking fund in respect of moneys borrowed by the Local Board under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities on which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the said clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart any instalment or to set apart any sum required by this Act for the sinking fund or have applied any portion of the money set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Recovery and application of penalties.

18. All offences and penalties under this Act or under any bye-law made under this Act may be prosecuted and recovered in a summary manner before a court of summary jurisdiction in manner

provided by the Summary Jurisdiction Acts Provided that all penalties recovered under this Act shall be paid to the treasurer of the Local Board and shall by him be carried to the district fund.

Audit of accounts.

19. Separate accounts of the receipts and expenditure of the Local Board under the provisions of this Act shall be kept by the Local Board and sections two hundred and forty-five two hundred and forty-seven (except so much thereof as is repealed by the District Auditors Act 1879) two hundred and forty-nine and two hundred and fifty of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Local Board under this section and to the audit of such accounts.

Saving for indictments &c.

20. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Works below high-water mark not to be commenced without consent of Board of Trade.

21. The Local Board shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Local Board shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Local Board and the amount of such costs and charges shall be a debt due from the Local Board to the Crown and shall be recoverable accordingly with costs.

Saving rights of the Crown in the foreshore.

22. Nothing contained in this Act shall authorise the Local Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade

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may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Costs of Act.

23. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Local Board out of moneys received or to be received from admission to the Princes Parade or out of the district fund and the general district rate.

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