CHAPTER xxxviii.

An Act to authorise the Brighton and Hove General Gas Company to construct additional works, to acquire lands, to raise additional capital; and for other purposes. A.D. 1879.

[23d May 1879.]

WHEREAS the Brighton and Hove General Gas Company (in this Act referred to as "the Company") are incorporated and empowered by the several Acts and Provisional Order relating to the Company, and specified in the Schedule A. to this Act annexed, to manufacture gas, and supply the same to the town and parishes of Brighton, Aldrington, Hove, Portslade, Southwick, Kingston, New Shoreham, Preston, Patcham, Pyecomb, Clayton, Old Shoreham, and Lancing (in this Act referred to as the "limits of supply"):

And whereas, in order to enable the Company to supply the increased and increasing demand for gas within the limits of supply, it is expedient that they should be empowered to construct additional gasworks, to acquire further lands, and to raise additional capital, subject to the conditions and restrictions in this Act contained:

And whereas it is expedient to empower the Company to construct works for the protection from the sea of their existing gasworks and of the gasworks to be erected under the authority of this Act:

And whereas, to enable the Company to carry on their business with greater facility, it is expedient that they should be empowered to construct wharves and landing-places and other conveniences on the south side of the eastern arm of Shoreham Harbour, and to obtain a sufficient supply of water at their works:

And whereas for the purposes aforesaid, and for the general improvement of the undertaking of the Company, it is expedient that provisions should be made such as are in this Act contained:

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And whereas a plan showing the lands to be subjected to the compulsory powers of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands, were duly deposited with the clerk of the peace for the county of Sussex, and are hereinafter respectively referred to as "the deposited plan and book of reference":

And whereas the purposes 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 for all purposes as the Brighton and Hove Gas Act, 1879.

This Act and 2 & 3 Vict. c. xxxviii. 6 & 7 Vict. c. xxi. 17 & 18 Vict. c. xlii. 29 & 30 Vict. c. clxxxiv. 33 & 34 Vict. c. cvi. 36 & 37 Vict. c. cxxiii. 38 & 39 Vict. c. clxix. may be cited together.

2. The Acts and Provisional Order specified in the Schedule A. to this Act annexed (which said Acts and Order are in this Act referred to as "the principal Acts"), as amended by this Act, and this Act shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Act, and the principal Acts and this Act may for all purposes be cited together as the Brighton and Hove Gas Acts, 1839 to 1879.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 15. 8 & 9 Vict. c. 16.

3. The provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, of the Gasworks Clauses Act, 1847, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The making of dividends;

The giving of notices;

The provisions to be made for affording access to the special Act by all parties interested; and

Part I., "cancellation and surrender of shares," Part II., "addi-

tional capital," and Part III., "debenture stock," of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, are, so far as the same respectively are applicable for the purposes of and not varied by or inconsistent with the provisions of this Act, incorporated with and form part of this Act.

26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

Incorporation of 34 & 35 Vict. c. 41.

4. The Gasworks Clauses Act, 1871, shall apply to the Company's undertaking and supply, and the special Act referred to in section 3 of such first-mentioned Act shall be held to be the Brighton and Hove General Gas Company's Act, 1866, as amended by the Brighton and Hove Gas Act, 1873, and this Act.

As to Company's accounts.

5. Instead of the provisions contained in the 22nd section of the Brighton and Hove General Gas Company's Act, 1866, with respect to the form of the accounts of the Company, the Company's accounts shall be made out in the form and containing the particulars required by and specified in the Gasworks Clauses Act, 1871, Schedule B., and in other respects the 35th section of the last-mentioned Act shall apply to the Company, who shall conform thereto, but the provision contained in the 22nd section of the Brighton and Hove General Gas Company's Act, 1866, respecting the publication of the Company's accounts, shall still apply thereto.

Power to Company to raise additional capital.

6. The Company may from time to time raise (in addition to the capital authorised by the principal Acts) any further capital, not exceeding in the whole one hundred and fifty thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares and stock, or wholly or partially by one or more of those modes respectively; but the Company shall not issue any share of less nominal value than twenty pounds, nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock, together with any premium obtained upon the sale thereof, has been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue, under the powers of this Act, any greater nominal amount of capital than is sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of one hundred and fifty thousand pounds; provided also, that the Company shall not create and issue within any one year any greater nominal amount of capital than shall be sufficient to produce in manner aforesaid twenty-five thousand pounds.

If authorised capital for any year not raised, the amount may be made up.

7. If in any year or years the Company have not created and issued capital to the full amount herein-before prescribed in relation to such year or years, they may in any subsequent year create and issue, in addition to the amount prescribed for such year, such a nominal amount of capital as shall be sufficient, together with the

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amount then raised, to produce in manner aforesaid twenty-five thousand pounds in respect of the year following the passing of this Act, and twenty-five thousand pounds in respect of every subsequent year then expired.

Profits of the Company limited.

8. The Company shall not in any one year make out of their profits any larger dividend on the additional share capital to be raised under the powers of this Act than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Dividends on various classes of stock or shares.

9. The holders of the various classes of ordinary stock or shares in the capital of the Company created under the principal Acts and this Act shall, up to and until the respective maximum rates of dividend prescribed by the principal Acts and this Act on such respective stock or shares have been reached, be entitled to receive dividends at the same rates per centum per annum.

New shares to be offered by auction or tender.

10. Notwithstanding anything in the Brighton and Hove General Gas Company's Act, 1866, or in this Act contained, the Company shall, when any shares or stock created under the powers of this Act are to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not, offer the same for sale by public auction or by tender in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock, and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company.

Purchase money of capital sold by auction to be paid within three months.

11. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof, together with any premiums given by any purchaser at such sale, shall be paid to the Company within three months after such sale.

As to notice to be given as to sale, &c. of shares.

12. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of Brighton and the clerk to the Hove Commissioners, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulated within the limits of supply.

Shares not sold by auction or by tender to be offered to share-holders.

13. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act, 1863: Provided always, that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act.

Application of premium arising on issue of shares or stock.

14. Any sum of money which arises from the issue of any such shares or stock by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Company, but shall be expended in extending or improving the works of the Company, or in paying off money borrowed or owing on mortgage by the Company, and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow in respect of additional capital.

15. In addition to the moneys which the Company are authorised to borrow under the principal Acts, they may from time to time borrow on mortgage, in respect of the new share capital of one hundred and fifty thousand pounds by this Act authorised to be raised, any sum not exceeding in the whole thirty-seven thousand five hundred pounds, at the time and subject to the restrictions herein-after contained; that is to say, in respect of every sum of thirty-seven thousand five hundred pounds, part of the new share capital of one hundred and fifty thousand pounds, the Company may borrow the sum of nine thousand three hundred and seventy-five pounds, but no part of any such sum shall be borrowed until shares for so much of the portion of capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up,

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and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the required amount of new capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the same portion of capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the same portion of capital is raised by shares, that such persons or corporations are legally liable for the same; and upon production, from time to time, to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

16. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Debenture stock.

17. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Rate of interest on debenture stock and borrowed moneys.

18. The rate of interest payable upon debenture stock, to be created and upon moneys to be borrowed by the Company on mortgage under the powers of this Act shall not exceed five pounds per centum per annum, and the Company shall not renew the existing mortgages or debentures of the Company at a higher rate of interest than five pounds per centum per annum.

Application of moneys.

19. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of the principal Acts and of this Act only.

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Priority of existing mortgages.

20. Every mortgage granted by the Company under the authority of the principal Acts, or any of them, shall, subject to the provisions of the Act under which the same was granted, have priority over all mortgages and debenture stock granted and issued under this Act.

Power to take lands.

21. Subject to the provisions of this Act, the Company may, for the purposes of this Act, enter upon, take, and use such of the lands and hereditaments shown on the deposited plan as are described in the Schedules B. and C. to this Act annexed, and any easements, rights, or privileges in, over, under, through, or affecting the same, which they may require for such purposes: Provided always, that the acquisition by the Company of the lands described in the Schedule C. to this Act annexed shall not interfere with or affect but shall be subject to all rights of way over the same as a towing path and road in force immediately before the acquisition of the same by the Company; provided also, that the Company shall reserve to and in favour of James Martin Carr Lloyd of Lancing, in the county of Sussex, his heirs and assigns, or other the owner or owners for the time being of lands on the west side of and adjoining the piece of land secondly described in the Schedule B. to this Act annexed, a right of way for himself and themselves, his and their servants and tenants, on foot and with horses, cattle, and carriages, at all times of the year in, to, upon, and across the towing path, part of the piece of land described in the Schedule C. to this Act annexed, and also a similar right of way of the length of three hundred and forty feet from the first-mentioned right of way, and of the width of thirty feet at least from the western end of the piece of land described in the Schedule C. to this Act annexed, in, to, upon, and across the western side of the piece of land secondly described in the Schedule B. to this Act annexed, along the western boundary thereof, with the liberty for him and them to enter upon and repair and maintain the same; and the Company shall, upon taking possession of the said piece of land secondly described in the Schedule B. to this Act annexed, or any part thereof, forthwith make a road of the width of thirty feet at least upon the site of the right of way secondly herein-before reserved, so that the said James Martin Carr Lloyd, his heirs and assigns, or other the owner or owners as aforesaid, and his and their servants and tenants, may at all times hereafter have free access by means of the said rights of way to and from his and their lands on the west side of and adjoining the said piece of land secondly described in the Schedule B. to this Act annexed.

Period for compulsory purchase of lands.

22. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take additional land by agreement.

23. The Company may by agreement, but not otherwise, purchase and hold, in addition to any lands now held by them, and to the lands shown on the deposited plan and described in the deposited book of reference, any lands and hereditaments, not exceeding in the whole five acres, which the Company may from time to time require for any of the purposes of their works and undertaking, but the Company shall not use any lands for the purpose of manufacturing gas or residual products except the lands described in the Schedule B. to this Act annexed.

Land clause for protection of Hove.

24. The 23rd section of this Act shall not in any way alter or affect the 6th section of the Brighton and Hove General Gas Company's Act, 1866, (in this section referred to as the Act of 1866,) nor shall it enable the Company to acquire in any manner or use for any purpose any land in the parish of Hove in addition to that which they were possessed of or entitled to on the 1st day of January 1866.

Power to construct additional works.

25. Subject to the provisions of this Act, the Company, upon the lands described in the Schedule B. to this Act annexed, or on any part or parts of such lands, may erect, make, and maintain, and from time to time alter and enlarge, buildings, works, and conveniences for the manufacture, storage, and distribution of gas and any residual products arising therefrom, and they may on such lands manufacture and store gas and such residual products, and may sell and dispose of the same at the works and elsewhere.

Construction of sea defence works.

26. Subject to the provisions of this Act, and within the limits shown on the deposited plans in the parish of Portslade, the Company may from time to time, for the protection of their existing works and of the additional works by this Act authorised, (all in the parish of Portslade,) erect, construct, and maintain, and from time to time alter, vary, remove, and reconstruct, groynes and other works on the sea beach or foreshore adjacent to the said existing and additional works, and may for such purpose enter upon and use such sea beach or foreshore: Provided that, before the Company commence to construct, alter, vary, remove, or reconstruct any such groyne or sea defence works, and before they apply to the Board of Trade as herein-after mentioned for their consent (in cases where such consent is necessary) to any such works, they shall give one month's previous notice in writing of their intention

so to do to the Shoreham Harbour Trustees, accompanied with plans and sections of the intended works, and if the trustees shall object thereto they shall within such month give notice in writing of such objection to the Company, with the grounds thereof, and thereupon the matter in difference shall be referred to the Board of Trade, whose decision thereon shall be final and conclusive on both parties, and the cost of the reference shall be in the discretion of the Board of Trade; provided also, that if at any time the said trustees shall be of opinion that the groynes and sea defences erected by the Company are not sufficient to protect the harbour of New Shoreham to the extent of the Company's premises, then the trustees may give notice thereof in writing to the Company, with a statement of their requirements, and if the Company shall fail within one month thereafter to commence the groynes and sea defences required by the trustees, and proceed in the completion thereof with all due expedition, then the matter shall be referred to the Board of Trade, whose decision thereon shall be final, and the costs of such reference shall be in the discretion of the Board of Trade, and the Company shall forthwith execute such works as the Board of Trade may require.

Construction of wharves, landing places, &c.

27. Subject to the provisions of this Act, the Company may, on any of the lands described in the Schedule C. to this Act annexed, make and maintain wharves and landing-places, yards, and approaches on or adjoining the south side of the canal or eastern arm of Shoreham Harbour, with all necessary works and appliances, and for this purpose may dredge and deepen the said canal or eastern arm of the harbour in front of their own property, and dispose of the material dredged by deposit upon their own premises, or in default thereof as may be directed by the Shoreham Harbour Trustees: Provided that such wharves, landing-places, yards, and approaches shall be used for the purposes of the Company only, and no such wharf or landing-place shall be carried or project farther into the waterway of the eastern arm of Shoreham Harbour than the line of the existing wharf belonging to the Company.

Power to stop up ways and extinguish rights.

28. Subject to the provisions of this Act, the Company may, for the purposes of the undertaking authorised by the principal Acts and this Act, stop up all or any existing roads over, and may extinguish all or any existing rights of way over or across, any lands shown on the deposited plan and acquired by them compulsorily under the provisions of this Act.

Pressure of gas.

29. All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and

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from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and for the purposes of testing such pressure the person appointed under the 41st section of the Brighton and Hove General Gas Company's Act, 1866, shall have such powers as an examiner appointed under the Gasworks Clauses Act, 1871, would have had if appointed for that purpose; provided that two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Quality of gas.

30. The prescribed number of candles shall be fourteen.

Testing place.

31. Within twelve months from the passing of this Act a testing place shall be provided at the Company's premises at Hove.

Burner.

32. The prescribed burner shall be Sugg's London Argand Burner, Number one, with a six-inch by one-and-three-quarter-inch glass chimney; but if at any time and so long as the gas flame tails over the top of that glass a six-inch by two-inch chimney shall be used, or such other burner as shall from time to time be approved by the Board of Trade.

Map of mains in Hove to be deposited with Hove Commissioners.

33. A map on a scale of not less than two feet to a mile of the mains of the Company within the parish of Hove shall be deposited with the clerk to the Commissioners of Hove within three months after the passing of this Act, and the Company shall once in every year correct the map and make such additions thereto as will show the line of all their mains in the said parish.

Copy of model burner to be deposited with Hove Commissioners.

34. The Company shall within three months after the passing of this Act deposit with the clerk to the Commissioners of Hove a copy of the model burner described in section 6 of the Company's Act of 1873, and verified as provided by section 7 of the same Act.

Appointment of auditor by Hove Commissioners to attend special audit.

35. Whenever an appointment is made for the audit of the accounts of the Company by the special auditors, as provided by the Company's Act of 1866, notice thereof in writing shall forthwith be given to the clerk to the Commissioners of Hove, and such Commissioners shall be at liberty to appoint an auditor to attend such audit on giving notice in writing to the Company of the name of the auditor so appointed, and such auditor shall be paid by the Commissioners and shall have the same powers as the special auditors appointed under section 21 of the said Act.

Company to pay interest on deposits.

36. If any person is required by the Company to give to them security for the payment of the price or rent of a meter, the Company shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such

security for every six months during which the same remains in their hands. A.D. 1879.

Company may obtain supply of water to their works at Portslade.

37. The Company shall not take any part of the towing path belonging to the canal or eastern arm of New Shoreham Harbour or the South Wish Wharf belonging thereto, or the road in continuation thereof leading to the turnpike road from Shoreham to Brighton, described in the deposited book of reference and in the Schedule D. to this Act; but the Company may purchase and take, and the owners thereof and persons interested therein shall sell and grant to the Company accordingly, easements or rights for the purposes of laying, maintaining, repairing, altering, and removing thereunder mains and pipes for water to the gasworks of the said Company in Portslade aforesaid, and to the lands hereby authorised to be acquired, within the same limits as the Company now have easements for laying gas pipes; and, subject to the provisions of this Act, the Company, for the purposes of laying down and maintaining, altering, and removing such mains and pipes, may from time to time open and break up the surface and soil of the towing path and road described in the Schedule D. to this Act annexed: Provided always, that when they open or break up the surface or soil of such towing path and road, they shall with all convenient speed complete the work for which the same was broken up, and fill in the ground and reinstate and make good the towing path and road so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such towing path and road is so opened or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such towing path and road where the same is opened or broken up, every night during which the same remains open or broken up.

Arrangements with Shoreham Harbour Trustees.

56 Geo. 3. c. lxxxi.

39 & 40 Vict. c. ccxi.

38. The Company and the Shoreham Harbour Trustees, and all other necessary parties, may from time to time enter into and carry into effect such arrangements as they from time to time think fit with respect to any of the objects of this Act and any incidental matters, and any such arrangement shall have full operation, notwithstanding anything in the New Shoreham Harbour Act, 1816, and the New Shoreham Harbour Act, 1876, or either of them, contained.

Saving rights of the Crown under 29 & 30 Vict. c. 62.

39. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, or shall divest, alter, or affect any other

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estate, right, or interest belonging to the Queen's most Excellent Majesty, her heirs or successors.

Saving rights of the lord of the manor of North Lancing.

40. Provided that nothing herein contained shall lessen or abate or in any manner affect or prejudice the right or title, if any, of the lord of the manor for the time being of North Lancing and Monks, South Lancing and Lyons, his heirs, successors, or assigns, to any rights, wrecks, royalties, or other things which are now and shall happen or come within the limits of the said manor, or other benefits or advantages belonging or in anywise appertaining to the said manor, but that he and they, and all other persons authorised by him or them, may take away, receive, and enjoy the same as fully and beneficially to all intents and purposes whatsoever as if this Act had not been passed.

Lights on works.

41. The Company shall on or near any work below high water, during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) as the Board of Trade from time to time requires or approves, and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the work, when completed, always maintain, exhibit, and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves.

If the Company fails to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Abatement of work abandoned or decayed.

42. If a work constructed by the Company on, in, over, through, or across tidal lands or a tidal water is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work, or any part of it, and restore the site thereof to its former condition, at the expense of the Company, and the amount of such expense shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Company.

Survey of works by Board of Trade.

43. If at any time the Board of Trade deems it expedient to order a survey and examination of a work constructed by the Company on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the Company shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered, with costs, as a penalty is recoverable from the Company.

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As to works on foreshore.

44. The Company shall not construct any works on any part of the shore or bed of the sea where the tide flows and re-flows without the previous consent of the Board of Trade to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the Company 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, and if any such work shall be commenced or completed without such consent and approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition, at the costs of the Company, and the amount of such costs shall be a debt due to the Crown, and recoverable against the Company accordingly.

Saving for Shoreham Harbour Trustees.

45. Nothing in this Act contained shall prejudice, alter, or affect the powers, rights, privileges, and authorities vested in or exerciseable by the Shoreham Harbour Trustees, or extend to divest the trustees of any rights, powers, privileges, or authorities conferred upon them by any of the Acts of Parliament relating to Shoreham Harbour; but nothing in this section contained shall authorise the trustees to interfere with the use of the land described in the Schedules B. and C. of this Act by the Company for the purposes of their undertaking.

Saving rights of Crown in foreshore.

46. Nothing contained in this Act shall authorise the Company 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 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.

Expenses of Act.

47. All the costs, charges, and expenses of and incident to the preparing for and the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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SCHEDULE A.

Acts and Provisional Order referred to in preceding Act.

The Brighton and Hove Gas Act, 1839.
The Brighton and Hove Gas Act, 1843.
The Brighton and Hove Gas Act, 1854.
The Brighton and Hove Gas Act, 1866.
The Brighton and Hove Gas Act, 1870.
The Brighton and Hove Gas Act, 1873.
The Brighton and Hove Gas Order, 1875.

SCHEDULE B.

Gas Lands.

A piece of land in the parish of Portslade, in the county of Sussex, containing 5 acres or thereabouts, part of the sea beach on the Sussex coast, and lying between the canal or eastern arm of New Shoreham Harbour and the sea, and measuring on the north side thereof 437 feet or thereabouts, on the south side thereof 495 feet or thereabouts, on the east side thereof 475 feet or thereabouts, and on the west side thereof 472 feet or thereabouts; bounded northward by an imaginary straight line drawn eastward in continuation of the northern boundary line of the Company's existing premises in Portslade aforesaid to the boundary line of the parish of Aldrington in Sussex, southward by an imaginary straight line drawn eastward from the south-east corner of the Company's existing premises in Portslade aforesaid to a point in the parish boundary of Aldrington about 475 feet from the junction of the first-mentioned imaginary straight line with the parish boundary of Aldrington, eastward by the said parish of Aldrington, and westward by the lands and existing gasworks of the Company.

A piece of land in the parish of Portslade, in the county of Sussex, containing 6 acres 2 roods, or thereabouts, part of the sea beach on the Sussex coast, and lying between the aforesaid canal or eastern arm of New Shoreham Harbour and the sea, and measuring on the north side thereof 528 feet or thereabouts, on the south side thereof 500 feet or thereabouts, on the east side thereof 495 feet or thereabouts, and on the west side thereof 610 feet or thereabouts; bounded northward by an imaginary straight line drawn westward in continuation of the northern boundary line of the Company's existing premises in Portslade aforesaid to the boundary line of the parish of Southwick in Sussex, southward by

an imaginary straight line drawn westward from the south-west corner of the Company's existing premises in Portslade aforesaid to a point in the parish boundary of Southwick about 610 feet from the junction of the first-mentioned imaginary straight line with the parish boundary of Southwick, eastward by the lands and existing gasworks of the Company, and westward by the parish of Southwick in Sussex.

SCHEDULE C.

A piece of land in the parish of Portslade, in the county of Sussex, containing 3 acres and 2 roods, or thereabouts, part of the towing path on the sea beach on the Sussex coast, lying on the south side of and adjoining the said canal or eastern arm of New Shoreham Harbour, and being in length on the north and south sides thereof 1,672 feet or thereabouts, and in width at each end thereof 90 feet or thereabouts, and bounded northward by the said canal or eastern arm of New Shoreham Harbour, southward partly by the existing gasworks of the Company, and partly by the two several pieces of land particularly described in the Schedule B. to this Act, eastward by the parish of Aldrington, and westward by the parish of Southwick in Sussex.

SCHEDULE D.

The existing towing path on the south side of the canal or eastern arm of Shoreham Harbour, in the parish of Aldrington in Sussex, and the roadway connecting the said towing path with the public highway leading from Brighton to New Shoreham.

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