CHAP. cvi.

An Act for empowering the Brighton and Hove General Gas Company to construct works at or near New Shoreham Harbour, and to acquire a site for the same; and for other purposes. [4th July 1870.]

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WHEREAS the Brighton and Hove General Gas Company (in this Act called the Company) are incorporated and empowered for the purpose of manufacturing and supplying gas to the town and parishes of Brighton, Aldrington, Portslade, Southwick, Kingston, New Shoreham, Preston, Patcham, Pyecomb, Clayton, Old Shoreham, and Lancing under the Acts described in the first schedule to this Act (which are in this Act referred to collectively as the Company's former Acts and severally by the respective short descriptions in the same schedule given):

And whereas it is by the Company's Act of 1866 enacted, that notwithstanding anything in the Company's former Acts contained, it shall not be lawful for the Company, without the further authority of Parliament in that behalf, to erect or make any works for the manufacture or storage of gas except on land then occupied by such works or on land situate between Shoreham Harbour and the sea:

And whereas it is expedient that the Company be now authorised by Parliament to erect and make works for the manufacture and storage of gas and also of residual products on land situate between New Shoreham Harbour and the sea, with necessary and proper subsidiary works, and for that purpose to take lands and easements there by compulsion or otherwise:

And whereas it is expedient that the Company and the Commissioners for improving the Harbour of New Shoreham be authorised to enter into and carry into effect arrangements with respect to any of the objects of this Act and any incidental matters:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

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And whereas plans describing lands that may be taken under this Act, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, and describing the same, have been deposited with the clerk of the peace for the county of Sussex (which are in this Act referred to as the deposited plans and book of reference):

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 Brighton and Hove General Gas Company's Act, 1870.

Provisions of general Acts herein named incorporated.

2. The following Acts (as far as they are applicable for the purposes and not inconsistent with the provisions of this Act) are hereby incorporated with this Act; (that is to say,) the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, section 17 of the Railways Clauses Consolidation Act, 1845, and sections 18 and 19 of the Railways Clauses Act, 1863, and the words "work" and "railway" in such sections shall be taken to mean any work below high-water mark which the Company shall commence under this Act.

Same meanings.

3. Words to which meanings are assigned in the Company's Act of 1866, or which have therein special meanings, have in this Act the same meanings.

Power to construct works and take lands.

4. Subject to the provisions of this Act, and on the site by this Act authorised, the Company may erect, construct, make, and maintain works for the manufacture and storage of gas, and of the several residual products, matters, and things arising from the manufacture of gas, and such other works, buildings, yards, wharves, basins, landing-places, roads, ways, approaches, conducting pipes, appliances, and conveniences necessary for the manufacture, storage, and distribution of gas, or the manufacture, conversion, utilisation, and storage of such residual products, matters, and things as aforesaid, and subject to the provisions of this Act may enter on, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as the Company require for those purposes or any of them.

Reserving right of way to Mr. Lloyd.

5. Provided that the Company shall reserve to and in favour of George Kirwan Carr Lloyd, Esquire, of Lancing, in the county of Sussex, his heirs and assigns, or other the owner or owners for the

time being of lands on both sides of and adjoining the piece of land described in the second schedule to this Act, 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 said piece of land along the southern boundary thereof for the time being, or as near thereto as the groynes and other works which may from time to time be erected or constructed by the Company under this Act on the sea beach or foreshore will permit, and so that the said George Kirwan 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 right of way from his and their lands adjoining the said piece of land on both sides thereof.

Saving rights of the lord of the manor of North Lancing, &c.

6. 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.

Not to be exempt from liability for nuisance.

7. Nothing in this Act shall exonerate the Company from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Restriction as to site of works.

8. Notwithstanding anything in this Act the Company shall not under this Act erect, construct, or make any works for the manufacture or storage of gas, or for the manufacture, conversion, utilisation, or storage of the residual products, matters, and things arising from the manufacture of gas, or any of them, except on the piece of land described in the second schedule to this Act.

Company to take easement only in harbour.

9. Notwithstanding anything in this Act the Company shall not take any part of the canal or eastern arm of New Shoreham Harbour, but the Company may purchase and take, and the owners thereof and other persons interested therein shall sell and grant to the Company accordingly, easements or rights of using so much thereof as is on the deposited plans numbered 8, for the purpose of laying, maintaining, repairing, altering, and removing thereunder conducting pipes for gas.

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Company not to lay pipes across Shoreham Harbour until after notice.

10. Provided that the Company shall not commence to lay down any pipes in or across the lands marked 6, 6a, 7, 8, 8a, 10, 11, and 12 on the deposited plans and forming part of the site of the said canal or eastern arm of Shoreham Harbour, and of the towing-path and South Wish Wharf belonging thereto, and the road leading from the said wharf to the turnpike road from Shoreham to Brighton, until they shall have given at least fourteen days previous notice in writing of their intention so to do by delivering such notice at the office of the clerk and harbour-master for the time being of the commissioners of the said harbour.

Pipes across Shoreham Harbour.

11. Provided also, that in the event of the Company laying any pipe or pipes in or across the said lands marked 8 on the deposited plans, they shall in the first instance lay the same at a depth of at least three feet below the present bottom level of the said canal or eastern arm of Shoreham Harbour, and if and so often as the said level shall be lowered by dredging or otherwise, the Company shall on the expiration of one month from receipt of a notice in writing, to be given by the said commissioners or their clerk or harbour-master for the time being on their behalf, take up and relay at the cost of the Company the said pipe or pipes at a like depth of at least three feet, the intent and meaning of this provision being that the said pipe or pipes shall at all times be at a uniform depth of at least three feet below the said bottom level for the time being of the said canal or eastern arm of the said harbour.

Shoreham Harbour Commissioners empowered to execute certain works if Company fail to do so after notice.

12. Provided further, that if the Company, for fourteen days next after the receipt by them of the notice to be given by the said commissioners or their clerk or harbour-master for the time being on their behalf, fail to commence or at any time thereafter fail to proceed with reasonable despatch to relay the said pipes as occasion may require, the said commissioners may relay the same, and the reasonable costs incurred therein shall on demand be repaid by the Company, and in default thereof the amount of such costs may be recovered by the said commissioners in any court of competent jurisdiction, and the Company shall thereafter be subject to the same liability with reference to any subsequent relaying of the said pipes as if they had been relaid by the Company.

Company to take easements only in towing-path and road.

13. Notwithstanding anything in this Act 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, but the Company may purchase and take, and the owners thereof and persons interested therein shall sell and grant to the Company accordingly,

for the purposes of this Act only, easements or rights of using so much thereof as is on the deposited plans numbered 6, 6a, 10, 11, and 12, for the purposes of laying, maintaining, repairing, altering, and removing thereunder conducting pipes for gas, and of making and maintaining thereon a carriage road to the gasworks by this Act authorised.

Extinction of rights of way.

14. When the Company have acquired any lands which they are by this Act authorised to take, they may stop up any way over the same and appropriate the site thereof for purposes of this Act, and thereupon all right of way over or along the same shall be by virtue of this Act extinguished.

Powers for compulsory purchases limited.

15. The powers of the Company for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the commencement of this Act.

Power to agree for easements, &c.

16. The Company may take by agreement, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege in, over, affecting, or belonging to lands at a yearly rent or otherwise, but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts.

Power to make groynes, &c.

17. The Company may erect, construct, and maintain, and from time to time extend or alter groynes and other works on the sea beach or foreshore in or opposite to the piece of land described in the second schedule to this Act, for the protection of works erected under this Act and the site thereof.

Arrangements with Harbour Commissioners, &c.

18. The Company and the Commissioners for improving the Harbour of New Shoreham 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 Acts relating to the harbour passed in the fifty-sixth and fifty-ninth years of the reign of King George the Third, or either of them, or any of the Company's former Acts.

Application of corporate funds.

19. The Company may apply for purposes of this Act any money which they have raised or are authorised to raise under or by any of their former Acts.

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Chairman of directors.

20. So much of section 40 of the Company's Act of 1839 as enacts to the effect that at every meeting of the directors of the Company one of the directors then present shall be elected to preside as chairman for that occasion is hereby repealed, and in lieu thereof sections 93 and 94 of the Companies Clauses Consolidation Act, 1845, shall apply to the Company, and for that purpose this Act shall be deemed the special Act.

Office of treasurer.

21. So much of section 41 of the Company's Act of 1839 as excepts the treasurer of the Company from the provisions of that section is hereby repealed, and the powers by section 44 of the same Act conferred on the Company of electing and appointing a treasurer, and of removing and displacing the treasurer and of electing and appointing another person, and of allowing, fixing, and determining the salary or other emolument of the treasurer, and the duty by the same section imposed on the Company of taking security from the treasurer, shall be exercised and performed by the directors of the Company and not by the Company at a meeting, and the treasurer may be a banking company or corporation, and in that case it shall not be obligatory on the directors to take security from the treasurer.

Saving rights under "Crown Lands Act, 1866."

22. 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 21 or 22 of the "Crown Lands Act, 1866."

Saving rights of the Crown in the foreshore.

23. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the said 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 the said Act or Acts 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.

24. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

The Company's former Acts.

Session and Chapter.	Title or Short Title.	Short Description.
2 & 3 Vict. c. xxxviii. -	An Act for better lighting with Gas the town of Brighton and the several places therein mentioned in the county of Sussex.	The Company's Act of 1839.
6 & 7 Vict. c. xxi. -	An Act to amend an Act of the second year of Her present Majesty's reign, for better lighting with gas the town of Brighton and the several places therein mentioned, in the county of Sussex.	The Company's Act of 1843.
17 & 18 Vict. c. xlii. -	The Brighton and Hove Gas Act, 1854.	The Company's Act of 1854.
29 & 30 Vict. c. clxxxiv.	The Brighton and Hove General Gas Company's Act, 1866.	The Company's Act of 1866.

THE SECOND SCHEDULE.

Piece of Land on which Gasworks may be erected.

A piece of land containing eight 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 being in length at the north side thereof seven hundred and seven feet or thereabouts, and on the south side thereof seven hundred and eight feet or thereabouts, and in depth on the east side thereof four hundred and seventy-two feet or thereabouts, and on the west side thereof four hundred and ninety-seven feet or thereabouts, bounded northward by the towing-path on the south side of the said canal or eastern arm, southward by the flow of high water at spring tides, eastward by an imaginary straight line commencing at a point on the said towing-path four hundred and thirty feet or thereabouts westward of the boundary marked on the tithe map

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of the parish of Portslade in Sussex as the boundary between that parish and the parish of Aldrington in Sussex, and running from the said towing-path in a southerly or nearly southerly direction down to the flow of high water at spring tides, westward by a second imaginary straight line commencing on the said towing-path at the distance of one thousand one hundred and thirty-seven feet or thereabouts westward of the said parish boundary, and running from the said towing-path in a southerly or nearly southerly direction down to the flow of high water at ordinary spring tides, which piece of land is in the parishes of Portslade and Lancing, or one of them, both in Sussex.

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