ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. vi.

An Act to transfer to the Corporation of the Town of *Brighton* the Property, Powers, Privileges, and Liabilities of the *Brighton* Improvement Commissioners. [5th May 1855.]

WHEREAS by an Act of the Sixth Year of the Reign of King *George* the Fourth, Chapter One hundred and seventy-nine, (herein-after called "The *Brighton* Town Act,") and which was passed for improving and managing the Town of *Brighthelmston* (now and herein-after called *Brighton*), and the Poor thereof, certain Commissioners (herein-after called the *Brighton* Town Commissioners) were appointed for carrying the same into execution, with such Provisions for regulating their Proceedings as therein mentioned, and various Powers, Authorities, Liabilities, and Indemnities were thereby given to and conferred upon such Commissioners for carrying out the Purposes of that Act, and other Provisions were therein contained and Enactments made for the like Purposes, and in particular the Town of *Brighton* was for such Purposes to be deemed to be co-extensive with the Parish of *Brighton*, and such Commissioners were thereby empowered to appoint Watchmen and Officers for carrying out such Act, and with

6 G. 4. c. clxxix.

with such Powers, Liabilities, and Indemnities thereby imposed on such Officers, and with Power to remunerate any such Officers, as therein mentioned, with Directions therein contained that proper Books of Account with reference to Proceedings under such Act should be kept, to be at all Times open to the Inspection of the Inhabitants of *Brighton* aforesaid; and the Markets, Highways, Buildings, Streets, Lanes, Pavements, Beach Groynes, Watering, Lighting, Cleansing, Sewers, and Drainage of *Brighton* aforesaid, and the Boats and Vehicles in or about the same, and the Coal Trade and other Business carried on in the same, were thereby placed under the Jurisdiction and Control of such Commissioners, who were also thereby empowered to purchase or take, by themselves or Trustees for them, Buildings, Lands, or Hereditaments, for the Purposes of the Act, and again to dispose of the same as therein mentioned, and also to erect and establish a Town Hall and Market for the said Town of *Brighton*, and to regulate and manage the same; and it was thereby enacted, that as well such Buildings, Lands, and Hereditaments, as all Buildings, Lands, and Hereditaments which had been then conveyed to or in trust for or were then vested in such Commissioners for the like Purposes, including the Pavements, Highways, Lamps, Posts, Groynes, and other like Property in *Brighton* aforesaid, and all Articles, Implements, and Things made or used for the like Purposes, should be vested in such Commissioners for the Time being, their Successors and Assigns; and such Commissioners were also thereby empowered to make and levy, or let or otherwise deal with Rates, Tolls, Duties, Assessments, and Impositions on the Town and Inhabitants of *Brighton* aforesaid, and on Articles and Things therein, and to borrow Money on the Credit thereof or otherwise, and to give Securities for the same, and to form a Sinking Fund for paying off the same, and to impose and recover Penalties in respect of the Matters aforesaid, or some of them, and to make Byelaws with reference thereto, and otherwise as therein mentioned for the Purposes of that Act; and there were therein also contained Provisions with reference to the Poor of the said Town and otherwise, but not relating to such Commissioners: And whereas the Commissioners for the Time being under the said Act have since the passing thereof proceeded and still continue to carry the same into execution, and they have erected and established a Town Hall and Market for the said Town, and have acquired other Property in Buildings, Lands, and Hereditaments, Articles, Implements, and Things, all of which are now vested in them or Trustees for them, and they have raised Money on the Security of the Rates, Tolls, Duties, or Assessments authorized to be levied under the said Act, or otherwise pursuant to the same Act, and made Provisions for paying off the same, some of which Money is still due or owing, and they have also made or settled Rates, Tolls, Duties, or Assessments,

and

and Byelaws with reference to the Purposes of the said Act, some of which are still in force and existence: And whereas by an Act (Local and Personal) of the Thirteenth Year of the Reign of Her present Majesty, Chapter Five, (herein-after called the "*Brighton Pavilion* Act,") the *Brighton* Town Commissioners were authorized to purchase the Royal Pavilion and Grounds with the Appurtenances at *Brighton*, and other Property contiguous thereto, and to take a Conveyance thereof to themselves and their Successors, and to adapt and preserve such purchased Property for the Use, Enjoyment, and Benefit of the Town and Inhabitants of *Brighton*, or otherwise to deal with the same, and with such Provisions for carrying into effect those Purposes as therein mentioned, and various Rights, Powers, Privileges, Liabilities, and Indemnities were thereby given and imposed to and on such Commissioners, to enable them to carry the same into effect accordingly, and in particular they were empowered to appoint and pay Officers, and to make Byelaws and impose Fines, and to borrow Money and repay the same, and to levy additional Rates for that Purpose in the Manner directed by the "*Brighton* Town Act" in that Behalf; and the Provisions of that Act, so far as such Provisions should be respectively applicable to the Circumstances of the Case, were made to apply and extend to the "*Brighton Pavilion* Act," with additional Provisions therein contained respecting certain Accounts and Proceedings thereunder: And whereas the Purchase of the said Royal Pavilion and Grounds with the Appurtenances and other Property authorized by the "*Brighton Pavilion* Act" was completed by the *Brighton* Town Commissioners, and the same were conveyed to and vested in and have since been held, leased, and used, and employed by them, pursuant thereto, and they have also made Rates and Byelaws, and raised Money and given Security for the same, and made Provision for paying off such Money, in accordance with the same Act, some of which several Matters and Things are still in existence and operation: And whereas by a Charter of Incorporation granted by Her present Majesty's Letters Patent, dated the First Day of *April* in the Seventeenth Year of Her Reign, and made on the Petition of the Inhabitant Householders of the Town of *Brighton* aforesaid, by the Advice of Her Privy Council, by virtue of an Act of Parliament passed in the First Year of Her Reign, to amend the Act of Parliament passed in the Sixth Year of the Reign of King *William* the Fourth, to provide for the Regulation of Municipal Corporations in *England* and *Wales*, (herein-after called the "Municipal Corporations Act,") after stating that the Town of *Brighton* was for the Purposes thereof to be co-extensive with the Parish of *Brighton*, the Inhabitants of the said Town of *Brighton* and their Successors for ever were constituted a Body Corporate by the Name of "The Mayor, Aldermen, and Burgesses of the Town of *Brighton*," (herein-after

13 Vict. c. v.

Charter of Incorporation, dated 1st April 1854.

after called the *Brighton* Town Corporation,) with all the Powers, Authorities, Immunities, and Privileges which were enjoyed by the several Boroughs mentioned in the Schedule to the said "Municipal Corporations Act," in the like Manner, and subject to the same Provisions, as fully and amply, to all Intents and Purposes whatsoever, as if the said Town of *Brighton* had been named One of the Boroughs and included in the First Section of Schedule (B.) to that Act annexed, and all the Powers and Provisions, as well of the same Act as of all other Acts of Parliament passed for altering, amending, or enlarging the same, were thereby extended to the *Brighton* Town Corporation, who were thereby authorized to use a Common Seal in the Transaction of their Business, and to purchase and acquire Lands, Tenements, Hereditaments, and all other Possessions whatsoever, as therein mentioned, to hold the same to themselves and their Successors for ever, and the Council of the said Corporate Town or Borough of *Brighton* was thereby constituted, and other Provisions were therein contained with reference thereto, as therein mentioned: And whereas the Mayor, Aldermen, and Councillors of the said Corporate Town of *Brighton* have been duly elected, and the Council thereof has been duly established, pursuant to the said Charter, and the Corporation thereby created has proceeded to act by such Council accordingly: And whereas it is expedient that all the Powers, Estates, and Property of the *Brighton* Town Commissioners, either by Act of Parliament or otherwise, should be transferred to the Council of the Borough of *Brighton*, constituted by the said Charter; but the same, with all necessary and useful Provisions relative thereto, cannot be properly and sufficiently effected and carried into execution 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:

Cesser of Commissioners acting under 13 Vict. c. v.

I. The Commissioners acting under the *Brighton* Town Act and the *Brighton Pavilion* Act shall on the Commencement of this Act cease to be such Commissioners, and no further Commissioners shall be appointed thereunder; but without Prejudice to any Acts, Deeds, or Things made, done, or executed by the Commissioners for the Time being thereunder, or to any Privileges, Immunities, and Indemnities to which any Commissioners under the same Acts may be entitled by virtue thereof.

Appointment of Town Corporation as Commissioners for carry-

II. The *Brighton* Town Corporation and their Successors shall be the Commissioners for carrying the *Brighton* Town Act and the *Brighton Pavilion* Act into execution, and the Town Hall, Pavilion, and Market Places of the Town of *Brighton*, and all other Messuages, Lands,

Lands, Tenements, Hereditaments, Property, and Effects whatsoever of or belonging to or vested in or held in trust for the *Brighton* Town Commissioners, and all Jurisdictions, Powers, Authorities, Rights, Privileges, Remedies, Liabilities, Duties, Immunities, and Indemnities vested in, given to, conferred or imposed on or enjoyed by them under or by virtue of the *Brighton* Town Act or the *Brighton Pavilion* Act, or otherwise howsoever, shall be and are hereby vested in and transferred and granted to, and conferred or imposed on, and shall be had and enjoyed by, the *Brighton* Town Corporation and their Successors, for the Intents and Purposes and subject to the Provisions upon, for, and subject to which such Estates, Property, Effects, Jurisdictions, Powers, Authorities, Rights, Privileges, Remedies, Liabilities, Duties, Immunities, and Indemnities were so vested in, given to, conferred or imposed on, or enjoyed by such Commissioners, but so nevertheless that such Corporation and their Successors shall carry the same Acts and this Act into execution, and manage and use such Estates, Property, and Effects, and exercise and enjoy and be subject to such Jurisdictions, Powers, Authorities, Rights, Privileges, Remedies, Liabilities, Duties, Immunities, and Indemnities, so far as may be and Circumstances will permit, by or through the Council of such Corporation, and in the same Manner in all respects as if such Estates, Property, and Effects, Jurisdictions, Powers, Authorities, Rights, Privileges, Remedies, Liabilities, Duties, Immunities, and Indemnities, had been vested in, given to, or conferred on or to be enjoyed by such Corporation or their Successors, under or by virtue of the Municipal Corporations Act, or any Act of Parliament altering, amending, or enlarging the same: Provided always, that any such Estates, Property, or Effects now vested in Trustees for such Commissioners may, if so determined by such Council, remain vested in the same or any other Trustees for and to be named by such Corporation or their Successors: Provided also, that nothing herein contained shall be held to prejudice or affect any of the Powers, Rights, Privileges, Remedies, Liabilities, or Indemnities given to or conferred or imposed on or to be enjoyed by the *Brighton* Town Corporation or their Successors, either expressly or by reference, under or by virtue of the recited Charter of Incorporation and Letters Patent granting the same, or any Acts of Parliament therein referred to.

Vesting into execution Provisions of 6 G. 4. c. clxxix. and 13 Vict. c. v.

Transfer of Property to Commissioners, but without Prejudice to Corporate Powers.

III. All and every the Provisions in the *Brighton* Town Act or *Brighton Pavilion* Act contained relating to any Officers or Persons appointed thereunder, and their Appointment, Removal, Payment, Duties, Liabilities, and Indemnities, or any Security to be given by such Officers or otherwise, shall, so far as the same may be applicable to or for the carrying this Act into effect, apply and extend

Powers, &c. of Officers.

extend to this Act, and any Officers, Servants, or Workmen appointed thereunder, in the same Manner in all respects as if the same Provisions were herein repeated and made expressly applicable to this Act and the Purposes thereof.

Securities &c. to be unimpeached.

IV. All Contracts, Covenants, Agreements, Conveyances, Leases, Mortgages, Assurances, Annuities, Bonds, Securities, or Obligations which have been given, made, or entered into and are subsisting by, from, or against the *Brighton* Town Commissioners, and all Estates, Rights, and Interests, Powers or Provisions, thereby vested, created, given, or conferred in, upon, or to any Persons or public Bodies, shall be good, valid, and effectual in favour and for the Benefit of such Persons or Bodies, and may be proceeded with, enforced, acted on, assured, released, or dealt with against, upon, to, or from the *Brighton* Town Corporation or their Successors, instead of such Commissioners, in the same Manner, and as fully, to all Intents and Purposes, as if such Corporation had been such Commissioners, and had been a Party to or had made or entered into or given the same respectively as such.

Contracts, &c. to remain in force.

V. All Contracts, Covenants, Agreements, or Obligations which have been executed, entered into, or granted to or in favour of the *Brighton* Town Commissioners, and now in force, shall be good, valid, subsisting, and effectual for or in favour of the *Brighton* Town Corporation and their Successors, and may be enforced or claimed in the same Manner by such Corporation or their Successors, to all Intents and Purposes as if such Corporation had been such Commissioners, and had been a Party to the same, or had been named or referred to therein as such.

Actions, &c. not to abate.

VI. No Actions, Suits, Prosecutions, or other Proceedings whatsoever commenced either by or on behalf of or against such Commissioners shall cease, be suspended, abate, or be discontinued by reason of the passing of this Act, but the same shall continue valid and in force and shall take effect in favour of or against the *Brighton* Town Corporation, in the same Manner in all respects as the same would or might have continued and remained in force or taken effect in favour of or against such Commissioners if this Act had not passed.

Rates to continue in force, and may be recovered by the Corporation.

VII. No Rates, Levies, Duties, or Assessments made or imposed by or by the Authority of the *Brighton* Town Commissioners shall cease or be suspended or discontinued by reason of the passing of this Act, but the same shall continue valid and in force, and be collected, receivable, and recoverable by and shall take effect in favour of or against the *Brighton* Town Corporation, in the same Manner in all respects as the same would or might have continued and been collected, received, or recovered by or taken effect in favour

favour of or against or by such Commissioners if this Act had not passed.

Debts due to and by the Commissioners to be paid to and by the Corporation.

VIII. All Persons who immediately before the Commencement of this Act owed any Sum of Money to the *Brighton* Town Commissioners, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the *Brighton* Town Corporation; and all Debts and Monies which immediately before the Commencement of this Act were due or owing by or recoverable from the *Brighton* Town Commissioners, or for the Payment of which such Commissioners were or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing from the same, by or be recoverable from the *Brighton* Town Corporation.

Corporation to be liable in all Cases.

IX. Except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the recited Acts shall be as valid as if this Act were not passed; and this Act shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if this Act were not passed would be incident to and consequent on any and every thing so done and suffered respectively; and with respect to all such Rights, Liabilities, Claims, and Demands, the *Brighton* Town Corporation shall represent the *Brighton* Town Commissioners: Provided always, that the Generality of the Terms of this Enactment shall not be restricted by any other of the Clauses or Provisions of this Act.

Byelaws.

X. The *Brighton* Town Corporation is hereby empowered at all Times hereafter to make such Byelaws, Rules, and Regulations, for and in respect of the Purposes of this Act, and the carrying the same into execution, as they are authorized to make for the Purposes of and under the Municipal Corporations Act, or as the *Brighton* Town Commissioners were under the *Brighton* Town Act and the *Brighton Pavilion* Act empowered to make for the Purposes therein mentioned: Provided always, that no such Byelaw, Rule, or Regulation so to be hereafter made shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the said Borough, to One of Her Majesty's Principal Secretaries of State, and shall have been affixed on the outer Door of the Town Hall or in some other public Place within such Borough; and if at any Time within the said Period of Forty Days Her Majesty, with the Advice of Her Privy Council, shall disallow the same Byelaw, Rule, or Regulation, or any Part thereof, such Byelaw, or the Part thereof disallowed, shall not come into operation:

operation: Provided also, that it shall be lawful for Her Majesty, if She shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which such Byelaw, Rule, or Regulation, if disallowed, shall not come into force, and no such Byelaw, Rule, or Regulation shall in that Case come into force until after the Expiration of such enlarged Time.

Commencement of Act.

XI. This Act shall come into operation and take effect as on and from the Fourth *Tuesday* next ensuing the passing thereof, and not before.

Short Title.

XII. This Act may be cited in other Acts of Parliament and in legal Proceedings or Instruments as "The *Brighton* Commissioners Transfer Act, 1855."

Expenses of Act.

XIII. The Expenses of preparing, applying for, and obtaining this Act or incidental thereto shall or may be paid out of any Funds now or hereafter to be in the Hands of the *Brighton* Town Commissioners or the *Brighton* Town Corporation.

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