CHAPTER clxxxviii.

An Act to alter and amend the Clacton-on-Sea Special Drainage District Act 1880. [28th July 1884.] A.D. 1884.

WHEREAS the Commissioners appointed under the Clacton-on-Sea Special Drainage District Act 1880 have constructed some of the works authorised by that Act but have not entirely completed the same on account of not having been able to borrow the necessary amount of money for that purpose and it is expedient that the said Act should be amended and altered for better enabling them to exercise the powers vested in them by that Act:

And whereas it is expedient that land used for agricultural purposes only should not continue liable to the "acreage tax" mentioned in section 38 sub-section A of the said Act:

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:—

Short title.

1. This Act may be cited as the Clacton-on-Sea Special Drainage District Amendment Act 1884.

Incorporation of Act.

2. This Act and the Clacton-on-Sea Special Drainage District Act 1880 as amended by this Act (herein-after referred to as "the principal Act") shall for all purposes be deemed and taken to be one Act and may be cited together as the Clacton-on-Sea Special Drainage District Acts 1880 and 1884.

Interpretation.

3. The expression "ratepayers" in all Acts incorporated wholly or partly with the principal Act or this Act shall in future for all purposes of voting and electing under the principal Act and this Act and the Acts incorporated wholly or partly with the principal Act or this Act mean the owners in fee simple or for life or for a

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term of years determinable on life or for a term of years granted for a period of not less than forty years of lands or houses rated under and by virtue of and situate within the limits for the time being of the principal Act and rated to the relief of the poor of the parish of Great Clacton and shall not include other persons who may be occupiers of lands or houses within the limits for the time being of the principal Act although they may in the first instance be liable to pay rates under the principal Act or this Act And the expression "any extension of the said special drainage district "which may hereafter be approved by the Local Government Board" in section 4 of the principal Act shall in the case of the existing special drainage district being dissolved and merged in the parish of Great Clacton mean and include that parish and in the case of an enlarged special drainage district local government district or contributory place being afterwards formed under the provisions of the Public Health Act 1875 shall mean and include so much of any such district or contributory place as shall be situated within the said parish Provided always that in the event of the dissolution of the existing special drainage district and the merger thereof in the parish or the formation of an enlarged district or contributory place as aforesaid the provisions of the principal Act shall not except as to the area be in any way affected thereby.

Estimate to be made of costs &c.

4. The Commissioners shall at or as soon as may be after their first general meeting after the passing of this Act cause an estimate to be prepared of the costs charges and expenses of and incident to the applying for obtaining and passing of this Act and of making and completing in accordance with the provisions of the principal Act the works by that Act specially authorised and the works connected therewith and not yet finished or commenced and such estimate certified and countersigned by Samuel Joseph Smith Civil Engineer one of the engineering inspectors of the Local Government Board or failing him by some other engineering inspector appointed by that Board for the purpose shall be deposited by the Commissioners with the clerk of the peace for the county of Essex and duplicates or copies of the estimate so certified shall be also deposited by them with the parish clerk of the parish of Great Clacton and the district clerk of St. Paul's Church Clacton-on-Sea and amended or supplemental estimates may from time to time be made certified and countersigned as before-mentioned.

Power to borrow amounts included in estimates.

5. The Commissioners may from time to time borrow at interest on mortgage of the rates which they are by the principal Act and this Act authorised to make such sum or sums of money as they may from time to time think necessary not exceeding the

amount or amounts of such estimate or amended or supplemental estimates.

Exemption of agricultural land from rates.

6. Notwithstanding any of the provisions of the principal Act land for the time being situate within the limits of such Act or any extension of those limits and used exclusively for agricultural purposes shall from and after the passing of this Act so long as such land shall be so used be exempt from sea defence rates made or to be made by the Commissioners after the passing of this Act under the powers and provisions of the principal Act but nevertheless land laid out for building plots or sold in building plots though used for the time being for agricultural purposes shall not be deemed to be within the aforesaid exemption:

If and whenever any property for the time being by law assessable to any rate for the relief of the poor within the limits of the principal Act shall for the purposes of such rate have been valued or assessed in conjunction with land exempted by this Act from sea defence rates the Commissioners are hereby empowered to make and levy sea defence rates upon such property in the manner and proportions provided by section 38 of the principal Act and where such sea defence rates are to be made and levied on the rateable value of the property the Commissioners shall make and levy such rates on such rateable value as the Commissioners may deem just and if and as often as any dispute shall arise as to such rateable value or as to whether any land ought for the time being to be exempt from sea defence rates or any of them such dispute shall be determined by two justices who are hereby authorised (upon the production of such evidence as they shall think necessary) to determine the same subject however to the right of appeal by either party against the decision of such justices to the court in the manner provided for appeals under or by virtue of section thirty-one of the principal Act and any justice of the peace is hereby authorised on the application of any party to such dispute to summon the other party thereto to appear before two justices on the hearing of such dispute:

Whenever and so long as any property not comprised within the area of the existing special drainage district shall by reason of the existing district being dissolved and merged in the parish of Great Clacton or by reason of such property being included in an enlarged special drainage district or in a local government district or contributory place or shall in any other manner become subject and liable to sea defence rates it shall not be lawful for the Commissioners to make assess or levy under the provisions of the principal Act or this Act any rates or assessments on or from property

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situated outside of the area of the existing district exceeding one-third part of the rates per acre or per foot frontage or in the pound as the case may be for the time being made assessed or levied on or from property of a like class or description within such area Provided always that land used exclusively for agricultural purposes shall from and after the passing of this Act so long as such land shall be so used be exempt from all such rates or assessments.

Further borrowing powers.

7. Notwithstanding anything contained in the principal Act when and so often as any injury or damage shall arise to the sea defence and other works constructed under the powers of the principal Act and the Commissioners have not money to repair or reconstruct the same they may for such purposes from time to time re-borrow at interest any amount from time to time paid off by them otherwise than by the sinking fund of the moneys borrowed by them under the principal Act or this Act And when and so often as it shall be certified by the said Samuel Joseph Smith or other engineering inspector appointed as aforesaid that any injury or damage has arisen to such sea defence or other works as aforesaid and that the Commissioners have not money to repair or reconstruct the same the Commissioners may borrow at interest on mortgage of the rates which they are by the principal Act or this Act authorised to make such sum or sums of money as shall be named in such certificate as necessary for such purpose Provided always that in the event of an excessive storm or other emergency the Commissioners may from time to time borrow and expend any sum not exceeding two thousand pounds required to protect or reinstate the sea defence or other works in the absence of such certificate Provided also that the total debt due from the Commissioners in respect of moneys borrowed or re-borrowed under the principal Act and this Act shall not at any time exceed the sum of sixty thousand pounds and all such moneys shall be made repayable within forty years from the time when the same shall be borrowed or re-borrowed and the provisions of section twenty-six of the principal Act shall apply to all moneys borrowed or re-borrowed under this Act the words forty and one-fortieth being substituted for the words sixty and one-sixtieth respectively.

Power to borrow under Local Loans Act 1875.

8. The Commissioners may if they think fit borrow and re-borrow any moneys which they are by the principal Act and this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed or re-borrowed in manner by this section authorised for

any of the purposes of the principal Act and this Act by the Commissioners shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of the principal Act and this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed in that behalf by this Act and such discharge or any part thereof shall be effected by means of a sinking fund if the Commissioners shall so think fit.

Repayment of moneys re-borrowed.

9. For the purposes of repayment all moneys re-borrowed by the Commissioners and the moneys originally borrowed shall be deemed to form the same loan and all moneys re-borrowed shall be paid off within the period prescribed in the case of the original loan.

Application of rating powers.

10. The provisions of section thirty of the principal Act shall extend and apply to all payments of interest and instalments and payments into the sinking fund in respect of moneys borrowed or re-borrowed under the provisions of this Act and to all expenses of the Commissioners of and incident to this Act and of carrying the same into execution and also to all rates or assessments necessary to provide the moneys required for such payments of interest instalments payments into the sinking fund and expenses but such rates or assessments shall be made and levied subject to the provisions of section six of this Act.

Further power for Commissioners to collect rates.

11. When and as often as the Commissioners shall be desirous of collecting and levying by their own collector any rate made by them they shall in addition to any other power for that purpose vested in them by the principal Act have all such and the same powers remedies and privileges for levying and collecting the same as if they were overseers and as if the rate were a poor rate and any collector appointed by them shall also for the purposes of collecting and levying any rate made by the Commissioners have such and the same powers remedies and privileges and be subject to the same obligations and penalties as if he were an overseer and the rate were a poor rate.

Expenses of Act.

12. All costs charges and expenses of and incidental to the applying for obtaining and passing of this Act or otherwise in relation thereto shall be borne by the Commissioners and shall be paid by them out of the moneys to be borrowed or otherwise received by them under the powers of the principal Act or of this Act.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.