CHAPTER cxxvii.

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An Act to enable the Local Board for the District of Clevedon in the County of Somerset to acquire the Undertaking of the Clevedon Pier Company to make and maintain a new Pier Head and to make further provisions for the improvement and good government of their District and for other purposes. [21st July 1891.]

WHEREAS by the Clevedon Pier Order 1864 (herein-after referred to as "the Order of 1864") confirmed by the Pier and Harbour Orders Confirmation Act 1864 certain persons in the Order named were incorporated into a company by the name of the Clevedon Pier Company (herein-after referred to as "the Company") with power to raise a share capital of twenty thousand pounds and to borrow moneys on mortgage and the Company were authorised to construct and maintain the pier and other works in the Order of 1864 described and to levy rates and charges for the use thereof:

And whereas by the Clevedon Pier Order 1865 confirmed by the Pier and Harbour Orders Confirmation Act 1865 (No. 2) the Clevedon Pier Order 1868 confirmed by the Pier and Harbour Orders Confirmation Act 1868 (No. 1) and the Clevedon Pier Order 1888 confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1888 further powers were conferred upon the Company and the Order of 1864 was altered and amended:

And whereas the Company constructed and have ever since maintained and are now maintaining the pier authorised by the Order of 1864 but have not constructed or commenced to construct any of the works authorised by the Clevedon Pier Order 1888 or exercised any of the powers for the construction of works by that Order conferred upon them and those powers have expired by effluxion of time:

And whereas the parish of Clevedon in the county of Somerset is a local government district (herein-after referred to as "the district") within the meaning of the Public Health Act 1875 and

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the Local Board of Health for the District of Clevedon (in this Act referred to as "the Local Board") are the urban sanitary authority for the district:

And whereas it would be of advantage to the district if the pier and the undertaking of the Company and the property belonging thereto or held therewith and the powers connected therewith were acquired by and vested in the Local Board and the Local Board and the Company have accordingly entered into the agreement for the sale and purchase of the pier undertaking set forth in the schedule to this Act:

And whereas it is expedient that the Local Board should be authorised and empowered to make and maintain as an extension of the existing pier the new pier head and other works herein-after described:

And whereas it is expedient that further powers be granted to the Local Board for the improvement and better government of the district:

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

And whereas a majority of the whole number of the Local Board at a meeting held on the fifteenth day of October one thousand eight hundred and ninety after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the Clevedon Mercury and Courier a local newspaper published or circulating in the district of the Local Board that notice being in addition to the ordinary notices required for summoning the meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on and paid out of the general district rates:

And whereas that resolution was published twice in the Clevedon Mercury and Courier a newspaper circulating as aforesaid and has received the approval of the Local Government Board and of a Secretary of State in respect of matters within their respective jurisdictions:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by a majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the seventh day of January one thousand eight hundred and ninety-one 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 Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas estimates have been prepared by the Local Board showing that the Local Board may from time to time require to borrow for the purchase of the existing pier and for the construction of the new pier head by this Act authorised (which works are permanent works within the meaning of section 234 of the Public Health Act 1875) sums of money amounting to twelve thousand pounds:

And whereas plans and sections describing the lines situations and levels of the works by this Act authorised and the lands to be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands and describing those lands have been deposited with the clerk of the peace for the county of Somerset and are in this Act referred to as the deposited plans sections 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 Clevedon Local Board Act 1891.

Certain provisions of general Acts incorporated herewith.

2. The Lands Clauses Acts and the Harbours Docks and Piers Clauses Act 1847 (except section 25 of the last-mentioned Act) are (except where expressly varied by this Act) incorporated with and form part of this Act Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as the same may from time to time be required by the Board of Trade.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction The expressions "the district fund" and "the general district rates" mean respectively the district fund and general district rates for the district of the Local Board and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or in part incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by

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statute And in any Act wholly or partially incorporated herewith the expression "the special Act" shall for the purposes of this Act mean this Act and the expression "the undertakers" shall for the purposes of this Act mean the Local Board.

Act to be executed by Local Board.

4. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Act 1875 and any Acts amending the same.

Confirmation of agreement.

5. The agreement dated the 2nd day of April 1891 between the Company and the Local Board a copy whereof is set forth in the schedule to this Act is hereby confirmed and made binding upon the parties thereto respectively.

Vesting of undertaking in Local Board.

6. Upon completion of the purchase the pier undertaking and property of the Company comprised in the purchase shall subject to the provisions of this Act be transferred to and vested in the Local Board for all the estate and interest of the Company therein.

Powers of Local Board after purchase.

7. On and from the completion of the purchase the Local Board shall have and may exercise all the statutory and other rights and powers formerly of the Company except such of them as related to the Company's constitution or share or loan capital and whatever might have been done by the Company at a meeting general or special or by their committee of management may be done by the Local Board in their ordinary course of proceeding.

Power for Local Board to maintain and use existing works and conveniences on pier &c.

8. The Local Board may use all erections constructions buildings works conveniences and other accommodations existing on the pier or the property belonging thereto at the time of the completion of the purchase and comprised therein with all machines (fixed or moveable) vehicles animals articles and other things provided for the purposes thereof and may maintain and from time to time repair renew and improve the accommodations and things aforesaid or provide others in substitution for the same.

Transfer to be evidenced by deed duly stamped &c.

9. The sale and transfer shall be evidenced by a deed of conveyance in which the consideration shall be fully set forth and within three months after the execution of such deed the Local Board shall produce the same to the Commissioners of Inland Revenue duly stamped with the ad valorem stamp duty in respect of the consideration and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting shall be recoverable from the Local Board with full costs of suit and all costs and charges attending the same.

Receipt of three directors to be a discharge.

10. A receipt or acknowledgment under the hands of three directors of the Company for any money payable by the Local Board to the Company shall be a good and sufficient discharge for the same and the Local Board shall not be bound to see to the application or be answerable for the non-application or misapplication of the purchase money or any part thereof.

Company to wind up their affairs.

11. Upon and from the vesting in the Local Board of the existing pier and property of the Company the Company shall thenceforth continue for the purpose only of winding up their affairs and shall forthwith proceed to wind up their affairs accordingly and shall subject to the payment satisfaction or discharge of all their debts liabilities and engagements if any distribute and pay the net moneys to be received from the sale to and among the several persons who at the date of the completion of the sale are the respective registered shareholders in the capital of the Company according to their respective priorities and in proportion to their respective shares of such capital or their respective executors administrators successors or assigns.

Payments into court by Company.

12. Where the Company are for twelve months after the period for the distribution of their net moneys unable after diligent inquiry to ascertain the person to whom any part thereof ought to be paid or who can give an effectual receipt for the same the Company may pay the net sum appropriated according to the preceding clause without interest after deducting the expenses of such payment into court into the High Court under any Act from time to time in force for the relief of trustees and every such payment into court shall conclusively discharge the Company from all further liability with respect to the net sum so paid and for the purposes of this Act shall be deemed payment of such net sum to a person absolutely entitled thereto as his entire share and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain payment thereof out of court accordingly.

Dissolution of Company.

13. When all the debts liabilities and engagments of the Company as aforesaid are paid satisfied or discharged by the Company and their net moneys are distributed in accordance with this Act the Company shall be by this Act dissolved and shall wholly cease to exist.

Power to make new pier head.

14. Subject to the provisions of this Act the Local Board may on and from the completion of the purchase of the existing pier make execute and maintain in the line and according to the levels shown on the deposited plans and sections the new pier head hereinafter described with all necessary and convenient fender-piles defences landing and shipping places stages footways roadways

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toll-houses toll-gates bars buoys moorings covered and other buildings and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose The new pier head herein-before referred to and authorised by this Act is as follows :—

A new pier head wholly situate in the parish of Clevedon in the county of Somerset commencing at a point distant 150 feet or thereabouts measured in a straight line in a south-westerly direction from the centre of the existing pier head and terminating at a point distant 320 feet or thereabouts measured in a straght line in a north-easterly direction from its said point of commencement as herein-before described The new pier head shall be constructed wholly of open work so as not to interfere with the littoral currents.

Limits of lateral and vertical deviation.

15. In constructing the new pier head by this Act authorised the Local Board may with the approval of the Board of Trade in writing but not otherwise deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and with the like consent vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Power to take easements &c. by agreement.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Local Board any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for completion of works.

17. If the new pier head is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Local Board for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

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

18. The Local Board shall not under the powers of this Act 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.

Annual account to be sent to Board of Trade.

19. The Local Board within one month after the annual audit of their accounts shall send an abstract of the same to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account If the Local Board refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

20. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the pier new pier head and works and not breaking bulk while making use thereof be exempt from rates leviable under this Act.

Lifeboat crew exempt from tolls.

21. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall have free ingress passage and egress to or along and from the pier new pier head and works other than the buildings mentioned in sections 11 and 21 of the Clevedon Pier Order 1888 without payment.

Life-saving apparatus may be attached to the pier.

22. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the pier new pier head or works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the works.

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Provision against danger to navigation.

23. In case of injury to or destruction or decay of the pier new pier head or works of the Local Board or any part thereof the Local Board shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Local Board shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Exemption of Board of Trade officers from rates.

24. Officers of the Board of Trade in the execution of their duty shall at all times have free ingress passage and egress to from and over the pier by land and with their vessels without payment.

Local Board to exhibit lights.

25. The Local Board shall at the outer extremity of the pier when completed exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of the Trinity House of Deptford Strond shall from time to time direct If the Local Board fail to comply in any respect with the provisions of this section they shall for each night they so fail be liable to a penalty not exceeding twenty pounds.

Lights on works.

26. The Local Board shall on or near the works below high water mark hereby authorised during the whole time of the construction 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 If the Local Board fail 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.

Survey of works by Board of Trade.

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

Abatement of work abandoned or decayed.

28. If a work constructed by the Local Board under the powers of this Act on in over through or across tidal lands or 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 Local Board

and the amount of such expense shall be a debt due from the Local Board to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Local Board.

Restriction on taking houses of labouring class.

29. The Local Board shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

The expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Period for compulsory purchase of lands.

30. The powers of the Local Board for the compulsory purchase of lands tenements and hereditaments under this Act shall cease after the expiration of three years from the passing of this Act.

Local Board may contribute to public bands &c.

31. The Local Board may from time to time pay or contribute towards the payment of one or more public bands for the performance of music in the various places of public resort and recreation grounds within their district and under their control or such of them as the Local Board may think fit Provided that the amount of all such payments or contributions for the purposes aforesaid do not in any year exceed the sum of one hundred pounds.

Power to erect swimming baths reading rooms &c.

32. It shall be lawful for the Local Board at any time and from time to time with the sanction of the Local Government Board to erect and maintain swimming baths band stands and reading rooms for the use recreation and accommodation of the inhabitants of and visitors to the district on suitable sites on the parades foreshore sands or wastes or on any lands adjacent thereto now or hereafter belonging to the Local Board and to acquire lands by agreement for any of the purposes of this section The Local Board shall have power to make charges for admission to and to employ persons to manage and take charge of any places established under this section and may from time to time make alter repeal and enforce byelaws to regulate admissions thereto and the use thereof and expulsion therefrom.

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Power to license persons following certain callings.

33.—(1) The Local Board may from time to time grant to any person whom they think fit a license to carry on the trade or calling of luggage porter light porter public messenger or commissionaire and may charge a fee of one shilling for any such license and may from time to time make alter and repeal byelaws for regulating the conduct and duties of and for fixing the charges to be made by such persons.

(2) Every such license shall be in force for a year from the date of issue or for such other period as may be specified therein and may contain conditions as to the badge which the holder of any such license shall wear.

(3) Any such license may be suspended or revoked by any justices before whom the person licensed is convicted of any offence which in the opinion of any such justices makes it expedient that such license should be suspended or revoked.

(4) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the trades or callings specified in this section he shall be liable to a penalty not exceeding twenty shillings but no prosecution for an offence against this sub-section shall be commenced until the Local Board shall have given at least one month's notice of the existence of such enactment by advertising the same in one or more local newspapers circulating in the district and by distributing handbills as widely as may be reasonably practicable among the persons carrying on the said trades or callings.

General provisions as to byelaws.

34. All byelaws from time to time made by the Local Board under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 185 (both inclusive) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority.

Street musicians to depart when required to do so.

35. 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 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 purpose of betting.

36. Any three or more persons assembled in 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 footway.

37. If two or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons 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.

Captain of fire brigade to have control of operations.

38.—(1) The captain or superintendent of the fire brigade of the Local Board or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Local Board or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining premises against which the water is to be directed.

(2) Such captain superintendent or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

(3) Any person who during a fire wilfully disobeys any lawful order of any such officer of the fire brigade of the Local Board shall be liable to a penalty not exceeding five pounds.

Power to enter and break open premises in case of fire.

39. Any police constable acting under the orders of his superintentent or inspector and any member of the fire brigade of the Local Board being on duty and any officer of the Local Board may enter and if necessary break into any building in the district being or reasonably supposed to be on fire or into any building or lands adjoining or near thereto without the consent of any owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Certain properties excepted.

40. The last two preceding sections of this Act shall not apply to any building (not being a dwelling-house) situate on or forming part of any railway and in the occupation of or belonging to any railway company as part of their railway nor to any roads bridges viaducts and other such works as belong to or are to be maintained by any railway company.

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Power to borrow.

41. The Local Board may from time to time borrow at interest for the purpose of paying the costs charges and expenses as hereinafter defined of this Act such moneys as may be necessary for that purpose and for the purchase of the Pier Company's undertaking and for the construction of the new pier head by this Act authorised and for the purchase of lands for that purpose the sum of twelve thousand pounds and for the other purposes of this Act with the sanction of the Local Government Board such sums of money as may be necessary for those purposes For securing the repayment of moneys borrowed under this Act the Local Board may from time to time mortgage the revenue of the pier undertaking of the Local Board and also the district fund and general district rates.

Power to reborrow.

42. The Local Board may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under this Act or the repayment of which is provided for by this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can reborrow at a lower rate of interest and so from time to time Provided as follows :—

The time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively prescribed for repayment of the original loans:

For the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loans:

The Local Board shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

Costs of Local Government Board.

43. All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that board may determine for the service of any inspector) in relation to the duties imposed on that board under this Act shall be paid by the Local Board.

Incorporation of certain provisions of Public Health Act.

44. The following provisions of the Public Health Act 1875 (that is to say):—

Section 236 (Form of Mortgage);

Section 237 (Register of Mortgages); and

Section 238 (Transfer of Mortgages);

shall extend and apply mutatis mutandis to and in relation to mortgages made under the powers of this Act.

Certain regulations of Public

45. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in the Public

Health Act 1875 and in calculating the amount which the Local Board may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Health Act 1875 as to borrowing not to apply.

46. The Local Board at and after the expiration of one year after they borrow any money under this Act shall out of the revenue of the pier undertaking and the district fund discharge or make provision by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other for the discharge or redemption of the moneys borrowed by the Local Board for the purposes of this Act within the following periods viz. :—

Discharge of borrowed moneys.

As regards moneys borrowed for the purposes of paying the taxed costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid the period of ten years from the time of the same respectively being borrowed; and

As regards moneys borrowed for any other purposes of this Act without the sanction of the Local Government Board the period of forty years from the time of the same being borrowed; and

As regards moneys borrowed for the purposes of this Act with the approval of the Local Government Board within such period as they may think fit to sanction:

And such respective periods are herein-after referred to as "the prescribed period."

47. The following regulations shall be observed by the Local Board in relation to any sinking fund formed under this Act:—

Regulations as to sinking fund.

(1) Such equal yearly sums shall be paid by the Local Board out of the revenue of the pier undertaking and the district fund into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum will be sufficient to pay off and redeem the moneys for the discharge and redemption of which the fund is created within such period not exceeding the prescribed period as the Local Board may in each case determine with power for the Local Board from time to time to increase such payments into the sinking fund so as to accelerate the payment off and redemption and discharge of such moneys:

Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed

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rate of accumulation any deficiency shall be made good out of the revenue of the pier undertaking and the district fund:

(2) All sums paid into the sinking fund shall be as soon as may be invested by the Local Board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the Local Board in like manner:

(3) The Local Board may from time to time apply the whole or any part of any sinking fund in or towards the discharge of the principal moneys for the payment off or the redemption whereof such sinking fund was created:

(4) Whenever any principal moneys have been so paid off or redeemed the Local Board shall thenceforward until the whole of such principal moneys have been paid off or redeemed pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based:

(5) Whenever and so long as the amount in the sinking fund is equal to the amount of debt outstanding for the repayment of which it was set aside the Local Board may in lieu of investing the yearly income thereof apply the same in payment of the interest on the debt and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Appointment of a receiver.

48.—(1) The mortgagees of the Local Board under this Act may enforce the payment of the arrears of interest or of principal or of principal and interest due to them by the appointment of a receiver of the undertaking comprised in their respective mortgages The amount of principal in arrear to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court and the court if it thinks fit may appoint a receiver on such terms as it thinks fit.

(3) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

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Existing mortgages to have priority.

49. All mortgages granted by the Local Board prior to the passing of this Act and which shall be in force at the time of the passing of this Act shall during the continuance thereof and as to the rates or property comprised therein have priority over all mortgages to be granted under this Act and charged upon the same rates or property.

Application of moneys borrowed.

50. All moneys from time to time borrowed under this Act shall be applied by the Local Board only for the purposes for which the same are respectively by this Act authorised to be borrowed and to which capital is properly applicable.

Application of moneys from sale &c. of land.

51. The Local Board shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Local Board provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Local Board not to be affected by notice.

52. No notice of any trust express implied or constructive shall be entered in any register of or be receivable by the Local Board in relation to any mortgage nor shall they be affected by express implied or constructive notice of any such trust although the same be contained in any document registered by them or tendered to them for registration.

Annual return to Local Government Board with respect to sinking fund.

53. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid 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 preceding the making of such return and the description of the securities upon 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 remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the

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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 the sum required by this Act for the sinking fund or have applied any portion of the moneys 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 such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Separate pier account.

54. The Local Board shall keep a separate account to be called "the pier account" of all receipts payments credits and liabilities on capital and revenue accounts respectively in respect of the execution by them of so much of this Act as relates to the pier undertaking and such account shall be subject to the same provisions as to audit and otherwise as other accounts of the Local Board.

Application of revenue.

55. All moneys from time to time received by the Local Board by way of revenue in respect of their pier undertaking under this Act shall be applied for the following purposes on behalf of the undertaking in respect of which such moneys are received :—

First. In payment of the establishment charges (that is to say) of the expenses properly chargeable to revenue of conducting managing and maintaining the pier and works connected therewith respectively ;

Second. In payment of the interest of the mortgages for the time being of the Local Board charged on such undertaking under this Act ;

Third. In providing interest of and for the instalments and for the discharge of the principal of any moneys borrowed or raised under the authority of this Act in accordance with the provisions in that behalf of this Act ;

Fourth. In repaying to the district fund any sums paid out of the general district rate in previous years under section 56 of this Act and the surplus (if any) shall be applied to the reduction of the pier rates.

Deficiency to be made up out of rates.

56. If in any year the amount standing to the credit of the pier account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the general district rate by

carrying an adequate sum therefrom to the credit of the pier account and the Local Board from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the Local Board district may include therein such sums (if any) as in the judgment of the Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the pier account and shall collect the same as part of such general district rates.

As to appeal.

57. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate license consent or approval of or by the Local Board or of or by any officer or valuer of the Local Board or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Local Board then only after such application) to the next practicable Court of Quarter Sessions under and according to the provisions of the Summary Jurisdiction Acts.

Saving rights of the Crown in the foreshore.

58. Nothing contained in this Act or in the deposited plans 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 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.

Saving rights of the Crown.

59. Nothing contained in this Act shall authorise the Local Board to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to 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.

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Expenses of Act.

60. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of moneys borrowed under the authority of this Act or out of the general district rates of the district and such costs shall include the costs incurred by the Local Board in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto.

SCHEDULE.

An Agreement made the second day of April one thousand eight hundred and ninety-one between the Clevedon Pier Company (nerein-after referred to as "the Company") of the one part and the Local Board of Health for the District of Clevedon in the county of Somerset (herein-after referred to as "the Local Board") of the other part Whereby the Company so far as relates to the acts and deeds on their part to be performed hereby agrees with the Local Board and the Local Board so far as relates to the acts and deeds on their part to be performed hereby agrees with the Company in manner following (that is to say):—

1. Subject to the sanction of Parliament the Company shall sell and the Local Board shall purchase the pier and undertaking of the Company and all works lands approaches and houses connected therewith except and subject as herein-after is mentioned at the price of seven hundred pounds.
2. The Local Board shall forthwith apply for and endeavour to obtain the sanction of Parliament to this contract but in case such sanction shali not be obtained before the twenty-ninth day of September next the contract shall be void.
3. This agreement is made subject to the sanction of the shareholders of the Company to be expressed by them in a general meeting to be hereafter convened.
4. This agreement is also subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alterations herein it shall be competent to eitner party hereto to withdraw the same.

In witness whereof the said Company and the said Local Board have caused their respective common seals to be hereunto affixed the day and year first before written.

The Common Seal of the Clevedon Pier Company was hereunto affixed in the presence of } Hy. C. Fry Secretary.

The Common Seal of the Clevedon Local Board was hereunto affixed in the presence of } Hy. C. Fry Clerk to the Board.

L.S.

L.S.

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