CHAPTER cxiii.

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An Act for empowering the Corporation of Dover to construct certain Sea Defences in and near the parishes of East Cliffe and Guston, and to charge the expenses thereof on the owners of property benefited thereby; and for other purposes. [23d July 1877.]

WHEREAS the borough of Dover, in the county of Kent (in this Act called the borough), is a municipal borough under the government of the mayor, aldermen, and burgesses thereof (in this Act called the Corporation), subject and according to the Acts relating to municipal corporations and urban sanitary authorities:

And whereas in the parish of East Cliffe, within the borough, and in the parish of Guston, partly within and partly adjoining the borough, there are lands and houses situate at the base of the cliff known as East Cliffe which are exposed to incursions of the sea:

And whereas for the purpose of protecting those lands and houses against incursions of the sea, works of defence, including sea walls and promenades, known as the East Cliffe Revetment and Athol Terrace Revetment respectively, have been constructed by the owners of the said lands and houses, or some of them:

And whereas the said works have proved not to be sufficiently extensive for their purpose, and great loss and damage is apprehended to the said lands and houses from incursions of the sea unless the revetments are extended and other works of defence are forthwith undertaken, but a small proportion of the owners of the said lands and houses are unwilling to contribute to the maintenance of the existing works, or to join in any scheme for the execution of the further works which are now required:

And whereas many of the owners of the said lands and houses have under these circumstances applied to the Corporation to undertake the execution of such further works, and the majority of such owners have agreed that the repayment of the expenses incurred by

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the Corporation in obtaining from Parliament authority to execute the same, and in the execution thereof, shall be secured to the Corporation in the manner provided by this Act:

And whereas the extension of the revetments and the construction of such further works at the expense of the owners of the lands and houses benefited thereby would be of great advantage to the borough:

And whereas it is expedient that the Corporation be empowered to execute the works by this Act authorised, and to acquire land and to borrow money for the purposes of this Act, and that such provision as is in this Act contained be made for enabling the Corporation to charge and recover the expenses incurred by the Corporation in obtaining and in carrying into effect this Act:

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised, and such estimates amount to ten thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875:

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing the land 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 lands in the line of those works or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Kent, and are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the ninth day of November one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Dover Standard, a local paper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expenses in relation to promoting the Bill for this Act should be charged (subject to the provision in this Act for the recovery of such expenses) on the district fund account, or upon such fund as the Bill for this Act should provide:

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And whereas such resolution was published twice in the Dover Standard, a newspaper circulating in the borough, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the first day of January one thousand eight hundred and seventy-seven, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough, by resolution in the manner provided by Schedule III. to the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

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 Dover Corporation (Sea Defences) Act, 1877.

Certain provisions of general Acts herein named incorporated.

2. The following enactments (so far as they are applicable to the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with this Act; namely,

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

Section 17 (company not to construct works below high-water mark without consent of Board of Trade) of the Railways Clauses Consolidation Act, 1845:

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof:

Section 18 (abatement of work abandoned or decayed) and section 19 (survey of works by Board of Trade) of the Railways Clauses Act, 1863.

Interpretation of terms.

3. In this Act the term "owner" has the same meaning as it has in the Public Health Act, 1875, for the general purposes of that Act. Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; provided that for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple

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contract debt, and not a debt or demand created by statute; and the expressions "the railway," "the centre of the railway," and "work" in the sections and provisions of the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Act, 1863, incorporated in this Act, respectively mean the works and the boundaries of works by this Act authorised, and one hundred yards shall be the prescribed limits, and the expression "the Company" therein used means the Corporation.

Power for Corporation to execute authorised works.

4. Subject to the provisions and for the purposes of this Act, the Corporation may make, in the lines and according to the levels shown on the deposited plans and sections, the works authorised by this Act.

Description of authorised works.

5. The works authorised by this Act are—

(1.) A sea wall and promenade (herein-after referred to as work No. (1.)), commencing in the parish of East Cliffe at the termination of the present sea wall and promenade known as the East Cliffe Revetment, and terminating in the parish of Guston at the eastern side of the jetty or groyne known as Castle Jetty at a point eighty-four yards south of No. 1, Athol Terrace:

(2.) A work for strengthening and improving the jetty or groyne known as Castle Jetty (herein-after referred to as work No. (2.)), commencing in the parish of Guston at the east side of the said jetty or groyne at the point of its junction with the Athol Terrace Revetment, and terminating in the sea at the southern extremity of such jetty or groyne:

(3.) A work for strengthening and improving the Athol Terrace Revetment (herein-after referred to as work No. (3.)), commencing at the point of commencement of work No. (2.), and terminating at the foot of the cliff next and at high tide in the sea at a point thirty yards east of the eastern termination of the last-mentioned revetment, the whole of which work will be situate in the parish of Guston:

Together with all necessary and proper groynes, aprons, walls, supports, and defences.

Power to deviate vertically or laterally.

6. In making the said works the Corporation may deviate vertically to any extent not exceeding five feet from the levels defined on the deposited sections, and may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and the Corporation may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made.

Period for completion of works.

7. The works authorised by this Act shall be completed within five years after the passing of this Act, and on the expiration of that period the powers granted to the Corporation for making those respective works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Maintenance of surface of revetments.

8. The existing East Cliffe Revetment and Athol Terrace Revetment, and (when constructed) the continuation of the former authorised by this Act and the Castle Jetty, both within and without the borough shall vest in and be under the control of, and the roadway and paths thereof respectively shall be repaired by, the Corporation as if the same were respectively a public highway within the borough.

Power to take lands.

9. Subject to the provisions and for the purposes of this Act, the Corporation may enter on, take, and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

Correction of errors and omissions.

10. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Corporation may apply to two justices of the borough, not being members of the council, for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appears to such justices that the omission, misstatement, or erroneous description arose from mistake, they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for Kent, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use those lands accordingly.

Powers for compulsory purchases limited.

11. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Expenses of works to be defrayed in the first instance by the Corporation.

12. All the expenses of and incidental to the construction of the works by this Act authorised, including any purchase money or compensation in respect of any lands acquired under the powers of this Act, shall be defrayed in the first instance by the Corporation

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out of moneys to be borrowed by them under the powers of this Act.

Power of Corporation to borrow.

13. The Corporation may from time to time borrow at interest on the security of their district fund and general district rates, or on the security of the instalments recoverable by them as herein-after provided, or partly in one way and partly in the other, such sums as they may from time to time think necessary for the execution of this Act, not exceeding (except with the consent of the Local Government Board) the sum of ten thousand pounds, and may charge the district fund and general district rates and such instalments, or either of them, as security for the sums so borrowed, with interest accordingly.

Separate accounts and application of moneys borrowed.

14. All sums borrowed under the powers of this Act shall be carried to the credit of a fund to be established by the Corporation and called the Sea Defences Fund, and shall be applied by them in the execution of this Act in respect of objects to which capital money is properly applicable, and not otherwise, except that if any money borrowed under this Act shall not be required for the purposes aforesaid, the same shall be applied in discharge of principal moneys borrowed or carried to the credit of the sinking fund; and distinct accounts shall be kept by the Corporation of moneys borrowed for the purposes of the works No. (1.) and No. (2.) and of the work No. (3.).

Sums borrowed by Corporation to be deemed to be borrowed on behalf of owners.

15. All sums borrowed under this Act for the purposes of the works No. (1.) and No. (2.) (after deducting any moneys contributed by the War Department towards the expenses of construction of works as herein-after provided) shall, as between the Corporation and the owners of the lands and houses which are situate within the area described in Schedule A. to this Act, be deemed to be borrowed on behalf of those owners; and all sums borrowed under this Act for the purposes of the work No. (3.) shall, as between the Corporation and the owners of the lands and houses which are situate within the area described in Schedule B. to this Act, be deemed to be borrowed on behalf of those owners.

Any sum so borrowed shall be divided by the Corporation among the owners on whose behalf it is deemed to be borrowed, in proportion to the rateable value of their respective property situate as aforesaid, according to the assessment in force for the purposes of the poor rate at the time such sum is borrowed, and the principal amount so apportioned to each owner, together with all interest thereon, shall be private improvement expenses recoverable from him by the Corporation in manner provided by this Act.

Power of Corporation to recover expenses.

16. The Corporation may, for the purpose of recovering from any owner the private improvement expenses payable by him under this Act, by order declare such private improvement expenses to be payable by equal annual instalments, of such amount as will discharge both principal and interest within a period not exceeding thirty years, until the whole amount is paid; and any such instalments, or any part thereof, may be recovered by the Corporation from the owner or the occupier for the time being of the premises in respect of which the order is made in like manner as expenses directed to be recovered in a summary manner may be recovered under the Public Health Act, 1875, and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates under that Act, and section two hundred and fifteen (redemption of private improvement rate) of the Public Health Act, 1875, shall extend and apply to instalments payable under this Act.

The War Department may contribute to the expenses.

17. In lieu of being rated, the War Department may contribute to the expenses incurred by the Corporation in the construction and maintenance of works No. (1.) and No. (2.), and in the maintenance of the existing East Cliffe Revetment and Castle Jetty, and the amount of such contributions may be ascertained or calculated according to the extent which the line of sea frontage of Crown lands within the area described in Schedule A. shall bear to the whole line of sea frontage of the lands within that area.

For defraying the expenses of maintenance of works.

18. The Corporation may maintain the works by this Act authorised, and also the existing revetments and Castle Jetty, and all expenses from time to time incurred by them in relation thereto shall be defrayed as follows; (that is to say,)

(1.) In relation to works No. (1.) and No. (2.) and the East Cliffe Revetment and Castle Jetty, or any of them (after deducting any sum contributed by the War Department in respect of such maintenance), as to three fourths of such expenses by the owners of lands and houses situate within the area described in Schedule A. to this Act, and as to the remaining one fourth by the Corporation out of the general district rate:

(2.) In relation to work No. (3.) and the Athol Terrace Revetment, or either of them, by the owners of lands and houses situate within the area described in Schedule B. to this Act.

All sums payable under this section by owners shall from time to time be apportioned by the Corporation amongst the several owners chargeable therewith, in proportion to the rateable value of

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their respective property situate within the areas aforesaid, according to the assessments for the time being in force for the purposes of the poor rate, and such apportioned sums, or any part thereof, may be recovered by the Corporation from the owner or the occupier for the time being of the premises in respect of which the apportionment is made in like manner as expenses directed to be recovered in a summary manner may be recovered under the Public Health Act, 1875, and may be deducted from the rent of such premises in the same proportions as are allowed in the case of private improvement rates under that Act.

If the estimated cost of maintenance of the works referred to in this section shall amount to such a sum as ought, in the opinion of the Corporation, to be spread over a term of years, the Corporation may, with the sanction of the Local Government Board, borrow on the security of their district fund and general district rates, or on the security of the instalments recoverable by them under this section, or partly in one way and partly in the other, such moneys as may be necessary for that purpose, and the Corporation may recover the amount so borrowed (less the proportion payable by them and any sum contributed by the War Department), together with interest from the owners within the respective areas (according to the works in respect of which the moneys are borrowed), in the proportions and shares in which they are liable to contribute to the expense of maintenance of such works; and the provisions of section 16 of this Act shall apply to moneys to be recovered from owners under this section.

Power to issue debenture stock.

19. The Corporation may raise all or any money which they are by this Act authorised to raise by the creation and issue, subject to the provisions of the Local Loans Act, 1875, of debentures, debenture stock, and annuity certificates.

Period for repayment of moneys borrowed

20. The Corporation shall pay off all moneys borrowed by them under the powers of this Act, and the interest thereon, within thirty years after the same were borrowed by any one or more of the methods (including a sinking fund) mentioned in the Local Loans Act, 1875, with respect to the discharge of loans borrowed in manner provided by that Act; and the annual return provided for by section sixteen of that Act shall apply and extend to the sinking fund, annual instalments, or other periodical payments to be formed or made for the discharge of loans borrowed under this Act.

Power to re-borrow.

21. The Corporation may from time to time re-borrow any amount borrowed by them under this Act and paid off otherwise than in compliance with the provisions of the last preceding section.

Inspection of accounts.

22. Any person who is under this Act liable to pay any private improvement expenses to the Corporation shall be entitled to inspect all accounts kept by the Corporation under this Act, and to take copies thereof and extracts therefrom on payment of such reasonable fee as the Corporation may from time to time prescribe.

Owners may appeal to Local Government Board.

23. If any owner deems himself aggrieved by the decision of the Corporation with respect to any moneys, instalments, or expenses charged upon him or his lands or houses under the powers of this Act, he may appeal to the Local Government Board, and the provisions of section two hundred and sixty-eight (appeal in certain cases to the Local Government Board) of the Public Health Act, 1875, shall extend and apply to such appeal.

Saving rights of the Crown.

24. Nothing contained in this Act shall authorise the Corporation 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 Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively 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.

Saving rights of the Crown in the foreshore.

25. Nothing contained in this Act shall authorise the Corporation 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 harbour board.

26. Whereas by an Act passed in the 9th year of His Majesty King George the 4th, intituled "An Act for more effectually main- "taining and improving the harbour of Dover, in the county of "Kent," it was, amongst other things, enacted that the Warden and Assistants of Dover Harbour should be and they were thereby fully authorised and empowered from time to time to make, erect,

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establish, and maintain all such piers, jetties, basins, culverts, drains, locks, bridges, dams, lights, lighthouses, and other works and conveniences as they should think fit and necessary for the improvement and maintenance of the said harbour, not only within the same and upon the land adjoining thereto (being the property of the said warden and assistants), but also upon the beach of the sea one mile to the east and one mile to the west of the mouth or entrance of Dover Harbour, and that within the said limits it should not be lawful for any person or persons to make, erect, or establish any groynes, jetties, or other works, without the consent of the said warden and assistants under their common seal first had and obtained; and whereas all the powers of the said warden and assistants under the said Act are now vested in the Dover Harbour Board: It is hereby enacted that no works authorised by this Act shall be so constructed as to prejudicially affect the property or powers of the said board, and that nothing in this Act contained shall (except so far as may be required for the construction of such works) in anywise prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities of or belonging to or vested in the said board.

Expenses of Act.

27. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, and obtaining this Act shall be defrayed in the first instance by the Corporation either out of their district fund, or out of money to be borrowed by them for that purpose, and the Corporation may accordingly (in addition to the sums they are herein-before authorised to borrow) borrow the amount of such costs, charges, and expenses, and charge the same upon the district fund and general district rate; and all the provisions of this Act with respect to the borrowing of money shall (as near as may be) apply to money borrowed under this section, except that the Corporation shall pay off the moneys borrowed under this section, and the interest thereon, within ten years from the borrowing thereof: Provided nevertheless, that the Corporation shall divide all such costs, charges, and expenses, or the instalments of principal and interest if the amount be borrowed among the owners of the property benefited by the works No. (1.) and No. (2.) authorised by this Act, in proportion to the rateable value of such respective properties, according to the assessment in force for the purposes of the poor rate at the date of the passing of this Act, and shall be entitled to recover from those owners all such costs, charges, and expenses or instalments of principal and interest, as part of the private improvement expenses payable by those owners under the provisions of this Act.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

The area situate in the parishes of Saint James the Apostle, East Cliffe, and Guston lying to the south of the Cliffe, and between it and the sea, bounded on the west by an imaginary line drawn along and in continuation of the eastern side of the Stone Groyne to the Cliffe, and on the east by the borough boundary.

SCHEDULE B.

The area situate in the parish of Guston lying to the south of the Cliffe, and between it and the sea, bounded on the west by the borough boundary, and on the east by an imaginary line drawn from the Cliffe to the sea, running at right angles with a line drawn to the extent of 30 yards east of the eastern termination of Athol Terrace Revetment.

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