CHAPTER xcvii.

An Act for empowering the Local Board for the district of Eastbourne to make and maintain a Seawall or Embankment, a Street Improvement, a Town Hall, and other Works, and to make further provisions for the improvement of the said district; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS the Local Board for the district of Eastbourne in the county of Sussex is the urban sanitary authority for that district under the Public Health Act, 1878: 41 & 42 Vict. c. 25.

And whereas certain parts of the eastern portion of the said district are exposed to incursions of the sea, and for the purpose of protecting such parts of the district from such incursions it is expedient that the said Local Board should be authorised to make and maintain a seawall or embankment, and that for such purposes and for the appropriation of the lands and foreshore to be inclosed and reclaimed by the said seawall or embankment provisions such as are in this Act contained should be made:

And whereas it is expedient that the said Local Board be authorised to widen and improve in the manner by this Act provided the street or road in the said district called or known as South Street:

And whereas the Commissioners of the Levels within the rapes of Pevensey and Hastings in the county of Sussex are empowered to execute works of drainage and defence, and to levy water scots and rates within the said district:

And whereas the construction of the seawall or embankment by this Act authorised will render unnecessary the construction of any works by such commissioners for the defence or protection of those parts of the district which will be protected by such seawall or embankment, and it is expedient to provide for the exemption of such parts of the said district, and of the foreshore adjacent thereto, from all water scots, rates, payments, or impositions to be imposed or levied by the commissioners, and having regard to the

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drainage works which the said Local Board are from time to time carrying into execution in other parts of the said district, it is expedient to limit the powers of the said commissioners with respect to the imposing and levying of water scots, rates, payments, or impositions in such other parts of the said district to the extent, in the manner, and subject to the conditions by this Act prescribed:

And whereas it is expedient that the said Local Board should be authorised to erect and maintain a town hall and offices with all necessary conveniences, and to provide and maintain such waiting rooms, retiring rooms, lavatories, and other conveniences as they may from time to time consider necessary, having regard to the accommodation of the inhabitants of and visitors to Eastbourne:

And whereas it is expedient that the powers in this Act contained should be conferred upon the said Local Board with respect to buildings, sanitary matters, the acquisition of lands, and the other purposes of this Act:

And whereas estimates have been prepared by the said Local Board for the purchase of land for and for the execution of the following works by this Act authorised, and such estimates are as follows; (namely,)

With respect to the seawall or embankment, twenty-five thousand pounds;

With respect to the widening and improving South Street, five thousand pounds;

With respect to the town hall, eight thousand pounds;

With respect to the waiting rooms, lavatories, and other conveniences, one thousand two hundred pounds:

And whereas the said works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875, and it is expedient that the said Local Board should be authorised to borrow money for the purposes of the same in the manner by this Act provided:

38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the said Local Board at a meeting held on the twenty-fifth day of November one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Eastbourne Gazette, a local newspaper published or circulating in the said district (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the Eastbourne Standard, a local newspaper published or circulating in

the said district, and in respect of matters under the jurisdiction of the Local Government Board has received the approval of that Board, and in respect of other matters the approval of one of Her Majesty's Secretaries of State:

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 said Local Board at a further special meeting held in pursuance of a similar notice on the sixth day of January one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the said district, by resolution in the manner provided by Schedule III. annexed to the Public Health Act, 1875, with respect to resolutions of owners and ratepayers under that Act, consented to the promotion of the Bill for this Act:

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing 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 the lands required or which may be taken for the purposes or under the powers of this Act, have been deposited with the clerk of the peace for the county of Sussex, and are in this Act referred to as "the deposited plans, sections, and book of reference:"

And whereas the objects aforesaid 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; (that is to say,)

Preliminary.

Short title.

1. This Act may for all purposes be cited as the Eastbourne Improvement Act, 1879.

Incorporation of general Acts.

2. The following Acts and parts of Acts, as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except sections one hundred and twenty-seven to one hundred and thirty-two, both inclusive, of the Lands Clauses Consolidation Act, 1845; — 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

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8 & 9 Vict. c 20.

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

and for the purposes of such incorporation the expression the "Company" in the said last-mentioned Act shall be construed to mean the Board, and the expression the "railway" in the said Act shall be construed to mean the seawall or embankment, and the works connected therewith by this Act authorised, and the expression "centre of the railway" shall be construed to mean the boundaries of the said works respectively.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to or inconsistent with such construction:

The expression "the Board" shall mean the Local Board for the district of Eastbourne:

The expression "the commissioners" shall mean the Commissioners of the Levels within the rapes of Pevensey and Hastings in the county of Sussex:

The expression "district" shall mean the district of the Board:

The expressions "district fund" and "general district rates" shall mean respectively the district fund and general district rates for the district:

The expression "Public Health Acts" shall mean the Public Health Act, 1875, and all Acts for the time being in force altering, amending, extending, or affecting the same:

The expression "building surveyor" shall mean any surveyor appointed by the Board under the provisions of this Act:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt ordemand created by statute.

Act to be executed by Board.

4. This Act shall be carried into execution by the Board acting as a sanitary authority, and with all the rights, powers, privileges, exemptions, and authorities of a sanitary authority conferred by the Public Health Acts on the Board, and the officers, agents, and servants of the Board with respect to matters provided for by or comprised in the Public Health Acts and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by the Board by or under this Act were vested in,

imposed on, or enjoyed by them under the Public Health Acts, and the Public Health Acts as amended by this Act, and this Act, shall for such purposes be construed together as one Act. A.D. 1879.

Power to take certain lands.

5. Subject and according to the provisions of this Act, and except as herein-after otherwise expressly provided, the Board for the purposes of this Act may from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference, and any easement, right, or privilege in or over the same which they may require for such purposes; provided that the Board shall not, except by agreement, enter upon, take, or use any of the lands shown on the deposited plan of the seawall or embankment by this Act authorised, except the following; (that is to say,) so much thereof as shall be situate within a distance of one hundred and sixty feet from the face of the seawall or embankment by this Act authorised throughout the entire length thereof.

Power to grant easements.

6. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, and for the purposes of this Act, grant to the Board any easement, right of foreshore or frontage, or other right or privilege in, over, through, upon, affecting, or connected with 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 such easements, right of foreshore and frontage, and other rights or privileges as aforesaid.

Correction of errors in deposited plans and book of reference.

7. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference, the Board, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices acting for the county of Sussex for the correction thereof; and if it appear to the justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in their certificate state the particulars of the omission, and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be deposited with the clerk of the peace for the county of Sussex, and with the parish clerk of the parish of Eastbourne, and such certificate shall be kept by such clerk of the peace and parish clerk respectively with the other documents to which the same relate, and thereupon the deposited plans and book of reference shall be deemed to be corrected

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according to such certificate, and it shall be lawful for the Board to take the lands and execute the works in accordance with such certificate.

Power to extinguish easements, rights, &c.

8. The Board may, subject to the provisions of this Act, if and when they think fit, extinguish any easement, right of frontage or foreshore, or other right or privilege in, under, or upon any lands acquired by them under the compulsory powers of this Act, and thereupon such easement, right of frontage or foreshore, or other right or privilege shall cease and determine.

Limitation of time for compulsory purchase of lands, &c.

9. The powers of the Board for the compulsory purchase of lands or any estate in lands for the purposes of this Act shall not be exercised after the expiration of five years after the passing of this Act.

Power to acquire additional lands by agreement.

10. The Board may (in addition to the lands they are authorised to acquire and hold by the other powers of this Act) from time to time for all or any of the purposes of this Act by agreement acquire any land not exceeding in the whole one acre, or any easement, right, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water) which may be deemed necessary by the Board, and may appropriate the same for all or any of the purposes of this Act.

As to consideration for acquisition of lands.

11. The consideration for any acquisition of lands, easements, rights, or privileges under this Act may be either money or land, or any yearly sum or rentcharge or other rent, or a mixed consideration of money and land, and on any exchange the Board may give or take any money for equality of exchange.

Board to give notice before taking dwellings of labouring classes.

12. The Board shall, not less than eight weeks before they take fifteen houses or more occupied either in whole or in part by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Board shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Board have in manner required by this section made known their intention to take the same.

Board to provide accommodation for persons of the labouring class to be displaced.

13. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Board are by this Act authorised to acquire, the Board shall (unless the Board and such person or persons otherwise agree) provide sufficient accommodation elsewhere for such person or persons, and they may contribute towards the

costs or expenses of erecting or providing houses or buildings for such accommodation by any company, body, or person: Provided always, that if any question arises as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Board may apply for the purposes of this section any moneys they may have already raised, or which they are empowered to raise under the authority of this Act, and which are not required for the purposes for which they were raised.

Board may sell or lease lands not required for purposes of Act.

14. Subject to the provisions of this Act, the Board from time to time, if and when they think fit, may sell or exchange all or any part of any lands vested in them or acquired by them under the authority of this Act and which may not be required for the purposes thereof, or which may be inclosed and reclaimed by them by the seawall or embankment by this Act authorised, or they may lay out the same for public roads, footways, places of recreation, or ornamental grounds, and may inclose, plant, and ornament the same, or they may lay out such lands for building purposes, and sell or exchange the same, or otherwise at their option they may demise or grant upon lease for any yearly rent, with or without fine, for such estate, term, or interest not exceeding a term of ninety-nine years, and to such persons and with, subject to, on, and under such reservations, covenants, terms, and conditions as the Board think fit (and in case of sale in consideration of a gross sum or of an annual rent, or of both, or of any payment in any other form), all or any part of such lands, and the Board may make any such sale or lease by public auction, public tender, or private contract, and with or without special conditions and stipulations as to evidence or commencement of title or otherwise, and may fix reserved biddings and prices, buy in at auctions, and alter or rescind on terms, or gratuitously, any contract or agreement for sale or lease, and the consideration or rent fixed thereby, and accept surrender of any lease, and either before or after such conveyance or lease is granted may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands, and execute and do all deeds and things necessary to effect the several purposes aforesaid, and may convey any such lands so sold or exchanged, free from all incumbrances, notwithstanding any moneys may be then charged upon all or any part of such lands.

Sale &c. of easements, &c. not required.

15. The Board may from time to time, upon such terms and conditions as to consideration or otherwise as to them may seem fit, sell or exchange or lease for any term not exceeding ninety-nine

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years, or otherwise dispose of any easement, right of foreshore, or frontage or other right or privilege which they may acquire under the authority of this Act, and which are not required for the purposes of this Act.

Seawall or Embankment and Street Improvement.

Power to make seawall or embankment, street improvement, and other works.

16. Subject to the provisions of this Act, and to the powers of deviation hereby given, the Board may, in the lines and situation, and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference, and according to the levels in that behalf shown on the deposited sections, make and maintain the works following; (that is to say,)

A seawall or embankment commencing at or near the eastern end of the Grand Parade, at a point called or known as Splash Point, thence continuing in an easterly direction and terminating on the foreshore at or near the paved glacis of the Government fort known as the Grand or Circular Redoubt;

The widening and improving on the south side thereof of the street called or known as South Street, such widening to commence at or near the junction of Gildridge Road with the said South Street, and to terminate at or near the junction of South Street with Grange Road;

and all necessary and proper roads, approaches, sluices, openings, groynes, and other works and conveniences connected therewith or incidental thereto respectively. But nothing in this Act contained shall authorise the Board to construct the breakwater shown upon the deposited plans: Provided that the Board shall make and complete the seawall or embankment within the period by this Act limited for the completion thereof, and for ever after maintain the same, and shall take all reasonable precautions for preventing encroachments by the sea during the construction thereof: Provided also, that in the event of the Board failing to complete the seawall or embankment within the said period, all lands shown on the deposited plan relating thereto which shall have been purchased by the Board shall thereupon vest in and become the property of the owners of the lands adjoining thereto in proportion to the extent of their lands respectively adjoining the same.

Power to make subsidiary works.

17. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Board, in connexion with the works by this Act authorised, or any of them, and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing

streets for the purpose of connecting the same with the said works, or any of them, or of crossing under or over the same, or any of them, or otherwise.

Limits of deviation.

18. In making the said works the Board may deviate vertically to any extent not exceeding three feet upwards 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 Board may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made.

Power to alter and divert sewers, &c.

19. The Board from time to time may alter and divert either temporarily or permanently all sewers, drains, mains, and pipes within the district which they find it necessary or convenient for any of the purposes of this Act so to interfere with, making to all persons who sustain any damage thereby compensation in that behalf; such compensation in case of dispute to be ascertained in manner prescribed by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation for lands: Provided always, that the powers by this section conferred shall not (as regards all sewers and drains subject to the jurisdiction or control of the commissioners) be exercised, save and except with the previous consent of the commissioners to be testified in writing under the hands of any three of them, and then only to such extent and upon such terms and conditions as shall be from time to time prescribed by them in writing.

Damage to buildings &c. to be compensated for by Board.

20. Where by reason of the alteration of the level of any street or the execution of any other work by this Act authorised any house, building, or premises be damaged or otherwise injuriously affected, the Board shall out of the moneys which they are authorised to apply under this Act to the alteration of such street, or the execution of such work, make good the damage done and pay to the owner and occupier of the house, building, or premises such compensation as may be agreed on between the owner and occupier and the Board, or failing their agreement such compensation as shall be ascertained in manner prescribed by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation for lands.

Alterations of gas and water pipes, &c.

21. In executing any works by this Act authorised the Board may raise, sink, or otherwise alter the position of any watercourse, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any such work, and also any main

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or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for damage caused by any such alteration.

Alterations consequent on changing levels of streets to be made at expense of Board.

22. Where by reason of the execution of any of the works by this Act authorised the level of any street is raised or otherwise changed, or any alteration of any step, door, or entrance into any house or building, or of any pavement, sewer, drain, or culvert adjoining or belonging to any premises in the street is rendered necessary, the alteration shall be made by and at the expense of the Board out of the moneys applicable under this Act to such works.

Streets disused vested in Board for sale.

23. Where any street or ground abutting on any street and dedicated to public use or open to the passage of the public becomes in consequence of any work executed by the Board under the powers of this Act, and shown on the deposited plans, no longer required for public use, or for approach to any property adjoining thereto, the same is hereby vested in the Board freed and discharged from the public use thereof; provided that if any land be injuriously affected by such street or ground being so vested in the Board, the Board shall pay to the owner and occupier of such land such compensation as may be agreed on between such owner and occupier and the Board, or, failing their agreement, such compensation as shall be ascertained in manner prescribed by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the settlement of questions of disputed compensation for lands.

Period for completion of works.

24. If the works shown on the deposited plans and authorised by this Act are not completed within seven years from the passing of this Act, then on the expiration of that period the respective powers by this Act granted to the Board for executing the works not so completed, or in relation thereto, shall cease to be exercised except as to any part thereof then completed.

Exemption from Rates of Commissioners.

Exemption of lands from powers of commissioners.

25. From and after the passing of this Act, all powers, rights, authorities, and privileges of what nature or kind soever, including the power of levying, demanding, and receiving water scots, rates, or other impositions which may by virtue of any Act of Parliament, charter, commission, or otherwise be vested in the commissioners over or with respect to such of the lands, houses, buildings, and foreshore in the parish of Eastbourne situate and lying between the commencement and termination of the seawall or embankment

by this Act authorised, and bounded on the south by low-water mark and on the north by the Marine Parade, the new road recently laid out for connecting the Marine Parade with the Grand Parade, and the road called or known as the sea side, which the Board are by this Act authorised to purchase or acquire, and all liabilities of the commissioners in relation thereto, shall absolutely cease and determine.

Where any lands and buildings situate within the parish of Eastbourne are built upon and drained exclusively by means of any sewers or drains of the Board at the time of the passing of this Act, or at any subsequent time, such lands shall from and after the passing of this Act or such subsequent time, as the case may be, be absolutely exempted and freed from all water scots, rates, or impositions of what nature or kind soever leviable by or accruing to the commissioners:

Provided that if any question shall arise between the Board and the commissioners as to whether any such lands are so exclusively drained, the same shall be referred to and determined by a competent and impartial person to be on the application of either party appointed by the Local Government Board:

Provided always, that all water scots, rates, and other sums of money which immediately before the passing of this Act were due or accruing to the commissioners for or in respect of such lands and buildings shall be payable to and may be collected and recovered by the commissioners as if this Act had not been passed.

Town Hall and Waiting Rooms.

Power to erect, fit up, &c. town hall.

26. The Board may from time to time erect, fit up, furnish, and maintain on the lands delineated in that behalf on the deposited plans a town hall and such offices and conveniences connected therewith as they think fit, and may from time to time repair, alter, enlarge, and improve the same as they think fit, and the Board may at any time at their discretion allow the use of such town hall and offices on such terms and conditions as they may from time to time think proper.

Power to provide waiting rooms, &c.

27. The Board may from time to time erect and maintain a waiting room or waiting rooms, and also retiring rooms, lavatories, and other conveniences for the purpose of accommodating the public frequenting the district, and they may from time to time appropriate to such purpose any lands now belonging to them, or which they may acquire under the authority of this Act, and which they may not require for the other purposes thereof, or which they may acquire by agreement under the authority of this Act for such purpose, and the Board may from time to time make such arrange-

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ments with respect to the management and use of the same, and the payments to be made in respect thereof as they may think proper: Provided always, that where under any deed or other instrument made before the passing of this Act, the Board are prohibited from constructing any building or erection upon any lands without the consent of the person named in such deed or instrument, then and in every such case nothing in this section contained shall authorise the Board to erect or maintain any such waiting room, retiring room, lavatory, or other convenience as aforesaid upon such lands without the previous consent of such person in conformity with such deed or instrument.

Buildings, Sanitary Matters, &c.

Power to regulate materials and workmanship.

28. The Board shall have control over the materials and workmanship employed in every new building, and may from time to time, subject to the provisions with respect to byelaws contained in the Public Health Act, 1875, make, alter, and repeal byelaws in respect thereof, and may reject or disapprove of any materials or workmanship not in accordance with such byelaws.

Foundations of buildings.

29. Where a new building intended or adapted for a dwelling-house is proposed to be erected upon soil that shall be considered by the building surveyor unfit in its then state for building upon the soil shall be excavated and removed to the depth of fifteen inches at least in every part, and a sufficient foundation of concrete or other proper hard material, approved by the building surveyor, shall be laid thereon before the floor is commenced.

Certificate of fitness of new buildings for habitation.

30. No new building shall be occupied as a dwelling-house until the drainage thereof has been completed, nor until the building has after examination been certified by the building surveyor, or a person appointed by the Board, by writing under his hand, to be fit for human habitation, but if such surveyor or person as aforesaid, for seven days after notice in writing to him, fails to make such examination, or without due cause refuses to give such certificate, nothing in this section shall prevent the building from being so occupied: Provided always, that in case the building surveyor or such person refuses to give such certificate, any person aggrieved by such refusal may appeal to the court of quarter sessions, who shall decide whether or not such certificate has been without due cause refused by such surveyor or person. If any person as owner, or acting as the agent of any owner, lets as a dwelling-house any new building before the same is so certified, or default shall have been made in making the examination within the time above specified, he shall be liable to a penalty not exceeding five pounds, and to a daily

penalty not exceeding forty shillings in respect of each day during which such building continues let contrary to the provisions of this enactment. A.D. 1879.

Application of Act to new buildings.

31. The provisions of this Act with respect to new buildings shall apply to all buildings included in the term "new building" as defined by the Public Health Acts.

Drains, privies, &c. to be under control of building surveyor, &c.

32. All drains, privies, ashpits, and cesspools shall be under the control of the building surveyor, or such other officer as may from time to time be appointed by the Board for that purpose, and shall from time to time be repaired and kept in proper order as he may in writing direct, by and at the expense of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued: Provided also, that nothing herein contained shall affect any contract between any owner or occupier of any house, building, or other property whereby it is or may be agreed that the occupier shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or affect any contract whatsoever between landlord and tenant: Provided also, that any person deeming himself aggrieved by any direction given by the building surveyor under this section may appeal to the court of quarter sessions in the same manner and subject to the same provisions as in the case of an appeal under section two hundred and sixty-nine of the Public Health Act, 1875.

Summary power for providing sinks and drains for dwelling-houses.

33. In addition to all powers vested in the Board, the Board may, if the building surveyor, or inspector of nuisances, or other officer appointed by the Board in that behalf reports in writing to the Board that any dwelling-house is not provided with a proper sink or drain, or other necessary appliances for carrying off refuse water from such dwelling-house by notice under the hand of the clerk to the Board for the time being require the owner of such dwelling-house in the manner and within the time to be specified in such notice to provide such sink, drain, or other appliances. If any such owner neglects to comply with such notice within the time therein appointed he shall be liable for every such offence to a penalty not exceeding five pounds, and a further penalty of not exceeding forty shillings for every day during which such offence shall continue.

Power to appoint building surveyor.

34. For the purposes of enforcing the provisions of the Public Health Acts and of this Act, and of any byelaws made under the authority of the said Acts with respect to the construction and inspection and sanitary condition of buildings, which provisions are herein-after in relation to such construction, inspection, and sani-

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tary condition collectively referred to as "the provisions of this Act," or "this Act," the Board may from time to time appoint a building surveyor removable at pleasure.

Every candidate for the office of building surveyor shall be of the full age of twenty-five years, properly skilled and educated in the art and practice of building, and shall hold a certificate of the Royal Institute of British Architects, or of the Institute of Civil Engineers, or of the Institute of Sanitary Engineers, that he has been examined and is competent for such office.

Such building surveyor shall be an officer of the Board serving in a permanent capacity, and shall not practise his profession or be engaged professionally, or on his own account, in any work.

Notices to be given to building surveyor by builder.

35. Two days before any new building is commenced, and also if the progress of any such building is after the commencement thereof suspended for any period exceeding three months, two days before such building is resumed, and also if during the progress of any such building or work the builder employed thereon is changed, then two days before any new builder enters upon the continuance of such building the builder engaged in building or rebuilding such building, or in continuing such building, shall give to the building surveyor notice in writing, stating the situation, area, and height, and intended use of the building about to be commenced, and the number of such buildings if more than one, and state also his own name and address.

Building surveyor to cause rules of this Act to be observed.

36. Every building surveyor shall upon the receipt of any such notice as aforesaid survey any building hereby placed under his supervision, and cause all the provisions of this Act to be duly observed.

Notice to be evidence of intended works.

37. Every notice given in pursuance of this Act shall be deemed in any question relative to any building to be primâ facie evidence as against the builder giving the same of the nature of the building proposed to be built.

Penalty on builders neglecting to give notice.

38. If any builder neglects to give notice in any of the cases aforesaid, such builder shall for every such offence incur a penalty not exceeding twenty pounds.

Building surveyor may enter and inspect buildings affected by this Act.

Penalty for refusal.

39. At all reasonable times during the progress of any building affected by this Act the building surveyor may enter and inspect such building, and if any person refuses to admit such surveyor to inspect such building, or refuses or neglects to afford such surveyor all reasonable assistance in such inspection, in every such case the offender shall incur for each offence a penalty not exceeding twenty pounds.

In case of emergency works may be commenced without notice.

40. If by reason of any emergency any act or work is required to be done immediately, or before notice can be given as aforesaid, then such act or work may be done upon condition that before the expiration of twenty-four hours after such act or work has been begun notice thereof is given to the building surveyor.

Notice by building surveyor in case of irregularity.

41. If in any building anything is done contrary to the provisions of this Act, or anything required by this Act is omitted to be done, or if in cases where due notice has not been given the building surveyor on surveying or inspecting any work finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the provisions of this Act, or whether anything required by this Act has been omitted to be done, then in every such case the building surveyor shall give to the builder engaged upon such building notice in writing requiring such builder within forty-eight hours from the date of such notice to cause anything done contrary to the provisions of this Act to be amended, or to do anything required to be done by this Act but which has been omitted to be done, or to cause so much of any building as prevents such building surveyor from ascertaining whether anything has been done or omitted to be done, as aforesaid, to be to a sufficient extent cut into, laid open, or pulled down.

On non-compliance with notice court to summon builder and make order to comply with requisition.

42. If the builder to whom such notice is given makes default in complying with the requisition thereof within such period of forty-eight hours the building surveyor may cause complaint of such non-compliance to be made before a court of summary jurisdiction, and such court shall thereupon issue a summons requiring the builder so in default to appear before such court, and if upon his appearance or in his absence upon due proof of the service of such summons it appears to such court upon the hearing thereof that the requisitions made by such notice, or any of them, are authorised by this Act, the court shall make an order on such builder commanding him to comply with the requisitions of such notice, or any of such requisitions that may in the opinion of the court be authorised by this Act, within a time to be named in such order.

Penalty on non-compliance with order of court.

43. If such order is not complied with the builder on whom it is made shall incur a penalty not exceeding twenty pounds, and a further penalty not exceeding five pounds during every day of the continuance of such non-compliance, and in addition thereto the building surveyor may, if he thinks fit, with a sufficient number of workmen, enter upon the premises and do all such things as may be necessary for enforcing the requisitions of such notice and for bringing any building into conformity with the provisions of this

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Act, and all expenses incurred by him in so doing and in any such proceedings as aforesaid may be recovered from the builder on whom such order was made before a court of summary jurisdiction, or may be recovered from the owner of the premises in the same manner in which private improvement expenses may be recovered by the Board.

Penalty on workmen, &c. doing anything contrary to provisions of Act.

44. If any workman, labourer, servant, or other person employed in or about any building wilfully and without the privity or consent of the person causing such work to be done, does anything in or about such building contrary to the provisions of this Act, he shall for each such offence incur a penalty not exceeding fifty shillings.

Fees to be paid to building surveyor.

45. There shall be paid to the building surveyor in respect of the several matters specified in the Schedule to this Act annexed the respective fees therein specified, or such other fees not exceeding the amounts therein specified respectively as may from time to time be directed by the Board.

Board may appoint special fees for services not provided for.

46. If any special service is required to be performed by the building surveyor under this Act for which no fee is specified in the said Schedule, the Board may order such fee to be paid for such service as they think fit, and the building surveyor shall have the same remedy for recovering such special fee as if the same were expressly named in the said Schedule, provided that if any difference shall arise as to the amount of such fee the same shall be settled by the Local Government Board.

Period when building surveyor entitled to fees.

47. At the expiration of one month after the roof of any building surveyed by any building surveyor under this Act has been covered in the building surveyor shall be entitled to receive the amount of fees payable to him under this Act from the builder employed in erecting such building, or from the owner of the building so erected, and if any such builder or owner refuses to pay the same such fees may be recovered in a summary manner before a court of summary jurisdiction upon its being shown to the satisfaction of such court that a proper bill specifying the amount of such fees was delivered to such builder or owner, or sent to him in a registered letter addressed to his last known residence.

Building surveyor to make monthly returns to Board.

48. Every building surveyor shall within seven days after the first day of every month make and sign a return to the Board in such manner as they may appoint of all notices and complaints received by him relative to the business of his district, and the results thereof, and of all matters brought by him before any court of summary jurisdiction, and of all the several works supervised, and special

services performed by him in the exercise of his office within the previous month, and of all fees charged or received in respect thereof, and specify in such return the description and locality of every building built or rebuilt, with the particular nature of every work in respect of which any fee has been charged or received. Every such return shall be signed by such surveyor, and shall be deemed to be a certificate that all the works enumerated therein as completed have been done in all respects agreeably to this Act, according to the best of his knowledge and belief, and that they have been duly surveyed by him.

Building surveyor to pay fees to treasurer of Board, and to be carried to district fund.

49. Notwithstanding anything in this Act contained, the building surveyor shall not be entitled to any fees payable to and received by him under this Act, and he shall within seven days after the first day of every month pay all fees payable to and received by him within the previous month to the treasurer of the Board, and the same shall be carried to the credit of the district fund.

Financial.

Power to borrow.

50. The Board may from time to time borrow at interest such moneys as they think requisite for the purposes of this Act, to an amount not exceeding in the aggregate the amounts by this Act authorised in respect of such purposes respectively.

Certain regulations of 38 & 39 Vict. c. 55. as to borrowing not to apply.

51. The powers of borrowing money by this Act given shall not be restricted by any of the provisions or regulations contained in the Public Health Act, 1875, and in calculating the amount which the Board may borrow under the Public Health Act, 1875, any sums which they may borrow under this Act shall not be reckoned.

Limitation of borrowing powers.

52. The moneys to be borrowed by the Board under the authority of this Act shall not in connexion with the following purposes exceed the following sums; (that is to say,)

With respect to the sea wall or embankment, twenty-five thousand pounds;

With respect to the widening and improving South Street, five thousand pounds;

With respect to the town hall and offices, eight thousand pounds;

With respect to the waiting rooms and lavatories, one thousand two hundred pounds;

And with respect to the expenses of preparing, applying for, obtaining, and passing this Act in accordance with the provisions of the last section of the same, the amount taxed and ascertained in the manner thereby prescribed:

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Provided that in case any further moneys shall be required for any of the aforesaid purposes, the Local Government Board may, at the request of the Board, authorise them to borrow such further sums as the Local Government Board may from time to time think fit.

Power to mortgage.

53. For securing the repayment of moneys borrowed under the authority of this Act, for any of the purposes of this Act, the Board may mortgage the district fund and general district rate:

(1.) The Board may from time to time, if they think fit, issue to holders of their mortgages coupons for the interest from time to time to fall due thereon in such form as the Board think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half-year's interest to fall due on the principal money secured by the mortgage, and be authenticated in such manner as the Board shall from time to time direct (which authorisation shall be presumed until the contrary is shown); and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable, and on audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Board then in his hands and applicable in that behalf:

(2.) All moneys borrowed or re-borrowed by the Board by mortgage under the authority of this Act may be borrowed and, subject to the provisions herein-after contained, re-borrowed for any term not exceeding fifty years, and, subject as aforesaid, shall be repaid by yearly or half-yearly instalments, or by means of a sinking fund: Provided that when the payments are not made by equal instalments the instalment or instalments payable in each year, together with the interest payable in such year in respect of the principal moneys owing, of which such instalment or instalments form part, shall in every year amount to the same sum:

(3.) The Board, in case they borrow any moneys on mortgage repayable by a sinking fund, shall within twelve months after borrowing the same, and thenceforth annually on the

same day, set apart as a sinking fund for the payment of moneys borrowed on mortgage under this Act out of the district fund and general district rates such a sum as will be sufficient to pay within a period (not exceeding fifty years from the time of borrowing) such proportion of the principal moneys so borrowed as are not repayable by yearly or half-yearly instalments (after giving credit for moneys received in respect of the sales of land acquired under the powers of this Act), to be accumulated in the way of compound interest by investing in Exchequer bills or Government securities, or in any manner in which trustees are by law for the time being authorised to invest trust moneys, and the Board shall from time to time apply the said sinking funds respectively in repayment of such portion of those respective principal moneys until thereby or otherwise the whole of such portions have been fully paid off: Provided always, that whenever any of such principal moneys have been so paid off, the Board shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund is equal to the annual interest of the principal moneys then due and outstanding, the Board may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto: Provided that the said sums to be from time to time set apart and paid into the sinking fund by the Board shall be such as the Local Government Board shall from time to time approve:

(4). The clerk to the Local Board shall within twenty-one days after the first day of January of each year during which any sum is required to be set apart for a sinking fund, or to be paid as an instalment in respect of moneys borrowed on mortgage 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, and the amount which has been invested or applied for the purpose of such sinking fund

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during the year preceding the making of such return, and the description of such 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 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. If it appear to the Local Government Board, by such return or otherwise, that the Board have failed to pay any instalment, or to set aside the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund, or the 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 has 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 of Justice:

(5.) With respect to a receiver the following provisions shall have effect; namely, the mortgagees of the Board under this Act may enforce payment of arrears of interest or principal, or principal and interest, by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds:

(6.) If the Board pay off any part of any money borrowed by them on mortgages under this Act otherwise than by instalments, or by means of a sinking fund, they may re-borrow the same, and so from time to time: Provided always, that all moneys so re-borrowed shall be repaid within the same time as the moneys originally borrowed were required to be repaid:

(7.) A person lending money to the Board secured by mortgage shall not be bound or entitled to inquire as to observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application or misapplication of the money lent, or of any part thereof.

54. The provisions of the Public Health Act, 1875, with respect to mortgages shall, except as is by this Act otherwise provided, be applicable to the mortgages to be made by the Board under this Act.

38 & 39 Vict. c. 55. to apply to mortgages.

55. The Board, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by 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 in manner by this section authorised for any of the purposes of this Act shall be a charge upon the district fund and general district rate, and such fund and rates shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act, 1875. Every such loan shall be discharged within fifty years from the date thereof, and such discharge or any part thereof shall be effected by means of a sinking fund, if the Board so think fit; and if the Board at any time think fit to form any such sinking fund all sums paid into the same shall, as soon as may be, be invested by the Board in any manner in which trustees are by law for the time being authorised to invest trust moneys.

Power to borrow under 38 & 39 Vict. c. 83.

56. The Board, for the purpose of paying off any moneys borrowed or raised by them by the issue of debentures or debenture stock under and subject to the provisions of the Local Loans Act, 1875, may from time to time during the period prescribed by this Act for the repayment of the moneys so borrowed re-borrow such amounts as they may require by the issue of debentures or debenture stock, or annuity certificates, or partly in one way and partly in another, under and subject to the provisions of the Local Loans Act, 1875: Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made, and that the moneys originally borrowed, and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys, shall for the purposes of sections 14 and 15 of the Local Loans Act, 1875, be deemed to form the same loan and obligations of the Board with respect to the sinking fund to be set aside in respect of such moneys, and, save as herein-after provided with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys, shall not be in any way affected by reason of such re-borrowing. If the Board elect to pay off any moneys borrowed by them under this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans

Power to re-borrow.

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Act, 1875, and any moneys in respect of which the annual sum is appropriated are paid off by means of moneys re-borrowed at a different rate of interest than that payable on the moneys paid off by means of such re-borrowing, the annual sum shall be reduced, or, as the case may be, increased by the subtraction therefrom or addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Board in consequence of such repayment and re-borrowing.

Application of moneys.

57. All moneys borrowed under this Act shall be appropriated to purposes for which they are authorised to be borrowed, and shall be expended exclusively on works or objects on which capital may properly be expended. All moneys received by the Board either as purchase moneys of lands sold, or for equality of exchange, or as consideration for a lease, shall be applied to such works or objects as aforesaid, or the same may in the discretion of the Board be applied towards the reduction of the debt owing by the Board, or towards the increase of the sinking fund, and all other moneys received by the Board under this Act shall be carried to the credit of the district fund, and shall form part of the same.

Audit of accounts.

58. The accounts of the Board under this Act shall be audited in manner prescribed by section two hundred and forty-seven of the Public Health Act, 1875, with respect to the audit of the accounts of urban sanitary authorities not being a town council.

Priority of existing mortgages.

59. Nothing in this Act shall prejudice or affect any mortgages, debentures, or other securities on the funds or rates of the Board existing at the passing of this Act, and the same shall have priority over any mortgages, debentures, or securities on the same funds or rates granted under this Act.

Miscellaneous.

Saving rights of commissioners.

60. Except as by this Act expressly provided to the contrary, nothing in this Act contained shall extend or be construed to extend to prejudice, alter, abridge, or take away any of the rights, powers, privileges, or authorities vested in the commissioners.

Saving rights of Crown under 29 & 30 Vict. c. 62.

61. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Saving rights of Her Majesty's Principal

62. Whereas a circular redoubt has been erected at Eastbourne for the protection of the coast, and it is necessary that this redoubt, belonging to Her Majesty, and vested in Her Majesty's Principal

Secretary of State for the War Department.

Secretary of State for the War Department for the public service, should be preserved intact and free from all intrusion or obstruction: Be it therefore enacted, that nothing in this Act contained shall authorise the Board to erect any building or structure of any kind upon War Department property, or that shall mask or interfere with the fire of the guns from the said redoubt towards the sea, or to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the said Principal Secretary for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the Board.

Provision as to construction of works on foreshore.

63. The Board shall not construct any works on any part of the shore or bed of the sea where the tide flows and reflows without the previous consent of the Board of Trade to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid, and where any such work shall have been constructed with such consent as aforesaid, the 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, and if any such work shall be commenced or completed without such consent and approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Board, and the amount of such costs shall be a debt due to the Crown, and recoverable against the Board accordingly.

Saving rights of Crown in foreshore.

64. Nothing contained in this Act shall authorise the 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.

Expenses of Act.

65. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and

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passing of this Act shall be paid by the Board out of moneys borrowed under the authority of this Act, or out of the general district fund or general district rate, or other moneys coming to their hands, and such costs shall include the costs incurred by the Board in 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, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

The SCHEDULE referred to in the foregoing Act.

Fees payable to Building Surveyors.

Fees for New Buildings.

	s.	*d.*
For every building not exceeding four hundred square feet in area and not more than two stories in height	20	0
For every additional story	5	0
For every additional square of one hundred feet or fraction of such square	2	6

But no fee shall exceed ten pounds.

And for every building not exceeding four hundred square feet in area and of one story only in height the fees shall be	15	0

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