**ELIZABETH II**

**1985 CHAPTER xxxiii**

An Act to repeal, and re-enact with amendments, the Hastings Pier Acts and Orders 1867 to 1960; and to make further provision with respect to the Hastings Pier Company; and for other purposes. [25th July 1985]

WHEREAS—

(1) The Hastings Pier Company (hereinafter called "the Company") was incorporated by the Hastings Pier Act 1867 (hereinafter called "the Act of 1867") and by the Act of 1867 was authorised to construct a pier (hereinafter called "the Pier") extending seawards from a point on the esplanade in the town of Hastings in the county of Sussex: 1867 c. clxxxvii.

(2) The capital of the Company authorised by the Hastings Pier Acts and Orders 1867 to 1960 is £80,000 divided into 80,000 units of stock of £1 each of which 60,000 are issued and fully paid up:

(3) By the Hastings Pier Act 1937 (hereinafter called "the Act of 1937") the Company was authorised to borrow on mortgage of its undertaking or by the creation or issue of debenture stock any sum or sums not exceeding, in respect of capital raised by the Company before the passing of the Act of 1937 c. li.

1937, £20,000 and, in respect of any capital issued thereafter, one-half of the amount so issued at the time of the borrowing:

(4) It is expedient that the Company should be empowered to raise additional capital and to raise further money by borrowing:

(5) It is expedient to consolidate with amendments the Hastings Pier Acts and Orders 1867 to 1960 and to confer upon the Company such other powers as are in this Act contained:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

**1.** This Act may be cited as the Hastings Pier Act 1985.

Interpretation.

**2.** In this Act unless the context otherwise requires words and expressions to which by any enactment, incorporated with or applied to this Act, meanings are assigned have the same respective meanings and—

"the Act of 1847" means the Harbours, Docks, and Piers Clauses Act 1847;

1847 c. 27.

"the Company" means the Hastings Pier Company;

"daily fine" means a fine for each day on which an offence is continued after conviction thereof;

"the Pier" means the existing pier in the town of Hastings in the county of East Sussex, now vested in the Company;

"ship, passenger and goods dues" has the meaning assigned to it by section 57 (1) of the Harbours Act 1964;

1964 c. 40.

"Trinity House" means the Corporation of Trinity House of Deptford Strond.

Incorporation of Act of 1847.

**3.** The Act of 1847 (except sections 16 to 19 and 84 to 90) so far as applicable to the purposes and not inconsistent with or varied by the provisions of this Act is hereby incorporated with and forms part of this Act and as so incorporated shall be construed as if the references therein to the special Act were references to this Act.

Continuance of Company.

**4.** There shall continue to exist a company for the purpose of maintaining the Pier, and for other the purposes of this Act, incorporated by the name of "The Hastings Pier Company".

Capital.

**5.**—(1) The capital of the Company shall be £1,000,000 divided into 1,000,000 shares of £1 each and the issued capital of the Company immediately prior to the commencement of this Act is converted, as from such commencement, into 60,000 shares of £1 each.

(2) Notwithstanding subsection (1) above, the Company may exercise the powers conferred by section 121 (2) of the Companies Act 1985 by special resolution. 1985 c. 6.

(3) All moneys raised by the Company by way of share capital shall be applied only to the general purposes of the Company to which capital is properly applicable.

Power to borrow.

**6.**—(1) The Company may borrow such moneys as it may think necessary or expedient, so long as the indebtedness of the Company on account of such borrowing does not at any time exceed a sum equal to five times the amount of the capital of the Company then issued and paid up.

(2) Such power may be exercised by borrowing on mortgage of the Company's undertaking, by the creation and issue of debenture stock or in such other manner, or partly in one manner and partly in another, as the Company shall from time to time think fit.

(3) All moneys raised by the Company pursuant to this section shall be applied only to the general purposes of the Company to which capital is properly applicable.

Temporary borrowing.

**7.**—(1) For the purposes of or in connection with its undertaking, the Company may borrow or raise moneys on temporary loans from bankers by means of overdrafts or otherwise.

(2) The power of borrowing or raising moneys conferred by this section shall be in addition to the power conferred by section 6 (Power to borrow) of this Act but, the total amount outstanding at any time of moneys borrowed or raised under this section shall not exceed £100,000 or such larger amount as the Company shall from time to time by special resolution determine.

Application of Companies Act 1985.

**8.** In the event of the Company becoming a private company under the Companies Act 1985, section 43 of that Act shall apply to the Company as if—

(1) for paragraphs (*a*) and (*b*) of subsection (2) thereof, there were substituted the following paragraph, namely:—

"(*a*) adopt as the memorandum of association of the Company, a memorandum in the form specified for a public company, being a company limited by shares, by regulations made by the Secretary of State pursuant to section 3 of the Companies Act 1985, or as near to that form as circumstances admit;"

1985 c. 6.

(2) for paragraph (*a*) of subsection (3) thereof, there were substituted the following paragraph, namely:—

"(*a*) a printed copy of the memorandum as adopted and the articles as altered in pursuance of the resolution".

Power to take lands by agreement.

**9.** The Company may acquire by agreement whether by way of purchase or lease any lands which it may require to hold and use for the purposes of this Act.

Retention and disposal of lands.

**10.**—(1) The Company may for the purposes of and subject to the provisions of this Act—

(*a*) retain and hold and use for such time as it thinks fit any land or interest in land acquired whether prior or subsequent to the commencement of this Act, for any of the purposes specified in sections 12 to 14 of this Act;

(*b*) sell, lease, exchange or otherwise dispose of any such land or interest in such manner and for such consideration and on such terms and conditions as it thinks fit;

(*c*) sell, exchange or dispose of any rents reserved on the sale, lease, exchange or other disposition of any such land or interest.

(2) Nothing in this Act shall—

(*a*) release the Company or any person purchasing or acquiring any land or interest in land from it under this section from any rents, covenants, restrictions, reservations, terms or conditions made payable by or contained in any conveyance, lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Company or to, or by, any persons from or through whom the Company has derived title to it;

(*b*) subject to subsection (2) of section 11 (Powers to provide facilities on Pier) of this Act, permit the

Company to sell, lease, exchange or otherwise dispose of the Pier or any part thereof.

Powers to provide facilities on Pier.

**11.**—(1) The Company may provide and operate on the Pier, or any part thereof, shops, kiosks, restaurants, bars, toilets, sanitary and other conveniences, bandstands, chairs, theatres, ballrooms, conference and concert halls, pavilions, amusement arcades, bowling alleys and any other facilities for amusement, leisure or recreation.

(2) The Company may let or license the buildings and facilities referred to in subsection (1) above for such consideration and on such terms and conditions as it thinks fit.

(3) With a view to exercising the powers set out in subsections (1) and (2) above, the Company may erect, equip, furnish, alter or demolish such buildings or facilities and execute such works as may be expedient.

(4) The Company may, by itself, its lessees or licensees, use the Pier, or any part thereof, for dances, concerts, meetings, conferences, performances, sports contests, exhibitions, puppet and other side-shows as well as for the production and presentation of plays, shows and other entertainments.

(5) The Company, its lessees or licensees, may make such reasonable charges as they may determine in respect of the use of the facilities and admission to the buildings referred to in subsections (1) and (4) above.

Power to provide residential accommodation for employees.

**12.**—(1) The Company may from time to time acquire, or provide and maintain, residential accommodation for occupation by employees of the Company on such terms and conditions (including terms as to payment) as the Company shall think fit.

(2) The Company may erect such buildings and execute such works as may be necessary or expedient in connection with the provision and maintenance of residential accommodation under this section.

Power to provide offices for Company.

**13.**—(1) The Company may acquire or provide, maintain, furnish and equip a building for use as the offices of the Company.

(2) The Company may execute such works as may be necessary or expedient in connection with the provision, maintenance, furnishing and equipping of the building under this section and references in section 14 (Power to provide other offices and residential accommodation) of this Act to a building acquired or provided under this section shall include references to any works executed under this subsection.

(3) The powers conferred by this section shall be in addition to and not in derogation of the powers possessed by the Company under section 20 of the Act of 1847.

Power to provide other offices and residential accommodation.

**14.**—(1) The Company may within any building acquired or provided under section 13 (Power to provide offices for Company) of this Act provide, maintain, furnish and equip separate and apart from the Company's offices other offices and residential accommodation and may for that purpose acquire or erect a building of such size as to accommodate the other offices and residential accommodation.

(2) The Company may execute such works as may be necessary or expedient in connection with the provision, maintenance, furnishing or equipping of the other offices and residential accommodation under this section and references in the following provisions of this section to the other offices and residential accommodation provided under this section shall include references to any works executed under this subsection.

(3) The Company may let the other offices and residential accommodation for such purposes and for such consideration and on such terms and conditions as the Company thinks fit.

Lands to be part of undertaking but not to be within limits.

**15.** Any land or building acquired or erected under the powers conferred by sections 12 to 14 of this Act shall be deemed to be part of the undertaking of the Company but shall not form part of the Pier and no such acquisition or erection shall extend the limits within which the powers of the Pier Master may be exercised.

Use of Pier by vessels.

**16.**—(1) No merchandise or goods (passengers' personal luggage excepted) shall be landed on or at the Pier.

(2) The Company may permit the operation of speedboats and other boats from the Pier.

Power to impose charges.

**17.**—(1) The Company may impose such charges as may be reasonable in respect of the use of the Pier by any persons for any purpose and different rates of charge may be imposed in respect of different categories of persons or of users.

1964 c. 40.

(2) Without prejudice to section 26 of the Harbours Act 1964, this section shall not apply to ship, passenger and goods dues.

Exemptions from charges.

**18.** Without prejudice to sections 28, 29 and 31 of the Act of 1847, the following persons and vessels shall be exempt from ship, passenger and goods dues and from any charges imposed under section 17 (Power to impose charges) of this Act, namely:—

(*a*) fishing vessels, being vessels belonging to countries with which for the time being treaties exist exempting such vessels from duties and port charges when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, which are forced by stress of weather to make use of the Pier and not breaking bulk while making use thereof;

(*b*) all persons acting on behalf of the Secretary of State, being in the execution of their duty, and their vessels;

(*c*) 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 Her Majesty's Coast Guard 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;

(*d*) all persons brought ashore from any vessel in distress.

Power to close Pier.

**19.**—(1) The Company may, but not for more than six months consecutively, close the whole or any part of the Pier against the public at such times and for such periods as the Company thinks fit.

(2) During at least two days before the day on which the Pier is to be closed the Company shall, except in case of emergency, exhibit conspicuously at the entrance to the Pier and at the Pier-head a notice of its intention to close the Pier under this section.

(3) Notwithstanding the provisions of subsections (1) and (2) above, mariners shall in case of emergency be permitted to land at the Pier at any time.

Local survey.

**20.** The Secretary of State may at any time if he deems it expedient order a survey and examination of the Pier and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Company.

Abatement of abandoned works.

**21.**—(1) If the Pier, or any part thereof, is abandoned or suffered to fall into decay, the Secretary of State may by notice in writing require the Company at its own expense either to repair and restore the same, or remove the same and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) If on the expiration of 30 days from the date when a notice under this section is served upon the Company it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Company.

Limits of powers of Pier Master.

**22.** The limits within which the powers of the Pier Master may be exercised shall be the Pier and a distance of 300 metres measured in all directions seaward from the Pier.

Attachment of life-saving apparatus.

**23.** The officers of Her Majesty's Coast Guard and all other persons for the time being actually employed in connection with any lifeboat or 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 any apparatus for saving life and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over the Pier.

Permanent lights on Pier.

**24.**—(1) The Company shall at the outer extremity of the Pier exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall from time to time direct.

(2) If the Company fails to comply in any respect with a direction given under this section, it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

Provision against danger to navigation.

**25.**—(1) In case of injury to, or destruction or decay of, the Pier, or any part thereof, the Company shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such steps for preventing danger to navigation as Trinity House shall from time to time direct.

(2) If the Company fails to notify Trinity House as required by this section or to comply in any respect with a direction given under this section it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £5.

Power to make byelaws.

**26.**—(1) The Company may from time to time make byelaws for the regulation and control of persons using, frequenting or resorting to the Pier.

1972 c. 70.

(2) The provisions of subsections (4) to (7) of section 236 and section 238 of the Local Government Act 1972 shall apply to all byelaws to be made by the Company in respect of its undertaking and in the application of such last-mentioned provisions the Secretary of State shall be the confirming authority.

(3) Any person who shall act in contravention of any such byelaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Jurisdiction over Pier.

**27.** The Pier shall be deemed to be for all purposes within the petty sessional division of Hastings.

Repeals.

**28.** The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in that Schedule.

Saving for Town and Country Planning. 1971 c. 78. 1947 c. 51.

**29.** For the purposes of subsections (7) and (8) of section 24 and section 289 of the Town and Country Planning Act 1971, this Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947.

Saving for rights of Crown.

**30.**—(1) Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained shall authorise the Company to take, use or in any manner interfere with, any portion of the shore or bed of the sea or any lands, hereditaments, subjects or rights of whatsoever description—

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners;

(*b*) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

Saving for rights of Trinity House.

**31.** Nothing in this Act shall prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of Trinity House.

Section 28.

# SCHEDULE

## ENACTMENTS REPEALED

| Chapter | Short title | Extent of repeal |
|---|---|---|
| 30 & 31 Vict. c. clxxxvii. | Hastings Pier Act 1867. | The whole Act. |
| 34 & 35 Vict. c. lviii. | Pier and Harbour Orders Confirmation Act 1871 (No. 1). | The Hastings Pier Order 1871. |
| 53 & 54 Vict. c. xxxvii. | Pier and Harbour Orders Confirmation (No. 1) Act 1890. | The Hastings Pier Order 1890. |
| 1 Edw. 8 & 1 Geo. 6 c. li. | Hastings Pier Act 1937. | The whole Act. |
| 8 & 9 Eliz. 2 c. xxxviii. | Hastings Pier Act 1960. | The whole Act. |

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR W. J. SHARP
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
£1·85 net
ISBN 0 10 513385 X




# Hastings Pier Act 1985

CHAPTER xxxiii

## ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Incorporation of Act of 1847.
4. Continuance of Company.
5. Capital.
6. Power to borrow.
7. Temporary borrowing.
8. Application of Companies Act 1985.
9. Power to take lands by agreement.
10. Retention and disposal of lands.
11. Powers to provide facilities on Pier.
12. Power to provide residential accommodation for employees.

Section

13. Power to provide offices for Company.
14. Power to provide other offices and residential accommodation.
15. Lands to be part of undertaking but not to be within limits.
16. Use of Pier by vessels.
17. Power to impose charges.
18. Exemptions from charges.
19. Power to close Pier.
20. Local survey.
21. Abatement of abandoned works.
22. Limits of powers of Pier Master.
23. Attachment of life-saving apparatus.
24. Permanent lights on Pier.
25. Provision against danger to navigation.
26. Power to make byelaws.
27. Jurisdiction over Pier.
28. Repeals.
29. Saving for Town and Country Planning.
30. Saving for rights of Crown.
31. Saving for rights of Trinity House.

SCHEDULE—Enactments repealed.