CHAPTER vi.

An Act to authorise the urban district council of Havant and Waterloo to acquire certain foreshore and other lands on Hayling Island to recover improvement rates from the owners of lands benefited by sea defence works to make provision with respect to the development of certain lands on Hayling Island and for other purposes. [18th July 1947.]

WHEREAS the urban district of Havant and Waterloo (hereinafter referred to as "the district") which was formed under the County of Southampton Review Order 1932 by the amalgamation of the urban district of Havant and portions of the urban district of Warblington and of the rural districts of Catherington Fareham and Havant including the parishes of North Hayling and South Hayling is an urban district under the government of the urban district council of Havant and Waterloo (hereinafter referred to as "the Council"):

And whereas the district is a residential area and that part of the district comprising Hayling Island is a popular seaside resort:

And whereas a considerable proportion of the Eastoke peninsula on Hayling Island is low lying and unless adequately protected by sea defence works is in grave danger of being flooded in times of storm:

And whereas there are at Eastoke certain groynes wooden wave screens and other sea defence works which were constructed by the former rural district council of Havant and to the cost of which the owners of properties adjoining contributed:

And whereas during a gale in December one thousand nine hundred and forty-five the wooden sea defences at Eastoke were breached by the sea and the lands and properties in the vicinity were flooded and in order to protect this part of the district from flooding and erosion by the sea the Council in March one thousand nine hundred and forty-six commenced the construction of a sea wall and groynes after obtaining the sanction of the Minister of Health to the borrowing of money therefor:

And whereas it is expedient that the Council should be authorised to acquire the sea defence works at Eastoke and certain lands in connection therewith and thereby to relieve the owners of the properties adjoining such sea defence works from the maintenance of the same:

And whereas it is expedient that the Council should be authorised to acquire the foreshore at Eastoke for the use and benefit of the inhabitants of the district and of the general public:

And whereas the construction of the said sea wall and groynes now being constructed by the Council will greatly benefit the lands adjoining the same and in the neighbourhood thereof and it is expedient to authorise the imposition of an improvement rate (in this Act called a "sea defence rate") on such lands as a contribution towards the defraying of the cost of such construction:

And whereas prior to the formation of the district a number of buildings were erected at Eastoke of materials unsuitable for use in the construction of permanent buildings and some of such buildings are at the present time dilapidated or in poor condition and are otherwise unsightly:

And whereas it is expedient that the Council should be authorised to acquire certain areas of land which form the site of some of such buildings or are used as caravan or camping grounds and to lay out develop or redevelop the same or to secure the lay out development or redevelopment thereof by or under the control of the Council:

And whereas an estimate has been prepared for the purpose hereinafter mentioned for which the Council are by this Act authorised to borrow money and such estimate is as follows:—

The purchase of lands under the powers of this Act and otherwise carrying into effect the purposes of Part IV of this Act	£30,000

And whereas it is expedient that the other provisions of this Act be enacted:

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

And whereas a plan showing the lands upon which an improvement rate is imposed by this Act and the lands which the Council may acquire compulsorily under the powers of this Act and a book of reference to such plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same were duly deposited with the clerk of the county council of the administrative county of Southampton which plan and book of reference are in this Act respectively referred to as the deposited plan and the deposited book of reference:

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed: 23 & 24 Geo. 5. c. 51.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Havant and Waterloo Urban District Council Act 1947. Short title.

2. This Act is divided into Parts as follows:— Division of Act into Parts.

Part I.—Preliminary.
Part II.—Foreshore and beach.
Part III.—Sea defence rate.
Part IV.—Eastoke development.
Part V.—Lands.
Part VI.—Financial and miscellaneous.

3. The Lands Clauses Acts so far as applicable for the purposes and not inconsistent with the provisions of this Act are hereby incorporated with this Act with the following exceptions and modifications:— Incorporation of Lands Clauses Acts.

(*a*) Section 92 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict. c. 18.

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section.

PART I. —*cont.*

Definitions. 26 Geo. 5. and 1 Edw. 8. c. 49.

4. In this Act unless the context otherwise requires—

Words and expressions to which meanings are assigned by the Lands Clauses Acts or by the Public Health Act 1936 have the same respective meanings except where otherwise enacted;

"The district" means the urban district of Havant and Waterloo;

"The Council" means the urban district council of Havant and Waterloo;

"The clerk" means the clerk of the Council;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part II of the Town and Country Planning Act 1944 and by this Act;

9 & 10 Geo. 5. c. 57.

7 & 8 Geo. 6. c. 47.

"The sea wall" means the sea wall and groynes situate at Eastoke Hayling Island in the district now in the course of construction by the Council;

"The Minister" means the Minister of Health;

"The sea defence works loans" means the loans sanctioned or that may be sanctioned by the Minister and detailed in the Second Schedule to this Act;

"The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the district;

"The tribunal" means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919.

PART II.

FORESHORE AND BEACH.

Power to acquire foreshore and beach.

5.—(1) Subject to the provisions of this Act the Council may enter upon take appropriate and use all or any parts of such of the lands in the district delineated on the deposited plan and described in the deposited book of reference as are in this section described for the purposes of sea defence works and for the protection of the coast against flooding and erosion by the sea and for public walks and pleasure grounds.

(2) The said lands comprise—

(*a*) foreshore and beach lands containing in all sixty-eight acres or thereabouts bounded on the north by an imaginary line commencing at the point of intersection of an imaginary line being the continuation

PART II. —*cont.*

southwards of the western boundary of the public road known as Rails Lane at Eastoke with high-water mark of ordinary tides and continuing in an east by south direction along such high-water mark for a distance of three hundred and ninety-five yards or thereabouts to its point of intersection with an imaginary straight line being the continuation southwards of the eastern boundary of the grounds of the premises known as " Meath House Hotel " thence in a northerly direction for a distance of twenty-four yards or thereabouts along such imaginary straight line and along the said eastern boundary to a point ten feet north of the existing wooden wave screen situate to the south of the properties fronting and on the south side of Southwood Road thence in an east by south direction for a distance of five hundred and sixty-six yards or thereabouts along an imaginary line drawn parallel with to the north of and at a distance of ten feet from the said wooden wave screen to the point of intersection of such last-mentioned imaginary line with the eastern boundary of the premises known as " Harada " being the enclosure numbered 32 on the deposited plan thence in a northerly direction along such last-mentioned boundary for a distance of ten feet thence in an east by south direction for a distance of one hundred and seventeen yards or thereabouts along an imaginary line drawn parallel with to the north of and at a distance of twenty feet from the sea wall to the point of intersection of such last-mentioned imaginary line with the western boundary of the premises known as the " Nab Club " being the enclosure numbered 38 on the deposited plan thence in a southerly direction for a distance of fourteen feet or thereabouts along such last-mentioned boundary and in an east by south direction for a distance of thirty-two yards or thereabouts along the southern side of the concrete wall belonging to and on the south side of the said Nab Club and of the premises known as " Hayling Island Hotel " being the enclosure numbered 39 on the deposited plan thence in a northerly direction for a distance of fourteen feet or thereabouts along the eastern boundary of the said hotel to a point twenty feet north of the sea wall thence in an east by south direction for a distance of three hundred and forty-seven yards or thereabouts along an imaginary line drawn parallel with to the north of and at a distance

PART II. *cont.*

of twenty feet from the sea wall to the point of intersection of such last-mentioned imaginary line with the western boundary of the premises known as "Merrycot" being the enclosure numbered 69 on the deposited plan thence in a southerly direction along the last-mentioned boundary to a point ten feet north of the existing wooden wave screen situate to the south of the properties fronting and on the south side of Southwood Road thence in an easterly direction for a distance of three hundred and forty-five yards or thereabouts along an imaginary line drawn parallel with to the north of and at a distance of ten feet from the last-mentioned wooden wave screen to the south-western corner of the enclosure numbered 1853 on the 1/2500 Ordnance map Hampshire sheet LXXXIV.16 (edition of 1940) thence in an easterly direction for a distance of twenty-five feet or thereabouts along the southern boundary of the said enclosure 1853 bounded on the east by an imaginary straight line drawn parallel with to the east of and at a distance of fifteen feet from the groyne the northern end of which is situate at or near the said south-western corner of the said enclosure 1853 from its point of intersection with the said southern boundary of that enclosure to its point of intersection with low-water mark of ordinary tides bounded on the south by such low-water mark and bounded on the west by an imaginary straight line one hundred and fifty-six yards two feet or thereabouts long drawn at right angles to low-water mark of ordinary tides from the point of intersection of high-water mark of ordinary tides with the said imaginary line being the continuation southwards of the western boundary of Rails Lane aforesaid; and

(*b*) four pieces of land containing in all decimal five six three acres or thereabouts being the continuations southwards from Southwood Road of the four roads known as Bosmere Road South Nutbourne Road South Creek Road and Eastoke Avenue to the points of intersection of such continuations with the lands described in paragraph (*a*) of this subsection.

(3) Provided that on any ascertainment of purchase money or compensation to be paid by the Council for the acquisition by them of any land under the powers of this section no sum shall be included in such purchase money or compensation in respect of any wave screens groynes sea walls or other works of sea defence the cost whereof has been borne by

PART II. —*cont.*

the Council or their predecessors the rural district council of Havant whether out of loans or otherwise notwithstanding that some contributions may have been made towards such cost by owners or occupiers of property.

Repair of sea defences.

6.—(1) Where any groynes wooden wave screens or other defences against the sea (hereinafter in this section referred to as " sea defences ") have been made for protecting any land in the district against inroads of the sea the owner or owners of the sea defences and the Council may enter into and carry into effect agreements relative to the maintenance of such sea defences and subject to or in the absence of any such agreement the Council may execute such works and do such things as may be reasonably necessary to keep any such sea defences in repair and the reasonable expenses incurred by them in so doing shall be repaid by the owner or owners thereof.

(2) Any question which may arise under this section between the Council and any owner relative to the reasonableness of any works executed or any expenses incurred by the Council shall be referred to and determined by a single arbitrator to be appointed (failing agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification thereof for the time being in force shall apply to such reference or determination.

Works below high-water mark.

7. Nothing in this Act shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Minister of Transport in writing.

PART III.

SEA DEFENCE RATE.

Sea defence rate.

8. Notwithstanding anything contained in the Rating and Valuation Act 1925—

15 & 16 Geo. 5. c. 90.

(1) For defraying the portion hereinafter mentioned of the expenditure of the Council of and incident to the construction of the sea wall the owners for the time being of the lands (whether occupied or unoccupied) described or referred to in the First Schedule to this Act shall throughout the respective periods during which the Council are required to pay interest upon and to provide for the repayment of the sea defence works loans pay to the Council on the first day of

PART III. —*cont.*

November one thousand nine hundred and forty-seven and thereafter on the first day of April and the first day of October in every subsequent year the half-yearly sums or rates following (in this Act referred to as " sea defence rate ") that is to say:—

(*a*) in respect of the lands mentioned in Part I of the said First Schedule a sum not exceeding sixpence per foot building frontage with the addition in the case of lands built upon of a sum not exceeding two shillings in the pound on the rateable value of such lands ascertained by the valuation list for the time being in force; and

(*b*) in respect of the lands mentioned in Part II of the said First Schedule the following sums:—

(i) upon land appropriated or parcelled out for building or built upon a sum not exceeding threepence per foot building frontage with the addition in the case of lands built upon of a sum not exceeding one shilling in the pound on the rateable value of such lands ascertained by the valuation list for the time being in force;

(ii) upon land not built upon and not appropriated or parcelled out for building purposes a sum not exceeding one pound per acre and so in proportion for any less quantity than an acre:

Provided that where any land consists of corner plots the sum per foot frontage payable in respect of such land shall be calculated at three-quarters of the total frontage only:

(2) The sea defence rate payable on the first day of November one thousand nine hundred and forty-seven or on the first day of April or the first day of October in every subsequent year shall be made by the Council on or before the first day of the month preceding the date on which the sea defence rate is payable and shall not exceed in the whole a sum sufficient to meet the estimated half-yearly charges for interest and for sinking fund or repayments of principal during the six months ending on the thirty-first day of March or the thirtieth day of September (as the case may be) next following in respect of the sea defence works loans and shall be apportioned rateably on all the lands described in the said First Schedule in accordance with each of the several descriptions of property contained in and in proportion with the maximum rates prescribed by sub-paragraphs (*a*) and (*b*) of subsection (1) of this

section so that if the rates actually required are less than the maximum rates leviable in accordance with those sub-paragraphs by a certain proportion the rate actually levied on each property chargeable with the sea defence rate shall be less than the maximum rate leviable on that property by the same proportion:

(3) Before proceeding to make any sea defence rate under subsection (2) of this section the Council shall cause an estimate to be prepared of the money required for the purposes in respect of which such rate is to be made showing the sum so required and the amount of the rate which for those purposes it is necessary to make:

(4) As soon as any sea defence rate has been made the Council shall serve on the owners of the lands described in the First Schedule to this Act notice in writing of the sums respectively payable by them and of the several heads under which such sums are assessed and the notice shall state the right of appeal hereinafter conferred:

(5) Any owner who has been served with notice under the preceding subsection shall be entitled within fourteen days of the service of such notice as aforesaid and after giving notice in writing to the Council of such appeal to appeal to a court of summary jurisdiction against the amount of the said sum payable by him as specified in the notice and if the court finds that the amount of the sum payable is erroneous the court shall order the revision of the sum payable by the appellant:

(6) Where under this section any sum becomes recoverable for sea defence rate in respect of any land that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Council from the person who is the owner of the land at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the land and on all estates and interests therein and the following provisions of the Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291;
Subsection (2) of section 293;
Section 329.

PART III. —*cont.*

Sea defence rate book.

9.—(1) The Council shall cause the estimate prepared under subsection (3) of the last foregoing section and particulars of the several assessments made on the lands in respect of which the sea defence rate is payable to be entered in a separate rate book to be called "the sea defence rate book."

(2) Any owner for the time being of any such lands may at all reasonable times without payment inspect and take copies of or extracts from the sea defence rate book.

(3) No error in the sea defence rate book shall invalidate any rate.

Amendment of sea defence rate.

10. The Council may from time to time amend any sea defence rate so as to make it conform with the provisions of this Part of this Act and no such amendment shall be held to invalidate any sea defence rate:

Provided that not less than seven days before making any amendment in a sea defence rate the effect of which is to alter the amount appearing in the rate as chargeable in respect of any land the Council shall serve on the owner of the land affected notice of the proposed amendment and the owner shall have the same right of appeal as is conferred by subsection (5) of the section of this Act of which the marginal note is "Sea defence rate" and any such amendment shall be entered in the sea defence rate book.

Redemption of sea defence rate.

11.—(1) The sea defence rate in respect of any lands shall be redeemable at any time by the owner liable to the payment thereof on payment by him to the Council of such capital sum as may be agreed on between the Council and such owner.

(2) The Council shall apply every such capital sum received by them (*a*) in the extinguishment of the sea defence works loans such application being in addition to and not in substitution for any other mode of extinguishment of such loans except to such extent and upon such terms as may be approved by the Minister or (*b*) in such other manner as may be approved by the Minister.

(3) In the event of any such capital sum being received by the Council and not being applied in extinguishment of the sea defence works loans the Council shall in calculating the estimated half-yearly charges payable for the period ending on the thirty-first day of March or the thirtieth day of September in any year for interest and for sinking fund or repayments of principal under subsection (2) of the section of this Act of which the marginal note is "Sea defence rate"

give credit for any such capital sum by deducting from the total amounts outstanding in respect of the said loans the capital sums received as aforesaid. PART III. —*cont.*

12.—(1) The sea defence works loans shall be deemed to have been raised for and to be applicable to the purposes of the sea wall as in this Act defined and any further expenditure in connection with the sea wall shall be a purpose for which the Council may borrow money. Application and separate account of sea defence works loans and sea defence rate.

(2) The sea defence rate leviable under this Part of this Act shall be applicable to the purpose of the payment of any interest on or sinking fund contributions or repayments of principal in respect of the sea defence works loans or any part thereof and for no other purpose.

(3) The Council shall keep a separate account of the annual charges for interest and for sinking fund contributions and repayments of principal in respect of the sea defence works loans and any excess of the said charges over and above the produce of the sea defence rate shall be paid out of the general rate fund and the general rate.

13. The Council shall keep a register of the lands in respect of which a liability to pay the sea defence rate under this Part of this Act for the time being exists and of particulars of any capital sums paid to the Council under the section of this Act of which the marginal note is " Redemption of sea defence rate " and the register shall be open for inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Council shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Council. Registration.

PART IV.

EASTOKE DEVELOPMENT.

14.—(1) Subject to the provisions of this Act the Council may enter upon take appropriate and use all or any parts of such of the lands in the district delineated on the deposited plan and described in the deposited book of reference as are in this section described for the purposes mentioned in the next succeeding section. Power to acquire lands for Eastoke development.

(2) The said lands containing an area of one decimal eight eight acres or thereabouts comprise the following:—

(*a*) the caravan or camping ground known as " Sea-lands " fronting and on the north side of Southwood

PART IV. —*cont.*

Road bounded on the east by the premises known as " Eastoke House " being the enclosure numbered 135 on the deposited plan and having a frontage to Southwood Road of sixty-six yards two feet or thereabouts;

(*b*) the caravan or camping ground and the shop premises at the junction of Wheatlands Avenue and Creek Road and bounded on the north in part by the southern boundary of the shop premises belonging or reputed to belong to William Percy Wells and in part by the southern boundary of the premises known as " Wavelength " Sandy Point Road being the enclosures numbered respectively 390 and 309 on the deposited plan on the east by the lands described in paragraph (*c*) of this subsection on the south by Wheatlands Avenue and on the west by Creek Road; and

(*c*) the caravan or camping ground known as " Eastoke Haven " situate between Sandy Point Road and Wheatlands Avenue bounded on the north by Sandy Point Road on the east in part by the western boundary of the premises known as " Palmerston " Sandy Point Road being the enclosure numbered 311 on the deposited plan and in part by the western boundary of the building site numbered 307 on the deposited plan on the south by Wheatlands Avenue and on the west in part by the land described in paragraph (*b*) of this subsection and in part by the eastern boundary of the said premises known as " Wavelength."

Power to develop lands.

15.—(1) The Council may exercise the powers of this section upon or in respect of any of the lands referred to in the last preceding section of this Act.

(2) The Council may—

(*a*) lay out and develop such lands;

(*b*) construct streets and footpaths thereon;

(*c*) erect and maintain houses shops offices and other buildings thereon;

(*d*) provide open spaces public gardens recreation grounds playing fields and camping grounds;

(*e*) sell lease exchange or otherwise dispose of such lands houses shops offices buildings and camping grounds upon and subject to such terms conditions and restrictions as they may think fit;

(*f*) in selling or disposing of such lands convey or lease the same subject to any conditions and restrictions

upon the use thereof and as to the buildings to be erected thereon and the use to which such buildings may be put;

(*g*) use or dispose of the building or other materials of any houses or premises on such lands which they may deem it necessary or desirable to alter or pull down.

(3) Any development carried out under the powers of this section shall require the consent of the Minister of Town and Country Planning.

(4) The consent of the Minister of Town and Country Planning shall be requisite to the disposal of any land acquired by the Council under the last preceding section of this Act and that Minister shall not consent to the transfer of the freehold in or the granting of a lease for more than ninety-nine years of any such land unless he is satisfied that there are exceptional circumstances which render the disposal of the land in that manner expedient.

As to restrictions on use of lands.

16.—(1) Any covenants restrictions or conditions imposed by the Council on any purchaser lessee or other person in pursuance of this Act shall be binding upon every person for the time being having any estate or interest in the land or in any part thereof to which such covenants restrictions and conditions relate.

15 & 16 Geo. 5. c. 22.

(2) The provisions of the Land Charges Act 1925 as amended by any subsequent enactment shall apply to each of the conveyances leases or other deeds containing such covenants restrictions or conditions as if it were a local land charge and the same shall be registered accordingly by the proper officer.

Accommodation for persons dispossessed.

17. The powers conferred by the section of this Act of which the marginal note is " Power to develop lands " upon the Council in respect of the disposal of land under paragraphs (*e*) and (*f*) of subsection (2) thereof and upon the Minister of Town and Country Planning in respect of the consent to such disposal under subsection (4) thereof shall be so exercised as to secure so far as practicable that any person who—

(*a*) on the date of service by the Council of notice to treat for any lands under the powers of the section of this Act of which the marginal note is " Power to acquire lands for Eastoke development " being lands to which Part II of the Town and Country Planning Act 1944 applies is living or carrying on the business of a retail shopkeeper on such lands; and

PART IV. —*cont.*

(*b*) on the fifteenth day of November one thousand nine hundred and forty-six was living or carrying on business as aforesaid;

shall if he desires to obtain accommodation on such lands and is willing to comply with any duly authorised requirements of the Council as to the development and use of such lands have an opportunity to obtain thereon accommodation suitable to his reasonable requirements on terms settled with due regard to the price at which the land has been acquired from him.

PART V.

LANDS.

Period for compulsory purchase of lands.

18. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and forty-seven.

Correction of errors in deposited plan and book of reference.

19.—(1) If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement 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 misstated or wrongly described.

(3) Such certificate shall be deposited with the clerk of the county council of the administrative county of Southampton and a duplicate thereof with the clerk and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands in accordance with such certificate.

(4) Such certificate and duplicate respectively shall be kept by such clerk of the county council and the clerk respectively with the other documents to which the same relate.

Acquisition of parts only of certain properties.

20. No person shall be required to sell a part only of any house building or factory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park

PART V. —*cont.*

or garden unless the tribunal determine that in the case of a house building or factory such part as is proposed to be taken can be taken without material detriment to the house building or factory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Council that part of the house building factory park or garden.

Compensation in case of recently acquired interest.

21. For the purpose of determining any question of disputed compensation payable in respect of land taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the fifteenth day of November one thousand nine hundred and forty-six if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Benefits to be set off against compensation.

22. In determining the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising through such adjoining lands becoming lands fronting on any street or promenade shall be fairly estimated and shall be set off against the said compensation or purchase money.

Power to enter property for survey and valuation.

23. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Persons under disability may grant easements.

24. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the

PART V. —*cont.*

Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Extinction of private rights of way.

25.—(1) Any private right of way over any land which the Council are authorised by this Act to acquire compulsorily shall if they so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition by the Council of the land or as from the expiration of one month from the service of the notice whichever may be the later.

(2) The Council shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall in case of dispute be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Purchase of lands for exchange.

26. The powers of the Council of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any lands in the district which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

Powers for Council to make agreements with owners of property &c.

27. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the lands which the Council may acquire under the powers of this Act with respect to the sale by the Council to such person of any lands or property for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Council for the purposes of this Act.

Powers with reference to leases of lands.

28.—(1) The Council may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any other Act or any Order made under or confirmed by any enactment and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

PART V. —*cont.*

(2) The Council may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Council of or in all or any of the lands leased or let or agreed to be leased or let at such times and on such terms and conditions as may be determined by the Council in their discretion.

Proceeds of sale of lands.

29. The Council may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Council shall apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loans except to such extent and upon such terms as may be approved by the Minister; or

(*b*) in such other manner as may be approved by the Minister.

PART VI.

FINANCIAL AND MISCELLANEOUS.

Power to borrow.

30.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Council may determine not exceeding the respective periods mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(*a*) The purchase of lands and otherwise carrying into effect the purposes of Part IV of this Act	£30,000	Sixty years from the date or dates of borrowing.
(*b*) The payment of the costs charges and expenses of this Act	The sum requisite	Five years from the passing of this Act.

PART VI. —*cont.*

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Saving for emergency powers of Treasury. 2 & 3 Geo. 6. c. 62. 9 & 10 Geo. 6. c. 10. 9 Geo. 6. c. 58.

31. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order made under the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Saving for Local Authorities Loans Act 1945. 8 & 9 Geo. 6. c. 18.

32. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Fishery Lane caravan ground.

33.—(1) In this section unless the context otherwise requires—

"the occupier" means Edith Lillian Higham the wife of John Arthur Higham of The Grange 62 Porchester Terrace Hyde Park in the county of London;

"the site" means the camping or caravan ground fronting and on the north side of the public road known as Fishery Lane and bounded on the east by land belonging or reputed to belong to Cecil Walker on the south by Fishery Lane on the west by the premises known as "La Casita" and on the north by land belonging or reputed to belong to the executors of Frank Lindsay Fisher deceased by land belonging or reputed to belong to Frank Oliver Silvester and by land belonging or reputed to belong to the said Cecil Walker.

(2) Notwithstanding the grant of any unconditional or other licence to the occupier under section 269 of the Public Health Act 1936 it shall not be lawful for the occupier to use the site for the purpose of a camping or caravan site except in accordance with the conditions set out in this subsection:—

(i) The occupier shall in accordance with plans submitted to and reasonably approved by the Council

and to the reasonable requirements of the Council construct on the site as soon as (*a*) the necessary building licences can be obtained and (*b*) the necessary labour and materials are available a brick-built caretaker's house and brick-built lavatories and ablution houses;

(ii) The occupier shall not after the thirty-first day of March one thousand nine hundred and forty-eight allow to remain or after the passing of this Act bring or permit to be brought on to the site any structure erection tent or vehicle other than (*a*) any building referred to in paragraph (i) of this subsection (*b*) mobile caravans not exceeding sixty in number at any one time the bodies of which will not exceed sixteen feet in length or such greater length as may be agreed between the occupier and the Council (*c*) not more than one tent to each caravan used in connection with each such caravan and (*d*) if the caravans are trailer caravans private motor cars used in towing such caravans not exceeding one such motor car to each such caravan:

Provided that nothing in this section shall prevent vehicles in the ordinary course of business and private motor cars used for conveying visitors to the occupants of the caravans being on the site between sunrise and sunset.

(3) (i) If the occupier is aggrieved by any requirement refusal or other decision of the Council in relation to the caretaker's house lavatories and ablution houses the occupier may within twenty-one days from the date on which notice of the Council's requirement refusal or other decision was served upon the occupier appeal to a court of summary jurisdiction.

(ii) The procedure on any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to such proceeding.

(4) (i) If the occupier contravenes or fails to comply with any of the conditions set out in subsection (2) of this section the occupier shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

(ii) The powers of the court before which proceedings are brought for a breach of or for non-compliance with such conditions shall include power to make an order prohibiting the use of the site for the purpose of a camping and caravan site.

PART VI. —*cont.*

(5) Nothing in this section shall relieve the occupier from compliance with the byelaws of the Council.

Application of provisions of Public Health Act 1936.

34. The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 277 (Power of councils to require information as to ownership of premises);
Section 283 (Notices to be in writing; forms of notices &c.);
Section 284 (Authentication of documents);
Section 285 (Service of notices &c.);
Section 286 (Proof of resolutions &c.);
Section 294 (Limitation of liability of certain owners);
Section 296 (Summary proceedings for offences);
Section 297 (Continuing offences and penalties);
Section 298 (Restriction on right to prosecute);
Section 299 (Inclusion of several sums in one complaint &c.);
Section 301 (Appeals to quarter sessions against decisions of justices);
Section 304 (Judges and justices not to be disqualified by liability to rates);
Section 328 (Powers of Act to be cumulative).

Application of section 265 of Public Health Act 1875.
38 & 39 Vict. c. 55.

35. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Saving for town and country planning.

36.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

(2) In this section the expression "Town and Country Planning Acts" means—

22 & 23 Geo. 5. c. 48. 6 & 7 Geo. 6. c. 29. 9 & 10 Geo. 6. c. 68.

(*a*) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and

(*b*) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.

Crown rights.

37. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

PART VI. —*cont.* Costs of Act.

38. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Description of lands at Eastoke Hayling Island on which the sea defence rate is imposed upon the owners thereof.

Part I.

Lands and buildings shown on the deposited plan and bounded on the north by Southwood Road on the east by the western boundary of the premises known as "Merrycot" being the enclosure numbered 69 on the deposited plan on the south by the sea wall and on the west by the eastern boundary of the premises known as "Harada" being the enclosure numbered 32 on the deposited plan.

Part II.

Lands and buildings shown on the deposited plan and bounded on the north by high-water mark of ordinary tides in Chichester Harbour on the east by an imaginary line commencing at the point of intersection of such high-water mark with an imaginary straight line being the continuation northwards of the eastern boundary of the enclosure numbered 1841 on the 1/2500 Ordnance map Hampshire sheet LXXXIV.12 (edition of 1940) and continuing along the said imaginary straight line and along the eastern and south-eastern boundaries of the said enclosure to the point of intersection of that boundary with an imaginary straight line being the continuation northwards of the western boundary of the enclosure numbered 1854 on the said Ordnance sheet where that boundary runs north and south thence in a southerly direction along the last-mentioned imaginary straight line and along the said western boundary of the said enclosure 1854 to a point sixty-five yards or thereabouts north of the northern boundary of Sandy Point Road thence along an imaginary straight line connecting the last-mentioned point with the north-western corner of the grounds of Lord Mayor Treloar Cripples' Hospital and College being the enclosure numbered 1853 on the 1/2500 Ordnance map Hampshire sheet LXXXIV.16 (edition of 1940) thence continuing in a southerly direction along the western boundary of the last-mentioned enclosure bounded on the south by Southwood Road and bounded on the west by the south-eastern and eastern boundaries of the property known as "The Pinnace" Southwood Road.

Lands and buildings shown on the deposited plan and bounded on the north by Southwood Road on the east by the said western boundary of the grounds of Lord Mayor Treloar Cripples' Hospital and College on the south by an imaginary line running parallel with to the north of and at a distance of ten feet from the existing wooden wave screen and bounded on the west by the eastern boundary of the premises known as "Bressay" being the enclosure numbered 68 on the deposited plan.

Lands and buildings shown on the deposited plan and bounded on the north by Southwood Road on the east by the western boundary of the premises known as "Sea Shell" being the enclosure numbered 33 on the deposited plan on the south by an imaginary line running parallel with to the north of and at a distance of ten feet from the existing wooden wave screen and bounded on the west by the eastern boundary of the grounds of the premises known as "Meath House Hotel."

1ST SCH. —*cont.*

SECOND SCHEDULE.

PART I.

LOANS SANCTIONED.

Date of sanction.	Period of loan.	Amount.
16th May 1946	20 years	£9,000
11th September 1946	20 years	£9,560
11th September 1946	10 years	£3,384
18th November 1946	20 years	£2,556

PART II.

LOANS NOT YET SANCTIONED.

Additional sea defence works and capital expenditure in connection with the sea wall not exceeding £7,000

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