CHAPTER clxviii.

An Act for conferring further Powers on the Hove Commissioners; and for other purposes. [2d August 1877.]

A.D. 1877.

WHEREAS by the Hove Commissioners Act, 1873, (in this Act referred to as the Act of 1873;) Commissioners were incorporated by the name of the Hove Commissioners (in this Act referred to as "the Commissioners"), and were constituted the urban sanitary authority for a district coincident in area with the parish of Hove, in the county of Sussex, and were invested with powers for the improvement of the district and for maintaining and regulating a police force therein, and for other purposes: 36 & 37 Vict. c. xcv.

And whereas it is expedient that the Commissioners be empowered to dispose of the existing town hall at Hove, and to erect a new town hall and offices in connexion therewith, and for that purpose to borrow such moneys as they may require:

And whereas it is expedient that further powers be conferred on the Commissioners in relation to paving and lighting streets and the use of sewers within their district, and for the licensing and regulation of omnibuses and hackney carriages, and for the making of byelaws:

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

And whereas an absolute majority of the whole number of the Commissioners, at a meeting held on the thirtieth day of November one thousand eight hundred and seventy-six, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Sussex Daily Post and Hove Chronicle," a local newspaper published or circulating in the 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 general district rate:

And whereas such resolution was published twice in the said "Sussex Daily Post and Hove Chronicle," and has received the

A.D. 1877.

approval of the Local Government Board and of one of Her Majesty's Principal 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 Commissioners at a further special meeting held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament:

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

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 Hove Commissioners Act, 1877."

Commencement of Act.

2. This Act shall come into operation on the 30th day of September 1877, which date is herein-after referred to as "the commencement of this Act."

Interpretation of terms.

3. In this Act—

"The district" means the district of the Commissioners as defined by the Act of 1873;

"Person" includes corporation.

Amendment of provisions of Act of 1873 as to election of Commissioners.

4. Section twenty-two of the Act of 1873 shall be read and have effect as if, with reference to the year one thousand eight hundred and seventy-eight and subsequent years, the fifteenth day of April were therein substituted for the first day of January, and section twenty-four (qualification of electors) and section twenty-six (elector to vote for the ward only in which his rateable property is situate) of that Act are hereby repealed. In the year one thousand eight hundred and seventy-eight, and in every subsequent year, elections of Commissioners shall be held at the same time and in the same manner as elections of members of local boards are held, and rules one to seventy (except rule three) of Schedule Two of the Public Health Act, 1875, shall apply mutatis mutandis to elections of Commissioners as if the Commissioners were a local board, subject to the proviso that the scale of voting contained in section twenty-five of the Act of 1873 shall be deemed to be substituted for the scale of voting contained in rule twelve of the said schedule.

As to retirement of

5. If at any election of Commissioners additional members are elected for any ward under the provisions of section 18 of the Act

A.D. 1877.

additional Commissioners.

of 1873, and there shall be a poll, the member or members highest on the poll shall be held to be elected in the place of the member or members who has or have retired by rotation, and whose vacancy or vacancies are to be filled at such election, and the remaining members elected shall be held to be the additional members, and shall retire by rotation as follows; the member lowest on the poll shall retire at the end of the first year after such election, the member next to the lowest on the poll shall retire at the end of the second year after such election, and the remaining member shall retire at the end of the third year after such election. If at any such election there shall be no poll, any member or members who shall have retired by rotation immediately before such election and shall have been re-elected shall be held to be elected for the full period of three years, and of the three remaining members one shall retire at the end of each of the three years following such election, the order of such retirement to be determined by lot.

Power of Commissioners to dispose of town hall and provide a new town hall.

6. The Commissioners may sell and dispose of by private treaty or public auction, and either in one lot or several lots, the Town Hall at Hove now vested in the Commissioners, and the site thereof, and the offices and buildings used or occupied in connexion therewith, subject to such stipulations and special or other conditions as the Commissioners may see fit, or they may take down and remove the said Town Hall, offices, and buildings, and may sell and dispose of, subject as aforesaid, the materials thereof by private treaty or public auction as they may think proper, and on the site of the said Town Hall, or on any other lands for the time belonging to or held by them, the Commissioners may erect a Town Hall, police and other courts, assembly rooms and offices, or any of them, with all necessary and proper works and approaches, and may from time to time enlarge and improve the same, and fit up the same with all proper furniture and conveniences. The proceeds of any sale under this section shall be applied by the Commissioners in or towards the provision of a new Town Hall and otherwise in executing this section, and for the purposes of this section the Commissioners may from time to time, with the sanction of the Local Government Board, borrow such further sums as they may require, and may mortgage the district fund and general district rates of their district, hereinafter referred to as "the town of Hove," to secure repayment of the same.

Power to acquire lands by agreement.

7. For the purposes of this Act the Commissioners may acquire by agreement and may hold any lands not exceeding in the aggregate two acres.

A.D. 1877.

Further powers for paving and lighting streets.

8. In case the owners of the houses and lands forming the greater part of any new street laid out or made or hereafter to be laid out or made within the town of Hove, which is not sewered, levelled, paved, metalled, flagged, channelled, made good, and lighted to the satisfaction of the Commissioners, be desirous of having the same so sewered, levelled, paved, metalled, flagged, channelled, made good, or lighted as herein-after mentioned, or if the Commissioners deem it necessary or expedient that the same should be so sewered, levelled, paved, metalled, channelled, made good, or lighted, then and in either of such cases the Commissioners may well and sufficiently sewer, level, pave, metal, flag, channel, make good, or light the same either throughout the whole breadth of the carriageway and footpaths thereof, or any part of such breadth, and the owners of the houses and lands forming such street shall, on demand, pay to the Commissioners the amount of the estimated expenses of such sewering, levelling, paving, metalling, flagging, channelling, making good, or lighting, such amount to be determined and apportioned by the surveyor of the Commissioners according to the frontage of the respective premises, or in case of dispute by arbitration in manner provided by the Public Health Act, 1875; and in case such estimated expenses exceed the actual expenses of the work done, then the difference between such estimated expenses and such actual expenses shall be repaid by the said Commissioners to the owners of houses and lands by whom the said sum of money has been paid; and in case the estimated expenses be less than the actual expenses of the work done, then the owners of the said houses and lands shall, on demand, pay to the Commissioners such further sum of money as, together with the sum already paid, amounts to such actual expenses. The powers conferred on the Commissioners by this section may be exercised as to different descriptions of work at different times, and either as to the whole of a street at one time or as to different parts of a street at different times, and the said powers shall be in addition to and not in derogation of any powers conferred on the Commissioners by the Public Health Act, 1875, or otherwise, and such other powers may be exercised as if this Act had not been passed.

User of private sewers by Commissioners.

9. The Commissioners shall be entitled to a right of user of any sewer within the town of Hove, not vested in or belonging to them, on payment of compensation to the owner of such sewer, and the extent of such user and the amount of such compensation shall, in the event of dispute between the Commissioners and the owner of the sewer, be determined by arbitration in manner provided by the Public Health Act, 1875.

A.D. 1877.

Extension of power of Commissioners to enforce sect. 36 of the Public Health Act, 1875.

10. For the purpose of the execution by the Commissioners of section thirty-six of the Public Health Act, 1875, a privy provided with a pan and syphon shall not be deemed to be a sufficient water-closet or privy within the meaning of that section, unless it is provided with a permanent water supply to the satisfaction of the Commissioners.

Powers of Commissioners for regulation of omnibuses.

11. Notwithstanding anything in the Towns Police Clauses Act, 1847, the Commissioners may from time to time license to ply for hire within the town of Hove omnibuses and other vehicles used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and the provisions of that Act, with respect to hackney carriages, and section fifty of the Act of 1873 shall apply accordingly, and for the purposes of this enactment sections fifty-eight and sixty-six of the said Towns Police Clauses Act shall be read as if the word "conductor" were inserted in each of the said sections after the word "proprietor," and section sixty-eight of that Act shall be read as if the word "conductors" were inserted therein after the word "proprietors."

Amendment of sect. 51 of the Act of 1873 with respect to byelaws regulating hackney carriages.

12. With reference to section fifty-one of the Act of 1873, but only as respects hackney carriages, including omnibuses and such other vehicles as aforesaid licensed by the Commissioners, be it enacted that all byelaws made by the Commissioners with respect to such hackney carriages, omnibuses, and other vehicles (and not only byelaws for regulating the conduct of drivers of such carriages) which are now or may hereafter be in force shall apply and be enforced both within the prescribed distance for plying for hire and the prescribed distance for carrying persons under the said section fifty-one, and any offence against such byelaws and under the clauses of the Towns Police Clauses Act, 1847, with respect to hackney carriages, and whether such offence shall have been committed within the town of Hove or not, shall be brought before and may be determined by any justice or justices of the peace acting in the town of Hove or in the place where the offence is committed.

Power to make byelaws regulating persons in charge of bathing machines and street hawkers.

13. The Commissioners may from time to time make, alter, and repeal (subject to the provisions of the Public Health Act, 1875, with respect to byelaws) byelaws for regulating the conduct of persons in charge of bathing machines, and also for regulating the conduct of persons hawking or offering for sale any goods, fish, fruit, or other articles in any street or on the beach or foreshore within the town of Hove, and for preventing annoyance to residents and passengers by such persons in the exercise of their calling.

A.D. 1877.

As to levying rates.

14. The Commissioners may make all general district rates, and all or any other rates for the time being leviable by them within their district or any part thereof, to commence from such period of the year as they may from time to time think fit, and may include all or any of such rates in one book or set of books of assessment with separate columns for each rate, or may make separate books of assessment for each rate, as they may from time to time think fit, and may make any rate or rates to be payable by half-yearly instalments as they think fit, and each such instalment shall be recoverable as a year's rate made under the Public Health Act, 1875, is recoverable, and the recovery of any such instalment shall not prejudice the right of the Commissioners to recover the remainder of the same rate.

Power to re-borrow.

15. The Commissioners may from time to time and at any time borrow or re-borrow any sums of money to pay off the money secured upon any special debt rate, or any part of such money, and may include in such borrowing or re-borrowing costs and expenses to be incurred in and about the same, or may pay such costs and expenses out of the special debt rate, and the provisions of the Public Health Act, 1875, and the Local Loans Act, 1875, as to the mode of borrowing, shall apply to all money to be borrowed or re-borrowed for the purposes of this section: Provided always, that any money now or hereafter remaining to the credit of any special debt rate after payment of the moneys secured thereon may be carried over to the credit of the district fund account.

Power to borrow money.

16. The Commissioners may, for the purpose of defraying the costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act, borrow from time to time, in manner provided by the Local Loans Act, 1875, such sums as they require, not exceeding the total of such costs, charges, and expenses as allowed by the Local Government Board, and may mortgage the district fund and general district rates of the town of Hove to secure repayment of the same.

Power to issue debenture stock.

17. The Commissioners may raise any sums which they are by this Act authorised to borrow by the creation and issue of debenture stock in accordance with the provisions of the Local Loans Act, 1875. The provisions of section 10 of the Act of 1873 shall apply to any moneys borrowed under this Act, and in respect of which a sinking fund is created.

A.D. 1877.

Period for repayment.

18. All sums borrowed by the Commissioners under the authority of this Act, and the interest thereon, shall be discharged within a period of sixty years after the same were respectively borrowed by any one or more of the methods (including a sinking fund) mentioned in the Local Loans Act, 1875, with respect to the discharge of loans borrowed in manner provided by that Act.

19. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(*a.*) The Commissioners shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Commissioners have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Commissioners, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Commissioners executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Commissioners shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

Power for Postmaster General to annex conditions.

(*b.*) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Commissioners shall observe and perform the same:

Power of entry for Postmaster General.

(*c.*) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the highways, lands, and works of the Commissioners for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Commis-

(*d.*) The Commissioners shall from time to time make full compensation to Her Majesty's Postmaster General for any

A.D. 1877.

sioners to Postmaster General, and penalty.

expense, loss, or damage which he is put to or sustains by reason of the Commissioners, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication the Commissioners shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Commissioners:

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(*e.*) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Recovery and application of penalties.

20. Penalties under this Act shall be recovered and applied as penalties under the Public Health Act, 1875, are recoverable and applicable, and proceedings for any offence may be taken as in that Act authorised, or by an officer appointed by the Commissioners.

Expenses of Act.

21. The cost, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act (including the costs and charges preliminary to and of and connected with the obtaining of the resolution of the owners and ratepayers aforesaid) shall be paid by the Commissioners in the first instance out of moneys borrowed under the authority of this Act, and ultimately out of the general district rates.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.