CHAPTER lxxxvi.

An Act to provide for regulating certain lands in the Parts of Lindsey Lincolnshire known as the Sandhills to confer powers upon the county council of the said Parts of Lindsey with reference thereto and for other purposes. [12th July 1932.] A.D. 1932.

WHEREAS the administrative county of the Parts of Lindsey Lincolnshire is bounded on the east by the North Sea and there are situate between the foreshore and certain enclosed lands in that county certain other lands which are for the most part open or waste lands and are locally known as the Sandhills (hereinafter referred to as "the Sandhills") and which until recently were and to a large extent still are open to and freely used by the public:

And whereas in recent years parts of the Sandhills have been enclosed or built upon but in many cases the persons so enclosing or building are believed to have had no sufficient right or title so to do:

And whereas the enclosing of parts of the Sandhills deprives the public of access thereto and enjoyment thereof and many of the buildings and structures erected upon the Sandhills are unsightly or otherwise of an undesirable character and many of the said buildings and structures used for human habitation are not provided with a proper water supply or sanitary conveniences:

[*Price* 3*s.* 0*d. Net.*]

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And whereas the greater part of the Sandhills in the parish of Mablethorpe in the urban district of Mablethorpe and Sutton is vested in and under the control of the urban district council of that urban district by virtue of the Mablethorpe Urban District Council Act 1914 and other parts of the Sandhills in the urban district of Skegness are vested in and under the control of the urban district council of that urban district:

And whereas it is expedient that for securing or preserving to the public access to and the use and enjoyment of such parts of the Sandhills as are not under such control as aforesaid and for securing the development thereof in the best interests of the inhabitants of the said county the county council of the said county should be empowered to acquire such portions as they think fit of the said parts of the Sandhills as well as other lands for the provision of access to the Sandhills and that such provisions for the regulation and control of the said uncontrolled parts of the Sandhills as are contained in this Act should be made:

And whereas it is expedient that the other powers and provisions contained in this Act should be conferred and enacted:

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

And whereas plans showing the lands which the said county council may acquire compulsorily under the powers of this Act and which are to be subject to the provisions for control and regulation contained in this Act and a book of reference to the said plans containing the names of the owners or reputed owners and of the lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the county council of the said administrative county of the Parts of Lindsey and are in this Act respectively referred to as the deposited plans and book of reference:

And whereas in relation to the promotion of the Bill for this Act the said county council have complied with the requirements of the Borough Funds Act 1872 so far as that Act applies to county councils under the provisions of the Local Government Act 1888 as extended by the County Councils (Bills in Parliament) Act 1903:

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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 (that is to say) :—

Short title.

1. This Act may be cited as the Lindsey County Council (Sandhills) Act 1932.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act subject to the following exceptions and modification (namely) :—

(*a*) Sections 92 and 127 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act ;

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

Interpretation.

3. In this Act unless the subject or context otherwise requires—

"The county" means the administrative county of the Parts of Lindsey Lincolnshire ;

"The County Council" means the county council of the county ;

"The county fund" and "the county rate" mean respectively the county fund and the county rate of the county ;

"The commissioners" means the Commissioners of Sewers for the county of Lincoln the city of Lincoln and county of the said city and part of the county of Nottingham and includes any successors of such commissioners ;

"The prescribed date" means the thirty-first day of July one thousand nine hundred and thirty ;

"Structure" includes—

(*a*) a dwelling-house shed hut or tent or other building structure or erection of any description other than a fence ; and

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(*b*) a caravan or vehicle of any description used or intended to be used for human habitation either by day or by night (whether the wheels of such caravan or vehicle have or have not been removed) and not for the time being used for purposes of transport;

"Fence" includes a fence wall hedge bank or other erection for enclosing land or forming an obstruction to the passage of vehicles or of persons on foot;

"The Sandhills" means the lands in the county described in the First Schedule to this Act and shown on the deposited plans and described in the deposited book of reference including all structures erected or placed thereon;

"The map" means the map or maps to be prepared and adopted by the County Council under the provisions of the section of this Act of which the marginal note is "Map of Sandhills";

"The date of adoption" means as respects any part of the controlled Sandhills the date of the passing by the County Council of the resolution adopting the map on which that part is shown;

"The controlled Sandhills" means such parts of the Sandhills (including the site of all structures and fences erected or placed thereon) as are shown as controlled Sandhills on the map and wherever the parts of the Sandhills so shown extend in a seaward direction to a line marked on the map as indicating high-water mark of ordinary tides the boundary of such parts on the seaward side shall from time to time be high-water mark of ordinary tides as existing for the time being;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

"Owner" means for all purposes of this Act any person enabled under the provisions of this Act or of the Lands Clauses Acts to sell and convey to the County Council lands or any estate or interest therein and the successors in title of any such person.

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(4) Subject to the foregoing provisions of this section the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

(5) Any such question of title as is referred to in subsection (1) of this section shall be determined as a condition precedent to the right of the person in question to have assessed or paid to him any purchase money or compensation under the provisions of the Lands Clauses Acts or any compensation under the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights" (as the case may be) and pending such determination no steps in or for the purposes of any such assessment shall be taken further than the making by such person of any claim by him and the service by him of notice thereof upon the County Council.

Structures and fences not to be erected on controlled Sandhills.

7.—(1) Subject to the provisions of this Act from and after the date of adoption it shall not be lawful for any person except in pursuance of a licence in that behalf granted under the provisions of this Act to erect or place any structure or fence upon any part of the controlled Sandhills or to enlarge or extend any structure or fence erected or placed or commenced to be erected or placed upon any part of the controlled Sandhills before the prescribed date:

Provided that—

(*a*) where any structure (being a dwelling-house and having foundations or otherwise being affixed to the soil) existing at the date of adoption was before the prescribed date erected or placed or commenced to be erected or placed upon any part of the controlled Sandhills and was not on the prescribed date enclosed on all sides by a fence the owner of such structure shall be entitled at any time within three months after the date of adoption to erect or place round such structure and at all times thereafter to maintain a fence in such position as may be approved in writing by the County Council;

(*b*) any fence erected or placed under and in accordance with the foregoing proviso (*a*) shall be deemed for the purposes of this Act to have been erected or placed before the prescribed date;

for such licences or may determine that any particular restrictions or conditions prescribed by this Act shall not apply to any such part or parts or shall only so apply subject to specified modifications and in any such case such specification or determination shall be binding upon the County Council and the owners for the time being of such part or parts and regard shall be had thereto in determining the amount of any compensation payable to any such owner under the provisions of the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights."

Determination as to ownership.

6.—(1) Where in relation to the exercise or intended exercise by the County Council of any of the powers of this Act—

(*a*) the title of any person as owner of any lands is disputed; or

(*b*) it becomes necessary to determine the title of a particular person (whether such person shall or shall not have claimed by notice in writing addressed to the County Council to be such owner);

the question of such title shall be referred to and determined by a practising barrister or solicitor of not less than seven years' standing to be agreed upon between the County Council and such person or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Law Society.

(2) The decision of such barrister or solicitor upon any question of fact shall be final and binding on the parties and the persons claiming under them respectively but such barrister or solicitor may and if either party so requires shall state at any stage of the proceedings in the form of a special case for the opinion of the High Court any question of law arising in the course of the proceedings and may state his award as to the whole or part thereof in the form of a special case for the opinion of the High Court.

(3) Except with the leave of the High Court or of the Court of Appeal no appeal shall lie to the Court of Appeal from a decision of the High Court upon any case so stated and if leave to appeal is granted the decision of the Court of Appeal in the case shall be final and conclusive.

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Map of Sandhills.

4.—(1) As soon as reasonably practicable after the passing of this Act or in any case in which the County Council may agree or have agreed to exclude or omit temporarily any part of the Sandhills from the controlled Sandhills then as respects that part as soon as reasonably practicable after the cesser of such temporary exclusion or omission the County Council shall cause to be prepared a map of the Sandhills or different maps of different parts of the Sandhills showing by some distinctive colour such parts of the Sandhills delineated on such map or maps as should in the opinion of the County Council be designated as controlled Sandhills and be subject to the provisions of this Act relating to the controlled Sandhills.

(2) As soon as any map of the Sandhills has been prepared as aforesaid the County Council shall cause to be published in one or more newspaper or newspapers circulating in the county and shall serve upon the persons named in the deposited book of reference as the owners or lessees or reputed owners or lessees or the occupiers of such parts of the Sandhills as are shown as controlled Sandhills upon such map or upon the successors or reputed successors in title of such owners lessees and occupiers respectively a notice stating that such map has been prepared and specifying the place or places at which such map or a copy thereof may be inspected and the time (not being less than one month) within which and the manner in which objections thereto may be made.

(3) On the expiration of the time within which objections may be made as aforesaid to any map so prepared the County Council shall if no objections have been made forthwith by resolution adopt such map as prepared by them and shall if objections have been made take those objections into consideration and after so doing proceed by resolution to adopt such map either as prepared by them or with such variations or modifications as they think proper.

(4) If by any such resolution as aforesaid or any such subsequent resolution as is referred to in the section of this Act of which the marginal note is " As to limitation of restrictions on user of controlled Sandhills " the County Council make any such specification or determination as is referred to in that section a copy of such

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specification or determination shall be endorsed upon or appended to the map and shall be deemed to form part thereof.

(5) Forthwith after such adoption the County Council shall cause notice thereof and of the date of such adoption to be published once in each of two successive weeks in one or more newspaper or newspapers circulating in the county.

(6) (*a*) The map as adopted by the County Council under the provisions of this section shall be sealed with the seal of the County Council and be deposited with the clerk of the County Council and shall be conclusive evidence for all purposes as to the area and extent of the controlled Sandhills shown upon such map or maps.

(*b*) A copy of the map certified under the hand of the clerk of the County Council to be a correct copy thereof shall be received in all courts as conclusive evidence of the contents thereof.

(7) All persons interested shall be entitled at all reasonable times after the deposit of the map with the clerk of the County Council or of a certified copy of the map with any local authority to inspect the same upon payment of a fee not exceeding one shilling for each such inspection and the County Council shall when requested so to do supply copies of the map or extracts therefrom upon payment of their reasonable charges in respect of the making of such copies or extracts.

(8) The County Council shall as soon as practicable after the date of adoption deposit at the office of the Minister of Health a copy of the map and shall as soon as practicable after the passing of any such subsequent resolution as is referred to in the section of this Act of which the marginal note is "As to limitation of restrictions on user of controlled Sandhills" similarly deposit a copy of such resolution.

As to limitation of restrictions on user of controlled Sandhills.

5. The County Council may by any resolution adopting the map or by any subsequent resolution specify the licences which in accordance with the provisions of this Act they will be prepared to grant with respect to any part or parts of the controlled Sandhills shown thereon and the sums to be charged

(*c*) where the owner of any structure or fence which is erected and may lawfully be retained on any part of the controlled Sandhills and is or is proposed to be demolished destroyed or removed desires to erect a new structure or fence in lieu of such first-mentioned structure or fence such owner shall be entitled to erect on the site thereof or on any other site approved by the County Council and without any licence from the County Council the new structure or fence provided that it is of such description and is erected in accordance with such plans and specifications as may be approved by the County Council but in any case in which the County Council refuse such approval as last aforesaid the owner may appeal against such refusal to a county court For the purposes of this paragraph the County Council shall be deemed to have refused approval if they fail within one month after the receipt by them of the application therefor to intimate to the owner their approval or disapproval;

(*d*) in any case in which the erection or construction forthwith upon any part of the controlled Sandhills which is not for the time being maintained by the commissioners as a defence against the inroad of the sea of a structure for the purpose of such defence is required in order to meet an emergency nothing in this section shall preclude the owner of such part from erecting or constructing any such structure as may be reasonably necessary for the said purpose without having obtained a licence for such erection or construction under the provisions of the section of this Act of which the marginal note is "Power to County Council to grant licences for certain purposes" provided that he applies for such a licence as soon as practicable after the occurrence of the emergency; and

(*e*) this section shall not apply to any land acquired by or vested in and for the time being held by the County Council.

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(2) (*a*) Any person contravening the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds.

(*b*) Where any person is convicted of an offence under this section the court may (in lieu of or in addition to imposing a penalty) order that the structure or fence in respect of which the offence was committed shall be demolished or removed within such period as may be specified in the order and any person failing to comply with any such order shall be liable on summary conviction to a penalty not exceeding twenty shillings for each day during which the default continues.

Removal of structures or fences erected after prescribed date.

8.—(1) Subject to the provisions of this Act where on or after the prescribed date and before the date of adoption any person erected or placed or commenced to erect or place otherwise than in pursuance of a licence granted by the County Council as hereinafter provided any structure or fence upon any part of the Sandhills which at any time after the date of such erection becomes part of the controlled Sandhills the County Council may at any time after the date of adoption by notice in writing require such person within such period (not being less than twenty-eight days) as may be specified in the notice to demolish or remove the structure or fence so erected or placed or commenced to be erected or placed by him and to restore and make good the surface of the ground disturbed by such demolition or removal.

(2) If any person fails to comply with the requirement of any notice given by the County Council under the provisions of this section the County Council may at any time after the expiration of the period specified in the notice demolish or remove (as the case may be) the structure or fence referred to in the notice and restore and make good the surface of the ground disturbed by such demolition or removal and the costs and expenses incurred by the County Council in or in connection with the demolition or removal of the structure or fence and the restoration and making good of the surface of the ground may be recovered by the County Council summarily as a civil debt from the person by whom the structure or fence was erected or placed or his executors or administrators :

Provided that if the person making such default as aforesaid is the owner of the structure or fence (not being

a caravan or vehicle for the time being capable of being used for purposes of transport)—

(*a*) the County Council may retain the materials thereof and may after giving to such person forty-eight hours' notice sell or dispose of the same and subject as hereinafter provided retain the proceeds of such sale or disposal;

(*b*) if the amount of such proceeds exceeds the amount of the costs and expenses incurred by the County Council in or in connection with the demolition or removal of the structure or fence and the restoration and making good of the surface of the ground and the effecting of such sale or disposal they shall pay the amount of such excess to such person or his executors or administrators;

(*c*) if the amount of such proceeds is less than the amount of the costs and expenses so incurred by the County Council they may recover summarily as a civil debt from such person or his executors or administrators the amount by which such costs and expenses exceeds such proceeds.

(3) If any person desires at any time after the passing of this Act and before the date of adoption to erect or place any structure or fence upon any part of the Sandhills he may apply to the County Council for a licence so to do and the County Council—

(*a*) if they do not intend to designate as part of the controlled Sandhills the part of the Sandhills to which the application relates shall; and

(*b*) in any other case may if they think fit;

grant to such person upon payment of the sum (if any) determined by the County Council or fixed as hereinafter provided a licence to erect or place and maintain such structure or fence under and in accordance with the provisions of the section of this Act of which the marginal note is "Power to County Council to grant licences for certain purposes" as if the said part of the Sandhills were at the date of the granting of such licence part of the controlled Sandhills:

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Provided that—

(i) the formation or expression by the County Council of any such intention as aforesaid shall not prejudice or affect their discretion as to the preparation of the map and the delineation thereon of the parts of the Sandhills which are to form part of the controlled Sandhills;

(ii) if the part of the Sandhills to which any such licence as aforesaid relates is delineated on the map as part of the controlled Sandhills the licence shall subject to the provisions of the said section of this Act be and remain as valid and effectual after the date of adoption as if such licence had been granted under the provisions of that section;

(iii) if the said part of the Sandhills is not delineated on the map as part of the controlled Sandhills the licence shall as from the date of adoption become and be void and of no effect and the County Council shall repay to the applicant for the licence any sum paid by him on the grant thereof.

Controlled Sandhills to be an open space.

9. Subject to the provisions of this Act the controlled Sandhills (other than such parts thereof as for the time being form the site of or are enclosed by any structure or fence which under the provisions of this Act may lawfully be erected or retained thereon or as may be excluded from the operation of this section by any agreement entered into under this Act) shall be deemed to be and may at all times be used and enjoyed by the public as an open space within the meaning of the Open Spaces Act 1906 and the County Council shall have and may exercise with reference thereto or to any part thereof all the rights powers and authorities of a local authority under or by virtue of that Act as amended or extended by subsequent Acts as if the controlled Sandhills were vested in them as an open space:

Provided that whenever the County Council or any authority or body to whom the County Council may delegate their powers under this section submit to the Secretary of State or the Minister of Health (as the case may be) any byelaws made under the said Open Spaces

Act 1906 they shall (unless such byelaws shall have been previously submitted by the County Council to and assented to by the commissioners) at the same time send to the Minister of Agriculture and Fisheries a copy of such byelaws in order that such last-mentioned Minister may have an opportunity of conferring with the Secretary of State or the Minister of Health (as the case may be) with a view to the avoidance of any inconsistency between such byelaws and any byelaws made by the commissioners under any statutory powers.

Power to County Council to declare as part of controlled Sandhills lands vested in them.

10. The County Council may if they think fit by resolution declare that any lands which may be acquired by or vested in them under or by virtue of this Act and which at the date of acquisition or at the date of adoption (whichever shall be the later) do not form part of the controlled Sandhills shall form part of the controlled Sandhills and as from the date of the passing of any such resolution or from any other date specified in that behalf therein the provisions of this Act relating to the controlled Sandhills shall extend and apply accordingly to the lands to which such resolution relates.

Rights of commissioners with reference to controlled Sandhills comprised in open space.

11.—(1) If the commissioners shall at any time or times be of opinion that the continued user as an open space of any part or parts of the controlled Sandhills is likely to cause such injury to the Sandhills as to subject the commissioners to additional expense in connection with sea defences or land drainage they may make representations thereon to the County Council.

(2) The County Council shall consider such representations and if they shall be satisfied that such representations are well founded they shall either—

(*a*) by resolution declare that the part or parts of the controlled Sandhills to which such representations relate shall cease to form part of such open space as aforesaid whereupon the part or parts to which the resolution relates shall cease to form part of such open space and the provisions of the Open Spaces Act 1906 shall cease to apply thereto or to the County Council in respect thereof; or

(*b*) intimate in writing to the commissioners their willingness to enter into such an agreement as is referred to in subsection (6) of this section.

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(3) If the County Council shall not be so satisfied as aforesaid or do not within a reasonable time not exceeding four months after the receipt from the commissioners of any such representations as aforesaid adopt either of the alternatives referred to in subsection (2) of this section a difference shall be deemed to have arisen between the County Council and the commissioners which shall be determined by arbitration as hereinafter provided.

(4) If the arbitrator shall by his award determine that the continued user as an open space of the part or parts of the controlled Sandhills to which the representations of the commissioners related or of any portion of such part or parts is likely to cause such injury to the Sandhills as to subject the commissioners to additional expense in connection with sea defences or land drainage the part or parts with reference to which the arbitrator so determines shall as from such date as shall be specified in that behalf in such award (not being earlier than two months after the date of the award) cease to be used and enjoyed by the public as an open space unless the County Council shall before the date so specified intimate in writing to the commissioners their willingness to enter into such an agreement as aforesaid in which last-mentioned event the said award shall as from the date of such intimation be of no effect.

(5) The County Council may subject to the provisions of this Act at any time after any part of the controlled Sandhills has ceased to form part of such open space as aforesaid by virtue of any such resolution or award as aforesaid erect and thereafter maintain or arrange for the erection and maintenance of fences separating such part from the adjoining lands.

(6) (*a*) Notwithstanding anything in this section the County Council and the commissioners may in any case in which any such representations as aforesaid are made by the commissioners enter into and carry into effect an agreement for the repayment by the County Council to the commissioners of the amount of any such additional expense as aforesaid which may be or may since the date of the making of the representations have been reasonably incurred by the commissioners and in that event the part or parts of the controlled Sandhills to which such

agreement relates shall not by virtue of this section or of anything done thereunder cease to form part of such open space as aforesaid.

(*b*) If any difference shall arise between the County Council and the commissioners as to the terms of any such agreement as aforesaid into which the County Council have under subsection (2) (*b*) or subsection (4) of this section intimated their willingness to enter such difference shall be determined by arbitration as hereinafter provided.

(7) Any matter which under the provisions of this section is to be determined by arbitration shall be referred to and determined by an arbitrator to be agreed upon between the County Council and the commissioners or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers in the case of any such difference as is referred to in subsection (3) of this section and by the President of the Law Society in the case of any such difference as is referred to in paragraph (*b*) of subsection (6) of this section and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

Controlled Sandhills to be excluded from resolutions under Town Planning Act 1925.

12. Any land forming part of the controlled Sandhills which at the date of adoption is within an area to which a resolution having effect under section 2 of the Town Planning Act 1925 or under any corresponding enactment repealed by that Act extends (not being an area included in a scheme made in pursuance of such resolution) shall be deemed to be excluded from such area and with regard to the land so excluded the said resolution shall cease to have effect.

Power to County Council to grant licences for certain purposes.

13.—(1) Subject always to the provisions of this Act the County Council may upon and subject to such terms and conditions as they may think fit and subject to the payment of such sum (if any) as they may determine or as may be fixed as hereinafter provided grant to any body or person a licence for such period and upon such portion of the controlled Sandhills or of any other part of the Sandhills purchased or acquired by or vested in the County Council under the provisions of this Act as may be specified in the licence—

(*a*) to erect construct maintain and use a structure or a promenade landing place or launching slip; or

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(*b*) to erect and maintain any fence; or

(*c*) to shoot or take game or sea fowl or to shoot rabbits or vermin; or

(*d*) to do such other acts or things as the County Council may deem necessary or expedient:

Provided that—

(i) the granting of a licence under the provisions of this section shall not confer upon the grantee any right title estate or interest to or in the part of the Sandhills specified in the licence other than the right to do the act authorised by the licence;

(ii) the County Council shall not under the provisions of this section grant a licence with respect to any part of the controlled Sandhills except with the consent of the owner (if any) of that part but such consent shall not be required in any case in which the County Council at the time when they propose to grant such licence are unable after diligent inquiry to ascertain the owner Provided that if in any such case as last aforesaid any person proves within twelve years after the date of the grant of the licence that he or his predecessor in title was at such last-mentioned date the owner of the part of the controlled Sandhills to which the licence relates the licence shall (unless the owner otherwise agrees) be null and void as from the date of such proof and if in pursuance of the licence any structure promenade landing place or launching slip shall have been constructed the person for the time being entitled to the benefit of the licence shall (if so required by the owner) at his own expense remove such structure promenade landing place or launching slip and make good the surface of the ground disturbed by such removal;

(iii) where the owner of any part of the controlled Sandhills which is not for the time being maintained by the commissioners as a defence against the inroad of the sea applies to the

County Council under the provisions of this section for a licence for the erection or construction upon such part of the controlled Sandhills of any structure which is reasonably necessary for the purpose of such defence the County Council shall grant such licence and shall not charge any sum therefor and if any dispute or difference arises between the County Council and any such owner as aforesaid as to whether or not the erection or construction of any such structure as is referred to in this proviso is reasonably necessary for the purpose referred to therein such dispute or difference shall be referred to and determined by an arbitrator to be agreed upon between the County Council and such owner or failing such agreement to be appointed upon the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

(2) If any person to whom the County Council have granted a licence under the provisions of this section fails to comply with or observe any term or condition upon or subject to which the licence was granted the County Council may revoke the licence and in any case in which they revoke a licence they shall forthwith give to the person to whom the same was granted notice in writing of such revocation.

(3) Where any licence granted for the erection construction maintenance or use of a structure promenade landing place or launching slip or a fence is revoked under the provisions of subsection (2) of this section or expires by effluxion of time the provisions of the section of this Act of which the marginal note is "Removal of structures or fences erected after prescribed date" shall as from the date of such revocation or expiration extend and apply to such structure promenade landing place launching slip or fence as if it had been a structure or fence erected after the prescribed date and before the date of adoption and as if such licence had not been granted.

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(4) The sum to be paid in respect of the grant of a licence under this section shall be a sum in gross where the licence is for a period not exceeding one year and an annual sum where the licence is for a period exceeding one year.

(5) Where the applicant for a licence under this section is the owner of the part of the controlled Sandhills to which the licence is proposed to relate the sum in gross or annual sum to be paid to the County Council in respect of the grant of such licence shall not exceed—

(*a*) where compensation was paid to such applicant or to his predecessor in title in respect of the said part under the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights" the sum specified in paragraph (*b*) of this subsection with reference to a licence for the same purpose or one-twentieth part of so much of such compensation as shall be reasonably referable to the subject of the licence (whichever shall be the greater) Provided that where and whenever the sum in gross or the total of the sums in gross or the annual sum or the total of the annual sums (as the case may be) payable in respect of the grant of a licence or licences for the time being in force by any one owner or (in the aggregate) by the successors in title of any owner to whom compensation was paid as aforesaid amounts to one-twentieth part of the said proportion of the compensation the sum in gross or annual sum payable by such one owner or by any of such successors in title in respect of the grant of any subsequent licence shall not exceed the sum specified in paragraph (*b*) of this subsection with reference to a licence for the same purpose; and

(*b*) where no compensation was so paid—

(i) where the licence is for any purpose referred to in paragraph (*a*) or paragraph (*b*) of subsection (1) of this section five shillings for each structure promenade landing place launching slip or fence of which the erection construction maintenance and use are authorised by the licence; and

(ii) in any other case five shillings.

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(6) Any person aggrieved by any determination of the County Council as to the sum in gross or annual sum to be paid in respect of the grant of a licence under the provisions of this section in any such case as is referred to in paragraph (*a*) of subsection (5) of this section (where the sum so determined exceeds the sum specified in paragraph (*b*) of that subsection with reference to a licence for the same purpose) may appeal from such determination to a county court.

(7) Notwithstanding anything in this section it shall not be deemed to be necessary for the commissioners to obtain a licence under the provisions of this section for the erection construction maintenance or use of any structure fence or work or the doing of any act or thing in the exercise of their powers or duties on any part of the controlled Sandhills or on any other part of the Sandhills purchased or acquired by or vested in the County Council under the provisions of this Act.

Prohibiting cutting of trees &c. on controlled Sandhills.

14.—(1) From and after the date of adoption it shall not be lawful for any person without the consent in writing of the County Council to cut any tree shrub plant grass or other vegetation growing on the controlled Sandhills or to take or remove from the controlled Sandhills any sand soil or turf except so far as may be reasonably necessary for preserving the amenities of any dwelling-house or of the curtilage thereof.

(2) Any person contravening the provisions of this section shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) Nothing in this section shall affect section 34 (Power to lop trees and hedges obstructing electric lines) of the Electricity (Supply) Act 1926.

Prohibiting shooting &c. on controlled Sandhills.

15.—(1) From and after the date of adoption it shall not be lawful for any person to shoot or take game or sea fowl or to shoot rabbits or vermin on any part of the controlled Sandhills except in pursuance of a licence in that behalf granted under the provisions of this Act.

(2) Any person contravening the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds.

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As to licences and consents of County Council.

16.—(1) Any licence granted or consent given by the County Council under this Act shall be valid and effectual if issued or given under the hand of the clerk of the County Council or some other person duly authorised in that behalf by the County Council.

(2) Any licence granted as aforesaid shall enure for the benefit of any person claiming under the grantee of such licence the land in relation to which the licence was granted.

Compensation in respect of extinguishment of rights.

17.—(1) Any person being the owner of any part of the controlled Sandhills shall be entitled to receive and shall be paid by the County Council compensation for such loss (if any) as may have been or may be sustained by him by the extinguishment or restriction under the foregoing provisions of this Act of any rights with reference to such part which he might have exercised if this Act had not been passed provided that within twelve months after the date of adoption or such longer period as the County Council may in any case allow he delivers to the County Council a notice in writing of his claim for compensation containing (*a*) such particulars as are required by section 5 of the Acquisition of Land (Assessment of Compensation) Act 1919 to be given in such notices of claim as are referred to in that section and (*b*) a description of the part of the controlled Sandhills in respect of which his claim is made:

Provided that no compensation shall be payable to any person under the provisions of this section in respect of the prohibition or restriction of the erection placing enlarging or extension of structures for human habitation on any part of the controlled Sandhills on which by reason of the situation or nature of that part or the lack of roads sewers water supply or other public services the erection placing enlarging or extension of such structures would be likely to involve danger or injury to health or excessive expenditure of public money in the provision of roads sewers water supply or other public services.

(2) Any compensation payable under the provisions of this section shall be of such amount as may be agreed between the County Council and the owner claiming the same or as (failing such agreement) shall be determined unless otherwise agreed between the parties by the arbitration of such one of the official arbitrators

appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 as may be selected in accordance with the rules referred to in section 1 of that Act and such determination shall be made in accordance (so far as applicable) with the provisions of the said Act.

(3) Any compensation payable under the provisions of this section shall be paid to the person entitled thereto as soon as practicable after the amount thereof has been agreed or determined as aforesaid together with interest thereon at the rate of five per centum per annum which except where otherwise agreed shall be calculated (where the date of adoption is not later than twelve months after the date of the passing of this Act) from the date of the passing of this Act to the date of payment and (in any other case) from the date of adoption to the date of payment.

(4) Within three months after each payment of compensation as aforesaid the County Council shall produce to the Commissioners of Inland Revenue a King's Printers' copy of this Act stamped with the same ad valorem duty in respect of that payment as would be payable upon a deed of release or renunciation of a right or interest in property (executed at the time of such payment) upon a sale made in consideration of that payment and in default of such production the amount of the said duty with interest thereon at the rate of five per centum per annum from the date of that payment shall be a debt due to His Majesty from the County Council.

Power to employ persons for purposes of Act.

18. The County Council may do all such acts and employ such persons as may be required for any of the purposes of this Act.

Appointment of constables.

19. The County Council may from time to time authorise in writing any persons employed by them for the purposes of this Act to enforce or secure compliance with any byelaws made under or by virtue of this Act and may procure any such persons to be sworn in as constables but any person so authorised shall not act as a constable unless in uniform and provided with a warrant.

Power to acquire Sandhills.

20. Subject to the provisions of this Act the County Council may enter upon and take compulsorily or by agreement all or any part of the Sandhills.

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Power to acquire lands not forming part of Sandhills.

21.—(1) Subject to the provisions of this Act the County Council may enter upon and take compulsorily or by agreement and may use for the respective purposes hereinafter mentioned the whole or so much as they may think fit of any of the following lands in the county shown on the deposited plans and described in the deposited book of reference (that is to say) :—

(*a*) For the purpose of providing or preserving means of access to the Sandhills or any part thereof the lands described in Part I of the Second Schedule to this Act;

(*b*) For the purpose of the same being conveyed to the council of the urban district of Mablethorpe and Sutton the lands described in Part II of the said Second Schedule.

(2) (*a*) The County Council may if they think fit erect fences along the whole or part of the length of both or either of the sides of any of the lands referred to in paragraph (*a*) of subsection (1) of this section which shall be acquired by them under the powers of this section and may to such extent (if any) as they may deem necessary form lay out and make up roads or footpaths upon such lands.

(*b*) Unless and except so far as may be otherwise agreed between the County Council and the council of any district or parish the County Council shall at their own expense maintain and repair any fences erected and roads or footpaths formed laid out or made up by them under the powers of this section.

(3) Any of the lands referred to in paragraph (*a*) of subsection (1) of this section which shall be acquired by the County Council under the powers of this section and any road or footpath formed laid out or made up thereon shall (unless the same was immediately before the date of such acquisition a public highway) as from such date as the County Council may declare be a public highway whether a footway or a carriageway or of any other description according as the County Council may determine.

Correction of errors in deposited plans and book of reference.

22. If there be any omission mis-statement or wrong description of any lands or of the owners lessees and occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the

County Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the County Council and a duplicate thereof shall also be deposited with the clerk of the district council and clerk or chairman of the parish council or parish meeting of the district and parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks or chairmen respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the County Council to take the lands in accordance with such certificate.

As to taking of parts of properties.

23. No person shall be required to sell a part only of any house or other building or manufactory or of any land which forms part of a garden belonging to a house if he is willing and able to sell the whole of the house building manufactory or garden unless the arbitrator determines that in the case of a house building or manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if he so determines he may award compensation 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 County Council that part of the house building manufactory or garden.

Power to enter upon property for certain purposes.

24. The County Council and their surveyors officers and servants may from time to time at all reasonable times in the day upon giving in writing such previous notice (not exceeding four days' notice) as may be reasonable in the circumstances of the case enter upon and into the lands houses and buildings by this Act

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authorised to be taken as aforesaid or any of them for the purpose of the preparation of the map or 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.

Compensation in case of recently acquired interest.

25. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the arbitrator or other authority to whom that question is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 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 prescribed date if in the opinion of such arbitrator or other authority 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.

Limit of time for compulsory purchase of lands.

26. The powers of the County Council for the compulsory purchase of lands under the powers of this Act shall cease on the thirty-first day of October one thousand nine hundred and thirty-seven.

Extinction of private rights of way.

27.—(1) All private rights of way over any lands which the County Council are authorised by this Act to acquire compulsorily (other than any such right of way as shall be reasonably necessary for the proper use and enjoyment of any premises) shall as from the date of the acquisition of such lands by the County Council be extinguished.

(2) Provided that the County Council shall make compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Purchase of lands by agreement.

28. The County Council may purchase take on lease or acquire by agreement and may hold for or in connection with any of the purposes of this Act any lands not exceeding in the aggregate one hundred acres.

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Persons under disability may grant easements &c.

29. 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 County 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 this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Retention and disposal of lands.

30.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary but subject always to the provisions of this Act the County Council may retain hold and use for such time and for such purposes (being purposes authorised by this Act) as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such purpose and on such terms and conditions as they may think fit and in consideration of the payment either of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by or vested in them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that—

(*a*) the County Council shall not exercise the powers conferred by this section of selling leasing exchanging or otherwise disposing of land or any interest therein except with the consent of the Minister of Health ;

(*b*) any part of the controlled Sandhills which under the provisions of this Act constitutes for the time being an open space or part of an open space may with such consent as aforesaid be so sold leased exchanged or otherwise disposed of to or with any Government department for or in connection with

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naval military or air force purposes or services so as to permit of the use of such part for purposes other than any of the purposes for which the County Council might under the provisions of this Act have retained held or used the same;

(*c*) a purchaser or lessee shall not be concerned to inquire whether any such consent of the Minister of Health as aforesaid has been obtained.

(2) Nothing in this section contained shall release the County Council or any person purchasing or acquiring any lands from them 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 any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the County Council or any person from or through whom the County Council may have derived or may derive title to the same.

Land acquired by County Council not to be exempt from compulsory acquisition by commissioners.

31. The provisions of subsection (3) of section 45 of the Land Drainage Act 1930 (which subsection imposes certain restrictions upon the compulsory acquisition of land for the purposes of that Act) shall not apply to any land acquired by or vested in the County Council under the provisions of this Act which may be required by the commissioners for purposes of sea defence or of drainage outfall.

Reservation of easements &c.

32. The County Council on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of sale of surplus lands.

33.—(1) The County Council may (so far as they consider necessary) apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired by or vested in them under this Act in the purchase of other lands for the purposes of this Act but

as to capital moneys so received and not so applied the County Council shall apply the same 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 provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Any capital moneys so received by the County Council as aforesaid and not applied in the manner provided by subsection (1) of this section shall be applied to such purposes (being purposes to which capital moneys are properly applicable) as may be approved by the Minister of Health.

Powers of County Council with reference to portions of Sandhills acquired by them.

34.—(1) Subject to the provisions of this Act the County Council may exercise all or any of the following powers with reference to such parts (if any) of the Sandhills as they shall acquire under the powers of this Act or as are vested in them under or by virtue of this Act (that is to say) :—

(*a*) They may by resolution dedicate any part or parts thereof for the purpose of making extending or widening any street road or footpath;

(*b*) They may enclose any part or parts thereof either permanently or temporarily and appropriate the same for any such purposes as they may think fit and as may be approved by the Minister of Health and may demand and recover charges for the use of or admission to any part so enclosed;

(*c*) They may construct or erect and maintain on any part or parts thereof promenades landing places launching slips pavilions shelters bathing-huts booths stalls tents bungalows shops lavatories cloakrooms concert halls dance rooms cinemas bandstands bathing pools bathing places baths and other erections and conveniences and may demand and recover rents or charges for the use thereof or admission thereto;

(*d*) They may lay out on any part or parts thereof and maintain amusement parks pleasure gardens car parks tennis courts bowling greens golf

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courses miniature golf courses putting greens and other facilities for the playing of games or for recreation and erect and maintain pavilions works buildings and conveniences in connection therewith and may demand and recover charges for the use thereof or admission thereto and may provide and let on hire apparatus and equipment for use in connection with games or recreations;

(*e*) They may arrange for the provision or carrying on of suitable concerts entertainments exhibitions and performances and for the sale of programmes and refreshments upon any part or parts thereof and make charges for admission to such concerts entertainments exhibitions and performances;

(*f*) They may let any part or parts thereof for any of the purposes mentioned in the foregoing paragraph (*c*) paragraph (*d*) or paragraph (*e*) of this subsection or for the erection of theatres at such rent for such period and upon and subject to such terms and conditions as they may think fit;

(*g*) They may lay out make up pave channel and drain on any part or parts thereof such roads footpaths and means of passage or approach as they may think fit;

(*h*) They shall have the like powers of making byelaws with respect to the parts of the Sandhills so acquired by or vested in them (whether or not such parts are shown on the map as part of the controlled Sandhills) as they have with respect to such parts of the controlled Sandhills as for the time being constitute or form part of an open space under the provisions of the section of this Act of which the marginal note is "Controlled Sandhills to be an open space":

Provided that—

(*a*) the following restrictions shall have effect with respect to any concert or other entertainment provided by the County Council under this section (that is to say):—

(i) No stage play shall be performed;

(ii) The concert or other entertainment shall not include any performance in the nature of a variety entertainment as usually given at a music hall;

(iii) No cinematograph film other than a film illustrative of questions relating to health or disease or a film of a purely educational character shall be shown;

(iv) No scenery theatrical costumes or scenic or theatrical accessories shall be used except when the concert or entertainment is given by amateurs or is of an educational or similar character;

(*b*) if the County Council arrange for the provision or carrying on of stage plays or themselves provide or arrange for the provision or carrying on of cinematograph performances under the provisions of this section they shall (unless otherwise authorised by Act of Parliament) either—

(i) let the pavilion hall cinema or other building in which such stage plays or performances are to be provided or carried on in consideration of the payment to them of a sum or sums of money; or

(ii) enter into an arrangement under which a share in the gross or net receipts in respect of the production of such stage plays or cinematograph performances shall be credited to them;

and the County Council shall not under the provisions of this section undertake any liability for any loss which may be occasioned in the production of any such stage plays or cinematograph performances;

(*c*) the net amount of any payments or expenses made and incurred—

(i) by the County Council; or

(ii) by the council of any urban or rural district in the exercise of powers delegated to them under the section of this Act of which the marginal note is "Delegation of powers";

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in the provision of concerts or other entertainments under the provisions of paragraph (*e*) of this subsection and (in the case of any such district council) under the provisions of subsection (3) of section 56 (Further powers as to parks and pleasure grounds) of the Public Health Act 1925 after deducting any moneys received by the County Council or such district council (as the case may be) under those provisions shall not in any one year exceed a sum equivalent to that which would be produced in the case of the County Council by a rate of one penny in the pound levied on property in the county assessable in that year to the county rate or in the case of such district council by a rate of two pence in the pound levied on property in the district of such district council assessable in that year to the general rate Provided that the limitation hereby imposed in the case of any such district council shall not apply to or in respect of any rate in excess of the rate of one penny in the pound which may be approved by the Minister of Health under the provisions of the said subsection (3) of section 56 of the Public Health Act 1925.

(2) Except as expressly provided by this Act nothing in this Act other than the sections thereof of which the marginal notes are respectively "Works below high-" water mark not to be constructed without consent of " Board of Trade" and "Abatement of work abandoned or decayed" shall prevent interfere with or restrict the right of the County Council with reference to any part of the controlled Sandhills acquired by or vested in them to exercise any powers or do anything which under the provisions of this Act could not be exercised or done otherwise than under the authority of a licence granted by the County Council or pursuant to a consent given by them.

Powers of County Council with reference to

35. Subject to the provisions of this Act and as hereinafter provided the County Council may erect maintain and use upon any part or parts of the controlled Sandhills any fence or any structure (not being a dwelling-house bungalow or shop) promenade landing

place or launching slip without having purchased or acquired such part or parts of the controlled Sandhills or any estate or interest therein and may demand and recover charges for the use of or admission to any structure so erected :

controlled Sandhills in certain cases.

Provided that the County Council shall not exercise the powers of this section with reference to any part of the controlled Sandhills except with the consent of the owner (if any) of that part but that such consent shall not be required in any case in which the County Council at the time when they propose to exercise such powers are unable after diligent inquiry to ascertain the owner Provided also that if in any such case as last aforesaid any person proves within twelve years after the date of the commencement of the exercise of the powers of this section with reference to any part of the controlled Sandhills that he or his predecessor in title was at the date of such commencement the owner of that part the County Council shall pay to such person such compensation as would have been payable by them if before such exercise they had acquired compulsorily under the powers of this Act the site of the fence structure promenade landing place or launching slip erected by them together with interest at the rate of four per centum per annum upon the amount of such compensation from the date on which notice of the claim of such person to be the owner of the said part of the controlled Sandhills was received by the County Council to the date of such payment and upon such payment the said site shall by virtue of this Act vest in the County Council.

Baths and Washhouses Acts not to apply.

36. The provisions of the Baths and Washhouses Acts shall not apply to any bathing pools or places or baths provided under the provisions of this Act.

Delegation of powers.

37.—(1) The County Council with the approval of the Minister of Health may if they think fit by resolution upon and subject to such terms and conditions as may be specified therein delegate to the council of any urban or rural district in which any part of the Sandhills is situate or to the commissioners all or any of their rights powers and duties under this Act other than—

(*a*) the right to acquire land compulsorily or by agreement ;

(*b*) the right to borrow money or to levy a rate ;

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and in any case in which the County Council exercise the powers of this section the provisions of this Act relating to or in any way affecting the delegated rights powers or duties shall be read and have effect as if the council or commissioners to whom the same are delegated had been referred to therein in lieu of the County Council.

(2) The County Council may at any time revoke any delegation made by them under the powers of this section on giving not less than one month's previous notice in writing to the council or commissioners to whom such delegation was made but no such revocation shall invalidate or affect anything theretofore duly done or suffered in pursuance of such delegation or affect any right privilege obligation or liability acquired accrued or incurred under such delegation.

Power to County Council to convey lands to urban and rural district councils or commissioners.

38. The County Council may either without payment or upon payment of such sum as may be agreed and upon and subject to such other terms and conditions as they may think fit convey or grant any lands acquired by or vested in them under this Act to the council of any urban or rural district in which such lands are situate or to the commissioners and such council or commissioners may accept such conveyance or grant and as respects any lands so conveyed or granted which form part of the Sandhills or are described in Part II of the Second Schedule to this Act such council or commissioners may upon and subject to such terms and conditions as aforesaid exercise all or any of the powers which are exerciseable by the County Council under or by virtue of the sections of this Act of which the marginal notes are respectively "Power to County Council to grant licences for certain purposes" and "Powers of County "Council with reference to portions of Sandhills acquired "by them" with reference to such parts of the Sandhills as are acquired by or vested in them under this Act and those sections shall accordingly apply and have effect in relation to the lands so conveyed or granted as last aforesaid as if such council or commissioners had been referred to therein in lieu of the County Council:

Provided that except in the case of a conveyance or grant to the council of the urban district of Mablethorpe and Sutton of the said lands described in Part II of the

Second Schedule to this Act the powers of this section shall not be exercised otherwise than with the approval of the Minister of Health.

Contributions by urban and rural district councils.

39.—(1) The council of any urban or rural district in which any part of the Sandhills is situate (in this section referred to as a "district council") may if they think fit defray or contribute towards the amount of any compensation or purchase money payable by the County Council under the provisions of this Act or any other costs and expenses incurred by the County Council in carrying those provisions into execution such sums as the district council may by resolution determine.

(2) Any sum which a district council shall contribute under the powers of this section may be defrayed out of the general rate fund and general rate of their district either in one sum or by instalments or may be borrowed under and in accordance with the provisions of the Public Health Act 1875 relating to the borrowing of money for the purpose of defraying expenses incurred in the execution of that Act.

Power to County Council to contribute to certain expenses of district councils or commissioners.

40. The County Council may if they think fit from time to time make contributions towards any expenses incurred by the council of any urban or rural district or by the commissioners in respect of matters arising out of or in connection with the development of the Sandhills or the carrying into execution of the provisions of this Act.

Application of receipts.

41.—(1) All moneys received by the County Council under the provisions of the sections of this Act of which the marginal notes are respectively "Power to County Council to grant licences for certain purposes" "Powers "of County Council with reference to portions of Sand-"hills acquired by them" and "Powers of County "Council with reference to controlled Sandhills in certain "cases" shall be applied in or towards all or any of the following purposes:—

First The payment of the costs charges and expenses of and incidental to the promotion of the Bill for this Act if and so far as such costs charges and expenses are not defrayed out of money borrowed under the powers of this Act;

Secondly The payment of any compensation or purchase money payable by them under the provisions of this Act if and so far as such

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compensation or purchase money is not paid out of money borrowed under the powers of this Act;

Thirdly The payment of any other expenses incurred by them in carrying into execution the provisions of this Act (including the payment of interest on and the provision of the requisite instalments or sinking fund payments in respect of money borrowed for the purposes of this Act) and not defrayed out of money borrowed as aforesaid.

(2) Any balance of the moneys so received remaining after making or providing for the payments referred to in subsection (1) of this section shall be applied by the County Council to the following purposes or such one of them as they may from time to time determine (that is to say):—

(*a*) the making of payments to the commissioners or to any other sea defence authority;

(*b*) the relief of the county rate or of the rates of any district or parish in which any part of the Sandhills is situate.

(3) The County Council shall keep accounts of all moneys received by them as aforesaid and of all payments under this section separate from all other accounts.

Expenses of execution of Act.

42. All expenses incurred by the County Council in the execution of the provisions of this Act and not otherwise provided for shall be paid out of the county fund as payments for general county purposes or for special county purposes according as the County Council may from time to time determine or if the County Council so determine (as respects expenses properly chargeable to capital) out of money to be borrowed by the County Council under the powers of this Act:

Provided that notwithstanding anything in this or any other Act contained no part of the expenses incurred by the County Council under or in pursuance of the provisions of this Act other than—

(*a*) expenses incurred in or in connection with the acquisition of the lands described in Part I of the Second Schedule to this Act under the powers of the section of this Act of which the

marginal note is "Power to acquire lands not forming part of Sandhills" for the purpose (*a*) referred to in subsection (1) of that section;

(*b*) expenses incurred in or in connection with the acquisition of lands under the powers of the section of this Act of which the marginal note is "Purchase of lands by agreement" for the purpose of providing or preserving means of access to the Sandhills or any part thereof or for parking grounds; and

(*c*) so much of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" as may be charged to general county purposes;

shall be charged upon the urban district of Cleethorpes as part of a rate or contribution whether for general county purposes or special county purposes.

Procedure where owner cannot be found.

43. Notwithstanding anything contained in sections 76 77 78 and 79 of the Lands Clauses Consolidation Act 1845 where the owner of any lands to be acquired compulsorily by the County Council under the provisions of this Act cannot after diligent inquiry be found the County Council shall not be required to deposit in the Bank of England in the name of the Accountant General of the Supreme Court of Judicature the purchase money or compensation payable in respect of such compulsory acquisition but the County Council may if they think fit execute a deed poll under their common seal containing a description of the lands so to be acquired and declaring the circumstances under which the deed poll is executed and the amount of the purchase money or compensation determined under the provisions of the Lands Clauses Acts to be payable in respect of such acquisition and such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the County Council of the lands described therein and thereupon all the estate and interest in such lands of such owner shall vest absolutely in the County Council and as against such owner they shall be entitled to immediate possession of such lands Provided that if at any time within twelve years after the date of the execution by the County Council of any such deed poll

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as aforesaid any person shall prove to the satisfaction of the County Council or (failing such satisfaction) under the provisions of the section of this Act of which the marginal note is "Determination as to ownership" that he or his predecessor in title was on the date of such execution the owner within the meaning of this Act of the lands vested in the County Council by such deed poll the County Council shall pay to such person the amount of such purchase money or compensation as aforesaid with interest thereon at the rate of four per centum per annum from the date on which notice of the claim of such person to be the owner of the said lands was received by the County Council to the date of such payment and such payment shall be in full satisfaction and discharge of all rights or claims of such person in or to the said lands and in respect of such compulsory acquisition as aforesaid.

Power to borrow.

44. The County Council may under and subject to the provisions (so far as applicable) of section 69 of the Local Government Act 1888 as amended by section 53 of the Local Government Act 1929 from time to time independently of any other borrowing power borrow at interest for and in connection with any of the purposes of this Act (including the payment of such costs charges and expenses as are referred to in the section of this Act of which the marginal note is "Costs of Act") the sums requisite for those respective purposes together with the costs and expenses of and incidental to the borrowing.

Agreements.

45.—(1) The County Council on the one hand and the council of any urban or rural district or parish in which any part of the controlled Sandhills is situate or the owner of or any person interested in any part of the Sandhills or any lands adjacent thereto or the commissioners on the other hand may enter into and carry into effect agreements for or with respect to—

(*a*) any of the purposes of this Act; or

(*b*) the withdrawal variation or modification of any specifications or determinations made under the provisions of the section of this Act of which the marginal note is "As to limitation of restrictions on user of controlled Sandhills"; or

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(*c*) the exclusion or omission either temporarily or permanently from the controlled Sandhills or from the operation of the section of this Act of which the marginal note is "Controlled Sandhills to be an open space" upon and subject to such terms conditions and restrictions as may be agreed of the whole or part of the portion of the Sandhills belonging or leased to or occupied by such owner or in which such person is interested;

and the County Council may by any such agreement undertake either temporarily or permanently not to exercise or put in force all or any of the powers or provisions of this Act with reference to any part of the controlled Sandhills Provided that it shall not be lawful by any such agreement to affect prejudicially the rights or interests of any person not being a party thereto.

(2) Any agreement into which the County Council have before the passing of this Act entered for any of the purposes referred to in this section shall be deemed to have been entered into under the powers of this section and shall be valid and have effect accordingly.

Act not to confer title to Sandhills on persons not otherwise entitled.

46. Nothing in this Act or done thereunder shall confer upon any person (other than the County Council or any person or body to whom they may grant a licence or delegate rights powers or duties under the provisions of this Act or any person or body claiming under them respectively) any greater right title estate or interest to or in any part of the Sandhills or shall be taken as being or implying an admission that any such person is possessed of any greater or other right title estate or interest to or in any part of the Sandhills than the right title estate or interest which would have been possessed by such person if this Act had not been passed.

Limiting liabilities of County Council.

47.—(1) Nothing in this Act or done thereunder shall impose upon the County Council or any authority or body to whom they may delegate any of their powers under this Act—

(*a*) with reference to any portion of the Sandhills not acquired by or vested in them under the provisions of this Act any liability to maintain the same or to contribute towards the expenses of the commissioners or any other sea defence authority; or

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(*b*) with reference to any portion of the Sandhills acquired by or vested in them under the provisions of this Act any greater or other liability for the maintenance thereof or for the making of such contributions than that which would from time to time have attached to such portion (with any additions or improvements thereto) if it had not been acquired by or vested in the County Council:

Provided that nothing in this section shall relieve the County Council from—

(i) any such liability as is referred to in paragraph (*a*) of this section in respect of any structure promenade landing place or launching slip erected by them under the powers of the section of this Act of which the marginal note is "Powers of County Council with reference to controlled Sandhills in certain cases"; or

(ii) any liability to maintain any structure promenade landing place or launching slip erected by them under the powers of the section of this Act of which the marginal note is "Powers of "County Council with reference to portions of "Sandhills acquired by them"; or

(iii) the obligation to comply with the provisions of the section of this Act of which the marginal note is "Abatement of work abandoned or decayed."

(2) The County Council shall not be liable in respect of any personal injury or loss or damage which any person resorting to any part of the Sandhills by virtue of such part constituting under the provisions of this Act an open space or part of an open space may suffer by reason or in consequence of—

(*a*) the existence on such part of the Sandhills of any structure or fence erected by any person other than the County Council or any failure to keep in repair any such structure or fence; or

(*b*) any act default or omission of any person other than the County Council; or

(*c*) (except in case of negligence on the part of the County Council)—

(i) the existence on any part of the Sandhills of any structure or fence erected by the County Council; or

(ii) any failure to keep in repair any such structure or fence; or

(iii) any act or omission (other than a wrongful act or omission) of the County Council.

(3) Nothing in this section shall affect the operation of the Public Authorities Protection Act 1893.

Limiting liabilities of owners &c. of parts of Sandhills forming open space.

48. The owner of any part of the controlled Sandhills shall not be liable in respect of any personal injury or loss or damage which any person resorting to such part by virtue of its constituting under the provisions of this Act an open space or part of an open space may suffer by reason or in consequence of the existence on such part of the controlled Sandhills of any structure or fence (whether erected by such owner or by any other person) or any failure to keep in repair any such structure or fence.

Delegation to committees.

49. The provisions of sections 75 and 82 of the Local Government Act 1888 with respect to the appointment of and delegation to committees shall extend to the purposes of this Act.

Enforcement of Act.

50.—(1) The County Council shall be entitled to enforce the provisions of this Act and for that purpose to institute proceedings in respect of any offence against or contravention of those provisions:

Provided that nothing in this Act shall prejudice or affect any right of the commissioners to institute proceedings in respect of any offence under any other Act.

(2) All informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder or by virtue thereof may be laid and made by any officer of the County Council duly authorised in that behalf (either generally or in any particular case) or by the clerk of the County Council or by any police officer acting for or within the county.

(3) In the event of the County Council delegating to any other authority their rights powers or duties in relation to any of the provisions of this Act the authority to whom such rights powers or duties are delegated shall in respect of the provisions to which they relate have for the purposes of this section concurrently with the County Council the like powers as are thereby conferred upon the County Council.

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Saving rights of access to controlled Sandhills.

51. Nothing in this Act or done thereunder shall prevent any person being the owner lessee or occupier for the time being of any lands adjoining any part of the controlled Sandhills from providing or using such gate or gates in any fence erected or to be erected between such lands and such part of the controlled Sandhills as such person may think fit for the purpose of obtaining access to that part of the controlled Sandhills which immediately adjoins such fence.

For protection of Thompson's Patent Gravity Switchback Railway Company Limited and others.

52. The following provisions for the protection of the owners as in this section defined shall unless otherwise agreed in writing between the County Council and the district council on the one hand and the owners on the other hand apply and have effect (that is to say) :—

(1) In and for the purposes of this section—

"The district council" means the council of the urban district of Skegness;

"The signed plan" means the plan marked "E" signed by Sir Dennis Henry Herbert the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and in the Parliament Office House of Lords and with the clerks of the County Council and of the district council at their respective offices;

"The red lands" means the lands shown by a red colour on the signed plan;

"The blue lands" means the lands shown by a blue colour on the signed plan;

"The hatched blue lands" means so much of the blue lands as is hatched blue on the signed plan;

"The controlled lands" means all lands situate eastward of the red lands and above high-water mark for the time being of ordinary tides which are contained within imaginary lines drawn in continuation in an easterly direction of the northern and southern boundaries of the red lands;

"The owners" means Thompson's Patent Gravity Switchback Railway Company Limited Bass Ratcliff and Gretton Limited Arthur Booth Walter Hurt and Cecil Guest or other the owner or owners for the time being of the red lands:

(2) Notwithstanding anything contained in this Act or shown upon the deposited plans the County Council shall not acquire compulsorily or show on the map as part of the controlled Sandhills the red lands or any part thereof and the provisions of this Act relating to the controlled Sandhills shall not apply to the red lands or any part thereof Provided that the owners shall not place or erect or cause or permit to be placed or erected any structure upon the red lands within a distance of ten feet measured laterally from the line forming the eastern boundary of the red lands as marked on the signed plan:

(3) The controlled lands shall—

(*a*) by virtue of this Act vest in and be the property of the County Council without any payment to the owners in respect of such vesting; and

(*b*) subject to the provisions of sub-section (4) of this section form part of the controlled Sandhills;

and in preparing the map the County Council shall show the controlled lands thereon as part of the controlled Sandhills and the owners shall not be entitled to any compensation under the provisions of the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights" or otherwise in respect of the extinguishment or restriction by this Act or anything done thereunder of their rights with reference to the controlled lands by reason of those lands being comprised in the controlled Sandhills:

(4) (*a*) If any promenade or marine drive constructed across the controlled lands by the County Council or the district council at any

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time after the passing of this Act is so constructed in any other situation than along and adjoining the eastern boundary of the red lands or if having been constructed along and adjoining the said boundary any such promenade or marine drive is at any time thereafter diverted to any other situation on the controlled lands the County Council shall if so required by the owners grant to them respectively or any of them for such term of years at such rent (not exceeding in the case of each of such leases one pound per annum) and upon and subject to such terms and conditions as may be agreed between the County Council and the owners or failing such agreement as may be determined by arbitration as hereinafter provided a lease or leases of so much of the controlled lands as is situate between the said promenade or marine drive as constructed or diverted and the eastern boundary of the red lands so far as such controlled lands are situate between imaginary lines drawn in an easterly direction in continuation of the northern and southern boundaries of the property of the intended lessee Provided that the County Council may if they think fit either except from such lease or leases any promenade marine drive or footpath adjoining the eastern boundary of the red lands or reserve by any such lease or leases such public or other rights of way or other rights as they may think fit over or in respect of any such promenade marine drive or footpath;

(*b*) Any part of the controlled lands leased to the owners under the foregoing provisions of this subsection may be used by them for any of the purposes for which the red lands are for the time being used by them:

(5) (*a*) The district council shall not except with the consent of the owners enlarge the area of the amusement park provided by them on the hatched blue lands;

(*b*) If the district council desire at any time to remove their said amusement park to any other position they shall be at liberty to do so

Provided that if the altered site of such amusement park forms part of the blue lands the area of such amusement park shall not except with the consent of the owners exceed the area of the hatched blue lands;

(*c*) The district council shall not except with the consent of the owners erect or place or cause or permit or suffer to be erected placed or maintained—

(i) on any part of the hatched blue lands other than the area which is comprised within the red line marked on the signed plan; or

(ii) on any part of the blue lands other than an area not exceeding one hundred and twenty feet long and eighty feet wide;

any structure exceeding fourteen feet in height measured from the level of that part of North Parade which is nearest thereto for the purpose of affording any entertainment or amusement of a character similar to that of the entertainments or amusements for the time being provided by the owners on the red lands Provided that the restrictions contained in this paragraph shall not apply to any bandstand concert hall bathing hut cafe refreshment room platform or erection for the purposes of concerts or theatrical or variety entertainments or any other structure of a like character and that nothing in this subsection shall be deemed to prohibit or prevent the district council from erecting or re-erecting or causing or permitting to be erected or re-erected any structure or building for the purpose of affording any such amusements or entertainments upon the site of any structure or building which is for the time being used for that purpose:

(6) The district council shall not at any time before the expiration of three years from the date of the passing of this Act permit any person employed by them or licence any other person to hawk or sell or offer for sale any articles matters or things in or upon any part of the controlled lands:

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(7) The district council shall not provide or grant permission for the provision of a tea-room or refreshment-room (other than the tea-room or refreshment-room provided or to be provided by the district council on a portion of the blue lands and called "Sun Castle") on any part of the blue lands or the controlled lands within four hundred yards from the centre of the red lands and shall not sell convey or lease any such site otherwise than subject to a covenant on the part of the purchaser grantee or lessee not to erect thereon a tea-room or refreshment-room:

Provided that without prejudice to the provisions of subsection (6) of this section nothing in this subsection shall impose upon the district council any restriction upon their right to permit any person employed by them or to licence any other person to hawk or to sell or offer for sale from a barrow or stall any articles matters or things in or upon any of the lands referred to in this section:

(8) If any dispute or difference shall arise between the owners or any of them and the County Council or the district council under this section such dispute or difference shall be referred to and determined by an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed upon the application of either such party (after notice in writing to the other of them) by the President of the Law Society and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination:

(9) Except so far as may be otherwise agreed between the owners and the County Council or the district council (as the case may be) the provisions of this section shall not be varied by any town planning scheme made by either of such councils.

Provisions relating to certain parts of Sandhills.

53.—(1) In and for the purposes of this section—

"The signed plan 'A'" "the signed plan 'B'" "the signed plan 'C'" and "the signed plan 'D'" mean respectively the plans marked with the

said letters respectively and signed by Sir Dennis Henry Herbert the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plans copies have been deposited in the Committee and Private Bill Office of the House of Commons and in the Parliament Office House of Lords and with the clerks of the County Council and of the urban district council of Skegness at their respective offices) and "the signed plans" means all or any of those plans as the case may require;

"The owners" means with reference to the lands respectively shown on the several signed plans the owners or reputed owners for the time being of those lands and their lessees;

"The district council" means the Skegness Urban District Council.

(2) The County Council shall not under the powers of this Act purchase compulsorily the lands shown on the signed plans which are situate westward of the red line marked on those plans or any part of those lands.

(3) No part of the lands referred to in subsection (2) of this section shall form part of the controlled Sandhills and in preparing the map the County Council shall not show thereon as part of the controlled Sandhills any part of the said lands.

(4) The lands which are situate between the red line marked on the signed plans respectively and high-water mark of ordinary tides as existing for the time being—

(*a*) shall form part of the controlled Sandhills and in preparing the map the County Council shall show thereon such lands; and

(*b*) shall by virtue of this Act vest in the County Council without any payment to the owners in respect of such vesting;

and the owners shall not be entitled to any compensation under the provisions of the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights" or otherwise in respect of the extinguishment or restriction by this Act or anything done thereunder of their rights with reference to any lands which by virtue of this subsection are to form part of the controlled Sandhills.

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(5) The County Council shall not exercise the powers of this Act upon or with reference to any of the lands which by virtue of subsection (4) of this section are to form part of the controlled Sandhills (which lands are in this subsection referred to as "the specified lands") nor notwithstanding anything contained in this Act grant any licence for the exercise by any other person of any powers upon or with reference to any of the specified lands or convey lease or otherwise dispose of any of the specified lands or any part thereof otherwise than subject to the following conditions (that is to say) :—

(*a*) No buildings or structures shall be erected on the specified lands other than shelters and no shelter erected thereon shall be of a greater height than fifteen feet above the level of the ground adjacent thereto nor of a greater length than thirty-five feet but nothing in this paragraph shall prohibit the continuance and the maintenance repair renewal or re-erection of the three bathing huts erected on such of the specified lands as are shown on the signed plan "A";

(*b*) The number of shelters to be erected on the several portions of the lands which are respectively shown on such of the signed plans as are hereinafter in this paragraph mentioned shall not exceed the following :—

As respects the signed plan "A" (in addition to the said existing bathing huts) at a distance of not less than one hundred yards apart;	Two
As respects the signed plan "B" (at a distance of not less than one hundred yards apart);	Two
As respects the signed plan "C" and such shelter erected on the lands shown on the signed plan "C" shall not be placed elsewhere than at or near the eastern extremity of the footpath numbered on the deposited plans 49 in the urban district of Skegness;	One

(*c*) As regards so much of the controlled Sandhills as adjoins the lands referred to in subsection (7) of this section and shown on the signed plan

"D" an interval of not less than one hundred yards shall be left between any two shelters erected thereon;

(*d*) No hoarding boards or other structures of a like nature shall be erected on the specified lands nor any fences permanently enclosing any part thereof or obstructing ingress or egress to or from the lands shown on the signed plans westward of the red line marked thereon respectively;

(*e*) No part of the specified lands shall be used as a car or vehicle park nor for any purpose connected with aviation or for the posting of advertisements or bills and no art trade profession or business shall be carried on thereon;

(*f*) The specified lands shall not be used for camping purposes nor for public amusements or entertainments or other publicly organised sports or in any manner so as to be or tend to be a nuisance or annoyance at common law or otherwise or to cause damage to the owners but nothing in this paragraph shall be deemed to prohibit organised motor racing on not more than four days in any year;

(*g*) No road shall be laid out or constructed on or over any part of the specified lands other than a marine promenade or esplanade not exceeding twenty-five feet in width which shall adjoin the red line marked on the signed plans "B" "C" and "D" and shall be at a distance of not less than one hundred and fifty feet eastward of the red line marked on the signed plan "A" and such marine promenade or esplanade shall be used by pedestrians only and the County Council shall where reasonably necessary provide adequate and convenient means of access thereto from the adjoining lands of the owners and from the said promenade or esplanade to the land on the eastern side of such marine promenade or esplanade for the use of the owners and other persons Provided that the owners shall not be liable to contribute otherwise than by means of any general rate levied by the district council towards the cost

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of the construction or maintenance of any such marine promenade or esplanade as aforesaid :

Provided further that the level of any such marine promenade or esplanade opposite the enclosure numbered on the deposited plans 51 in the urban district of Skegness shall be at such a depth below the existing level of the Sandhills as to secure to the reasonable satisfaction of the North Shore Golf Club adequate privacy to the golf course of the said club :

Provided that the conditions referred to in the foregoing paragraphs (*a*) (*b*) and (*c*) or any of them may as respects the lands shown on any of the signed plans be waived or varied by agreement between the County Council and the owners.

(6) Nothing in this Act or done thereunder shall prevent the owners their tenants and visitors from exercising in a reasonable manner at all times full rights of passage from or to their adjoining lands respectively to or from and over the controlled Sandhills to or from the sea.

(7) (*a*) The County Council shall within three months after the date of adoption erect concrete posts not less than two feet six inches in height at intervals of not more than twenty yards in the line shown by so much of the red line marked on the signed plan " D " as is to form the western boundary of the lands extending from the northern side of the footpath numbered on the deposited plans 51 in the urban district of Skegness to the northern boundary of the enclosure numbered on the said plans 4 in the parish of Ingoldmells but shall not be under any obligation to maintain repair or renew such posts.

(*b*) Nothing in this Act shall preclude the owners of the lands referred to in this subsection from erecting and maintaining a fence along the line indicated in paragraph (*a*) of this subsection if at any time they shall decide so to do.

(8) The district council shall be entitled to make and maintain across the lands situate westward of the red line marked on the signed plan " A " concrete footpaths not exceeding six feet in width extending from the eastern extremities of Drake Road Buckthorn Avenue and Derby Avenue or any of those roads to the lands

shown on that plan which are to form part of the controlled Sandhills Provided that nothing in this subsection or done thereunder shall prevent or interfere with the construction by the owners (if they think fit) of roads extending from the eastern extremities of the said roads or any of them to the said red line.

(9) The district council shall take over make up and maintain as a highway repairable by the inhabitants at large the road part of which forms the enclosure numbered on the deposited plans 47 and the remaining part of which lies between the said enclosure and St. Andrew's Drive in the urban district of Skegness and the owners shall not be liable to contribute otherwise than by means of any general rate levied by the district council to the cost of the making up or maintenance of the said road.

(10) There shall be by virtue of this Act vested in the County Council the semi-circular piece of land indicated on the signed plan "C" at the eastern end of the road forming the enclosure numbered on the deposited plans 49 in the urban district of Skegness and the said piece of land shall form the site of the shelter referred to in paragraph (*b*) of subsection (5) of this section in relation to the said signed plan "C" which shelter shall not be erected otherwise than in accordance with such plans elevations and specifications as may be approved by the said North Shore Golf Club so as not to affect prejudicially the privacy of the golf course of the said club.

(11) If any difference shall arise between the County Council and any of the owners under the provisions of this section such difference shall be referred to and determined by an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Chartered Surveyors' Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination,

(12) Except so far as may be otherwise agreed between the owners and the County Council or the district council (as the case may be) the provisions of this section shall not be varied by any town planning

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scheme made by either of such councils nor shall such parts of the premises numbered on the deposited plans 23 to 46 (inclusive) in the urban district of Skegness as are situate westward of the said red line and are not built upon at the date of the passing of this Act be required to be used or reserved under any town planning scheme for any purposes other than gardens or grounds for the preservation of the amenities of the said premises.

Further provisions relating to certain parts of Sandhills in parish of Chapel Saint Leonards.

54.—(1) In and for the purposes of this section—

"The signed plan" means the plan marked "F" signed by Sir Dennis Henry Herbert the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and in the Parliament Office House of Lords and with the clerk of the County Council at his office;

"The owners" means the owners or reputed owners for the time being of the lands respectively coloured red and blue on the signed plan and "the owner" means with reference to any part of those lands the owner or reputed owner of the part in relation to which the expression is used.

(2) (*a*) The owner of the lands coloured red on the signed plan—

(i) shall set apart as a means of approach to and passage over the controlled Sandhills a strip of the said lands forming the northernmost portion thereof not being less than fifteen feet in width;

(ii) shall at all times permit the County Council or any other authority or body acting under a delegation from them and their respective officers servants and workmen to enter upon such strip of land and to execute maintain repair and renew thereon such works as they may deem necessary or expedient for the purpose aforesaid;

(iii) shall not at any time do or cause or permit to be done anything which would in any way obstruct or interfere with the execution main-

tenance repair or renewal of such works or the use of the said strip of land as such means of approach and passage as aforesaid; and

(iv) shall not be entitled to receive any compensation or payment for or in respect of the provisions of this subsection or anything done thereunder.

(*b*) The County County shall be at liberty if they think fit to erect maintain repair and renew a fence along the southern boundary of the said strip of land.

(3) The owners shall respectively before the expiration of twelve months from the date of the passing of this Act take up and remove the existing fences erected along the line marked A B on the signed plan and re-erect the same in the position shown by the line marked C D on that plan.

(4) Notwithstanding anything contained in this Act or shown on the deposited plans the County Council shall not acquire compulsorily or show on the map as part of the controlled Sandhills any part of so much of the lands coloured red and blue on the signed plan as lies westward of the red line marked on that plan and the provisions of this Act relating to the controlled Sandhills shall not apply to the portion of the said lands referred to in this subsection.

(5) The owners shall not nor shall any of them make any objection under the provisions of the section of this Act of which the marginal note is "Map of Sandhills" to such parts of the lands coloured red on the signed plan as lie southward of the land coloured blue on that plan and such parts of the lands coloured red and blue on the signed plan as lie eastward of the red line marked on that plan and the strip of land referred to in subsection (2) of this section being shown on the map as part of the controlled Sandhills and in the event of the said lands or any part thereof being so shown the owners shall not nor shall any of them be entitled to any compensation under the provisions of the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights" or otherwise in respect of the extinguishment or restriction by this Act or anything done thereunder of their rights with reference to the said lands or such part thereof as is so shown on the map.

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(6) The owners of such part of the land coloured red on the signed plan as lies northward of the land coloured blue on that plan and the owners of the said land coloured blue shall not on any part of those lands erect or cause or permit to be erected any dwelling-house of a character inferior to that of the existing dwelling-houses erected on the lands coloured green on the signed plan.

For protection of George Beasley and others.

55. For the protection of George Beasley or other the owner or owners for the time being of the lands and premises numbered on the deposited plans 10 in the parish of Theddlethorpe Saint Helen (in this section referred to as "the retained property") (each of which persons is in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the County Council and the owner have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the County Council shall not acquire compulsorily or show on the map as part of the controlled Sandhills the retained property or any part thereof and the provisions of this Act relating to the controlled Sandhills shall not apply to the retained property or any part thereof Provided that the owner shall not at any time use or permit to be used the retained property or any part thereof otherwise than as a private dwelling-house boarding-house lodging-house or hotel and the curtilage thereof:

(2) The owner shall not at any time do any thing so as to obstruct or interfere with the free and uninterrupted use by all persons of the public footpath adjoining the western boundary of the retained property:

(3) The County Council shall not dispute the title of the said George Beasley or his successors in title to the lands and premises numbered on the deposited plans 10 in the parish of Theddlethorpe Saint Helen.

For protection of Ernest du Soleil Tupper.

56. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions shall apply and have effect for the protection and benefit of Ernest du Soleil Tupper or other the owner

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or owners or reputed owner or owners for the time being of the lands known as "Bohemia" in the urban district of Mablethorpe and Sutton (in this section called "the owner") unless otherwise agreed between the owner and the County Council:—

(1) (*a*) Such parts of the said lands as are situate eastward of the red line marked on the plan signed in duplicate by Hugh Edward Roberts on behalf of the owner and by Eric West Scorer on behalf of the County Council shall form part of the controlled Sandhills and shall by virtue of this Act vest in the County Council without payment therefor;

(*b*) The provisions of this Act other than the provisions of this section shall not apply to any of the said lands situate westward of the said red line:

(2) The footpath six feet wide coloured green on the said plan shall be subject to a perpetual public right of way from and to Trusthorpe Road to and from the controlled Sandhills The County Council shall at all times maintain the said footpath but shall not erect a fence on either side thereof:

(3) (*a*) The County Council at their own expense within three months after the date of adoption shall—

(i) erect to the reasonable satisfaction of the owner and of such material as the owner may reasonably require a close boarded fence three feet six inches or thereabouts in height between the points C and A A and B and B and D marked on the said plan with four doors in the said fence in such positions between the said points A and B as the owner may reasonably require; and

(ii) erect to the like satisfaction along the line marked D E on the said plan a riven chestnut wood fence with wire and such number of gates to afford access to the said lands of the owner in such positions as the owner may reasonably require;

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(*b*) The County Council shall at all times after the erection of the said fences maintain the same to the reasonable satisfaction of the owner:

(4) No bathing huts buildings or erections of any kind shall be erected on so much of the controlled Sandhills as is situate between imaginary lines drawn in continuation in an easterly direction of the lines respectively marked C A and D B on the said plan:

(5) Not later than the first day of November one thousand nine hundred and thirty-two the owner at his own expense shall remove the ten huts or erections coloured yellow on the said plan and no buildings or other erections shall be erected on any part of the lands of the owner situate eastward of the blue line marked A D on the said plan except such buildings or erections as cannot be seen from the foreshore:

(6) The County Council shall pay to the owner as compensation in respect of all loss damage or injury sustained by him by reason of the exercise by the County Council of the powers of this Act such sum as may be agreed between the owner and the County Council The sum so agreed shall be paid to the owner on the expiration of the period of three months after the date of the passing of this Act or on the thirtieth day of September one thousand nine hundred and thirty-two whichever shall be the later date:

(7) Nothing in this Act or done thereunder shall prevent the owner or his tenants licensees or visitors from exercising at all times reasonably convenient rights of passage from his lands to and over the controlled Sandhills to the foreshore and if the County Council shall construct a promenade or esplanade on the controlled Sandhills to the east of the lands of the owner the County Council shall where reasonably necessary provide adequate and convenient means of access thereto from the adjoining lands of the owner and from the said promenade or esplanade to the land on the eastern side of such promenade or esplanade for the use of the owner and other persons:

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(8) If any difference shall arise between the owner and the County Council with regard to any of the provisions of this section such difference shall be referred to and determined by an arbitrator to be agreed upon between the parties in difference or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Chartered Surveyors' Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination:

(9) The provisions of this section shall not be varied by any town planning scheme made by the County Council or the Mablethorpe and Sutton Urban District Council.

For protection of John Knight Measures.

57. Notwithstanding anything in this Act or shown on the deposited plans the following provisions for the protection of the owner shall unless otherwise agreed in writing between the County Council and the owner apply and have effect (that is to say):—

(1) In and for the purposes of this section—

"The signed plan" means the plan signed in duplicate by the owner and by Eric West Scorer on behalf of the County Council of which one copy has been retained by the owner and the other copy has been retained by the County Council;

"The lands coloured red" means the lands coloured red on the signed plan;

"The lands coloured blue" means the lands coloured blue on the signed plan;

"The lands coloured yellow" means the lands coloured yellow on the signed plan which shall be deemed to comprise all lands for the time being lying between the lines respectively marked A B and C D on the signed plan and imaginary lines drawn in continuation thereof in an easterly direction and bounded on the easterly side by high-water mark of ordinary tides as existing for the time being;

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"The lands of the owner" means the lands coloured red the lands coloured blue and the lands coloured yellow;

"The owner" means in relation to the several parts of the lands of the owner John Knight Measures or other the owner or owners for the time being of such parts respectively:

(2) The County Council shall not acquire compulsorily or show on the map as part of the controlled Sandhills the lands coloured red and the lands coloured blue or either of them or any part of either of them and the provisions of this Act relating to the controlled Sandhills shall not apply to the lands coloured red or the lands coloured blue or any part of either of them:

(3) (*a*) The owner shall not erect or permit or suffer the erection of any building or structure on the lands coloured red or any part thereof otherwise than in accordance with the following provisions of this subsection;

(*b*) If and whenever the owner shall desire to develop or lay out the lands coloured red or any part thereof for building purposes he shall consult with the County Council with regard to such development or laying out and shall (if the County Council so require) submit to the County Council a plan showing the general scheme for such development or laying out together with particulars as to—

(i) the purposes for which the several parts of the lands coloured red are respectively proposed to be used;

(ii) the height type and character of any building or structure proposed to be erected;

(iii) the number of dwelling-houses to the acre and the minimum cost (that is to say the actual cost in labour and materials only) of each dwelling-house; and

(iv) building lines and spaces about buildings in relation to streets or roads;

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(*c*) If and whenever the owner shall desire to erect any building or structure on any part of the lands coloured red otherwise than by way of development of those lands or of such part thereof in accordance with any such plan as is referred to in the foregoing paragraph (*b*) the owner shall submit to the County Council drawings to a scale of not less than one-eighth of an inch to a foot of such building or structure and a block plan thereof showing the position of the site thereof in relation to the remainder of the lands coloured red together with an outline specification and particulars of such building or structure;

(*d*) The County Council may within two months of the receipt of any such plan specification or particulars as is or are referred to in either of the foregoing paragraphs (*b*) and (*c*) disapprove the same or approve the same either unconditionally or subject to any reasonable modification thereof;

(*e*) The owner may at any time submit to the County Council for their approval any alteration in any such plan specification or particulars as aforesaid and the County Council may if they think fit approve such alteration;

(*f*) If the County Council do not within two months after the submission to them of any such plan specification or particulars as aforesaid or within one month after the submission to them of any such alteration as is referred to in the foregoing paragraph (*e*) intimate in writing to the owner any disapproval of or any requirement with reference to such plan specification or particulars or such alteration (as the case may be) they shall be deemed to have approved thereof;

(*g*) The owner shall not without the approval of the County Council—

(i) develop or lay out the lands coloured red in such a manner as to conflict with; or

(ii) erect any building or structure otherwise than in accordance with

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the plan and particulars of such development or laying out or the plan specification and particulars of such building or structure (as the case may be) as so approved or as altered with such approval as aforesaid;

(*h*) If the owner shall deem himself aggrieved by any withholding of approval or any disapproval requirement or modification of or by the County Council under this subsection a difference shall be deemed to have arisen and shall be determined as hereinafter in this section provided:

(4) The owner shall not place or erect or cause or permit to be placed or erected any dwelling-houses or buildings other than shelters upon the lands coloured blue nor use or permit to be used the lands coloured blue for any other purpose than the erection of shelters or as gardens or grounds for the preservation of the amenities of the lands coloured red:

(5) Nothing in this Act shall preclude the owner from erecting and maintaining a fence and gates along the eastern boundary of the lands coloured blue:

(6) The lands coloured yellow shall—

(*a*) form part of the controlled Sandhills and in preparing the map the County Council shall show thereon such lands; and

(*b*) by virtue of this Act vest in the County Council without any payment to the owner in respect of such vesting:

(7) The owner shall not be entitled to any compensation under the provisions of the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights" or otherwise in respect of the provisions contained in this section with reference to the lands coloured red or the lands coloured blue or in respect of the extinguishment or restriction by this Act or anything done thereunder of his rights with reference to the lands coloured yellow:

(8) The County Council shall not exercise the powers of this Act upon or with reference to the lands coloured yellow nor notwithstanding anything contained in this Act grant any licence for the exercise by any other person of any powers upon or with reference to the lands coloured yellow or convey lease or otherwise dispose of the lands coloured yellow or any part thereof otherwise than subject to the following conditions (that is to say) :—

(*a*) No buildings or structures shall be erected on the lands coloured yellow other than bathing huts of a temporary character and shelters and no shelter erected thereon shall be of a greater height than fifteen feet above the level of the ground adjacent thereto nor of a greater length than thirty-five feet;

(*b*) No bathing huts shall be erected on the lands coloured yellow which either by their number or character would affect prejudicially the amenities of the lands of the owner;

(*c*) Not more than three shelters shall be erected on the lands coloured yellow and an interval of not less than one hundred yards shall be left between any two such shelters;

(*d*) No hoarding boards or other structures of a like nature shall be erected on the lands coloured yellow nor any fences permanently enclosing any part thereof or obstructing ingress or egress to or from the lands coloured blue;

(*e*) No part of the lands coloured yellow shall be used as a car or vehicle park nor for any purpose connected with aviation or for the posting of advertisements or bills and no art trade profession or business shall be carried on thereon;

(*f*) The lands coloured yellow shall not be used for camping purposes nor for public amusements or entertainments or other publicly organised sports or in any manner so as to be or tend to be a nuisance or annoyance

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at common law or otherwise or to cause damage to the owner but nothing in this paragraph shall be deemed to prohibit organised motor racing on not more than four days in any year;

(*g*) No road shall be laid out or constructed on or over any part of the lands coloured yellow other than a marine parade or esplanade in such position of such height and width and of such design as not to affect prejudicially the amenities of the lands of the owner;

(*h*) The owner shall not be liable to contribute otherwise than by means of any general rate to the cost of constructing erecting or maintaining any building road or work on the lands coloured yellow:

(9) Nothing in this Act or done thereunder shall prevent the owner his lessees tenants and visitors from exercising in a reasonable manner at all times full rights of passage from or to the lands coloured blue to or from and over the lands coloured yellow to or from the sea:

(10) The owner shall not cut take or remove or permit or suffer to be cut taken or removed any tree shrub or plant for the time being growing in a natural state on the lands coloured red or the lands coloured blue or any sand soil turf gravel minerals or other materials for the time being in upon or under any of those lands except—

(*a*) so far as may be reasonably necessary for or in connection with the use or development as hereinbefore mentioned of the lands coloured red or the lands coloured blue or any part of those lands respectively; or

(*b*) for purposes of sale; or

(*c*) for purposes of cultivation:

Provided that nothing in this subsection shall preclude the owner from taking or removing any sand soil turf gravel minerals or other materials from any part of the lands coloured

red or of the lands coloured blue for use exclusively on any other part of any of those lands for any of the purposes (*a*) (*b*) and (*c*) referred to in this subsection :

(11) If any difference shall arise between the owner and the County Council with regard to any of the provisions of this section such difference shall be referred to and determined by an arbitrator to be appointed (failing agreement between the parties) on the application of either party after notice in writing to the other of them by the President of the Chartered Surveyors' Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination :

(12) Except so far as may be otherwise agreed between the owner and the County Council the provisions of this section or anything done or to be done thereunder shall not be varied or affected by any town planning scheme.

For protection of Barton Newton Wallop William-Powlett.

58. Notwithstanding anything in this Act or shown on the deposited plans the following provisions for the protection of the owner shall unless otherwise agreed in writing between the County Council and the owner apply and have effect (that is to say) :—

(1) In and for the purposes of this section—

"The signed plan" means the plan signed in duplicate by William Epton on behalf of the owner and by Eric West Scorer on behalf of the County Council of which one copy has been retained by the owner and the other copy has been retained by the County Council;

"The lands coloured red" means the lands coloured red on the signed plan;

"The lands coloured blue" means the lands coloured blue on the signed plan;

"The lands coloured yellow" means the lands coloured yellow on the signed plan which shall be deemed to extend seawards in an easterly southerly or south-westerly direction (as the case may be) to high-water mark of ordinary tides as existing for the time being;

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"The lands of the owner" means the lands coloured red the lands coloured blue and the lands coloured yellow;

"The owner" means in relation to the several parts of the lands of the owner Barton Newton Wallop William-Powlett or other the owner or owners for the time being of such parts respectively:

(2) The County Council shall not acquire compulsorily or show on the map as part of the controlled Sandhills the lands coloured red and the lands coloured blue or either of them or any part of either of them and the provisions of this Act relating to the controlled Sandhills shall not apply to the lands coloured red or the lands coloured blue or any part of either of them:

(3) (*a*) The owner shall not erect or permit or suffer the erection of any building or structure on the lands coloured red or any part thereof otherwise than in accordance with the following provisions of this subsection;

(*b*) If and whenever the owner shall desire to develop or lay out the lands coloured red or any part thereof for building purposes he shall consult with the County Council with regard to such development or laying out and shall (if the County Council so require) submit to the County Council a plan showing the general scheme for such development or laying out together with particulars as to—

(i) the purposes for which the several parts of the lands coloured red are respectively proposed to be used;

(ii) the height type and character of any building or structure proposed to be erected;

(iii) the number of dwelling-houses (if any) to the acre and the minimum cost (that is to say the actual cost in labour and materials only) of each dwelling-house; and

(iv) building lines and spaces about buildings in relation to streets or roads;

(*c*) If and whenever the owner shall desire to erect any building or structure on any part of

the lands coloured red otherwise than by way of development of those lands or of such part thereof in accordance with any such plan as is referred to in the foregoing paragraph (*b*) the owner shall submit to the County Council drawings to a scale of not less than one-eighth of an inch to a foot of such building or structure and a block plan thereof showing the position of the site thereof in relation to the remainder of the lands coloured red together with an outline specification and particulars of such building or structure;

(*d*) The County Council may within two months of the receipt of any such plan specification or particulars as is or are referred to in either of the foregoing paragraphs (*b*) and (*c*) disapprove the same or approve the same either unconditionally or subject to any reasonable modification thereof;

(*e*) The owner may at any time submit to the County Council for their approval any alteration in any such plan specification or particulars as aforesaid and the County Council may if they think fit approve such alteration;

(*f*) If the County Council do not within two months after the submission to them of any such plan specification or particulars as aforesaid or within one month after the submission to them of any such alteration as is referred to in the foregoing paragraph (*e*) intimate in writing to the owner any disapproval of or any requirement with reference to such plan specification or particulars or such alteration (as the case may be) they shall be deemed to have approved thereof;

(*g*) The owner shall not without the approval of the County Council—

(i) develop or lay out the lands coloured red in such a manner as to conflict with; or

(ii) erect any building or structure otherwise than in accordance with

the plan and particulars of such development or laying out or the plan specification and

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particulars of such building or structure (as the case may be) as so approved or as altered with such approval as aforesaid;

(*h*) If the owner shall deem himself aggrieved by any withholding of approval or any disapproval requirement or modification of or by the County Council under this subsection a difference shall be deemed to have arisen and shall be determined as hereinafter in this section provided:

(4) The owner shall not place or erect or cause or permit to be placed or erected any dwelling-houses or any buildings other than shelters upon the lands coloured blue nor use or permit to be used the lands coloured blue for any other purpose than the erection of shelters or as gardens or grounds for the preservation of the amenities of the lands coloured red but nothing in this subsection shall prohibit the erection on the lands coloured blue of any works as defined in the proviso to subsection (6) of this section in accordance with the provisions of that proviso:

(5) Nothing in this Act shall preclude the owner from erecting and maintaining a fence and gates along the eastern boundary of the lands coloured blue:

(6) The lands coloured yellow shall—

(*a*) form part of the controlled Sandhills and in preparing the map the County Council shall show thereon such lands; and

(*b*) by virtue of this Act vest in the County Council without any payment to the owner in respect of such vesting:

Provided that—

(i) if at any time the owner proposes to erect a sea wall or embankment or other like sea defence works and works and erections in connection therewith (all of which are in this proviso referred to as the "works") upon or adjacent to the seaward boundary of the lands coloured red or of the lands coloured blue or any part of such boundary and reasonably requires for the purpose of such

erection to erect the works upon or otherwise utilise any part or parts of the lands coloured yellow the County Council upon being requested in writing by the owner so to do shall at their option either convey to the owner so much of the lands coloured yellow as may be reasonably requisite for the purpose aforesaid or grant to the owner such easements or rights over so much of the lands coloured yellow as aforesaid as may be reasonably requisite for the erection and maintenance of the works thereon;

(ii) the owner shall not be required to make any payment to the County Council for or in respect of any such conveyance or grant;

(iii) if the works are erected in such a position that any part or parts of the lands coloured red or of the lands coloured blue are situate on the seaward side of the works such part or parts shall be deemed to form part of the lands coloured yellow and accordingly as from the date of the completion of the works the said part or parts shall by virtue of this Act vest in the County Council without any payment to the owner in respect of such vesting and all the provisions of this section relating to the lands coloured yellow shall extend and apply to the said part or parts;

(iv) if the works are erected in such a position that any part or parts of the lands coloured yellow are situate on the landward side of the works such part or parts shall be deemed to form part of the lands coloured red or the lands coloured blue whichever shall adjoin such part or parts respectively and accordingly as from the date of the completion of the works the said part or parts shall by virtue of this Act vest in the owner without any payment to the County Council in respect of such vesting and all the provisions of this section relating to the lands coloured red or the lands coloured blue (as the case may be) shall extend and apply to

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the said part or parts and the provisions of this section relating to the lands coloured yellow shall cease to apply to the said part or parts and the said part or parts shall cease to form part of the controlled Sandhills and shall be deemed never to have been shown on the map;

(v) the owner shall not be precluded by anything contained in this Act or by the vesting of the lands coloured yellow in the County Council—

(*a*) from erecting at his own cost and in accordance with plans specifications and particulars to be previously reasonably approved in writing by the County Council such groynes barriers or other like works on the lands coloured yellow as may be reasonably necessary for protecting from encroachment by the sea the lands coloured red or the lands coloured blue or for the defence of the works; or

(*b*) with the consent of the County Council (such consent not to be unreasonably withheld) from removing taking and using free from any payment or charge by the County Council such sand soil turf gravel minerals or other substances from the lands coloured yellow as the owner may reasonably require for the purposes of the works or for the purposes mentioned in this paragraph of this proviso;

but nothing herein shall relieve the owner from the necessity of obtaining such consent or approval to the erection of the said works or such removal taking and using as would have been required if he had continued to be the owner of the lands coloured yellow;

(vi) the owner shall at his own cost and to the reasonable satisfaction of the County Council at all times maintain and keep in good repair and condition all groynes barriers or other works erected by him pursuant to the foregoing paragraph (v) of this proviso and if at any time the owner fails so to do

the County Council may after giving to the owner one month's notice in writing (except in any case of emergency in which case notice shall be given as soon as practicable after the emergency shall have arisen) execute and do all such works and things as they may deem necessary for making good the default and may recover from the owner in any court of competent jurisdiction the amount of the expenses reasonably incurred by them in so doing;

(vii) the provisions of paragraphs (*c*) (*d*) (*e*) (*f*) and (*h*) of subsection (3) of this section shall mutatis mutandis apply to the submission of any plan specification and particulars the giving or withholding of any approval and the determination of any difference under the provisions of this proviso:

(7) The owner shall not be entitled to any compensation under the provisions of the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights" or otherwise in respect of the provisions contained in this section with reference to the lands coloured red or the lands coloured blue or in respect of the extinguishment or restriction by this Act or anything done thereunder of his rights with reference to the lands coloured yellow:

(8) The County Council shall not exercise the powers of this Act upon or with reference to the lands coloured yellow nor notwithstanding anything contained in this Act grant any licence for the exercise by any other person of any powers upon or with reference to the lands coloured yellow or (except as expressly provided in the proviso to subsection (6) of this section) convey lease or otherwise dispose of the lands coloured yellow or any part thereof otherwise than subject to the following conditions (that is to say):—

(*a*) No buildings or structures shall be erected on the lands coloured yellow other than bathing huts of a temporary character and shelters and no shelter erected thereon

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shall be of a greater height than fifteen feet above the level of the ground adjacent thereto nor of a greater length than thirty-five feet;

(*b*) No bathing huts shall be erected on the lands coloured yellow which either by their number or character would affect prejudicially the amenities of the lands of the owner;

(*c*) An interval of not less than one hundred yards shall be left between any two shelters erected on the lands coloured yellow;

(*d*) No hoarding boards or other structures of a like nature shall be erected on the lands coloured yellow nor any fences permanently enclosing any part thereof or obstructing ingress or egress to or from the lands coloured blue;

(*e*) No part of the lands coloured yellow shall be used as a car or vehicle park nor for any purpose connected with aviation or for the posting of advertisements or bills and no art trade profession or business shall be carried on thereon;

(*f*) The lands coloured yellow shall not be used for camping purposes nor for public amusements or entertainments or other publicly organised sports or in any manner so as to be or tend to be a nuisance or annoyance at common law or otherwise or to cause damage to the owner but nothing in this paragraph shall be deemed to prohibit organised motor racing on not more than four days in any year;

(*g*) No road shall be laid out or constructed on or over any part of the lands coloured yellow other than a marine parade or esplanade in such position of such height and width and of such design as not to affect prejudicially the amenities of the lands of the owner;

(*h*) The owner shall not be liable to contribute otherwise than by means of any general rate to the cost of constructing

erecting or maintaining any building road or work on the lands coloured yellow :

(9) Nothing in this Act or done thereunder shall prevent the owner his lessees tenants and visitors from exercising in a reasonable manner at all times full rights of passage from or to the lands coloured blue or the lands coloured red to or from and over the lands coloured yellow to or from the sea :

(10) The owner shall not cut take or remove or permit or suffer to be cut taken or removed any tree shrub or plant for the time being growing in a natural state on the lands coloured red or the lands coloured blue or any sand soil turf gravel minerals or other materials for the time being in upon or under any of those lands except—

(*a*) so far as may be reasonably necessary for or in connection with the use or development as hereinbefore mentioned of the lands coloured red or the lands coloured blue or any part of those lands respectively; or

(*b*) for the purposes mentioned in the proviso to subsection (6) of this section or any of them; or

(*c*) for purposes of sale; or

(*d*) for purposes of cultivation :

Provided that nothing in this subsection shall preclude the owner from taking or removing any sand soil turf gravel minerals or other materials from any part of the lands coloured red or of the lands coloured blue for use exclusively on any other part of any of those lands for any of the purposes (*a*) (*b*) (*c*) and (*d*) referred to in this subsection :

(11) If any difference shall arise between the owner and the County Council with regard to any of the provisions of this section such difference shall be referred to and determined by an arbitrator to be appointed (failing agreement between the parties) on the application of either party after notice in writing to the other of

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them by the President of the Chartered Surveyors' Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination :

(12) Except so far as may be otherwise agreed between the owner and the County Council the provisions of this section or anything done or to be done thereunder shall not be varied or affected by any town planning scheme.

For protection of Maclean and Company (Estates) Limited.

59. Notwithstanding anything in this Act or shown on the deposited plans the following provisions for the protection of the owners shall unless otherwise agreed in writing between the County Council and the owners apply and have effect (that is to say) :—

(1) In and for the purposes of this section—

"The signed plan" means the plan signed in duplicate by Archibald Stevenson Sinclair on behalf of the owners and by Eric West Scorer on behalf of the County Council of which one copy has been retained by the owners and the other copy has been retained by the County Council;

"The lands coloured red" means the lands coloured red on the signed plan;

"The lands coloured blue" means the lands coloured blue on the signed plan;

"The lands coloured yellow" means the lands coloured yellow on the signed plan which shall be deemed to comprise all lands for the time being lying between the lines respectively marked A B and C D on the signed plan and imaginary lines drawn in continuation thereof in an easterly direction and bounded on the easterly side by high-water mark of ordinary tides as existing for the time being;

"The lands of the owners" means the lands coloured red the lands coloured blue and the lands coloured yellow;

"The owners" means in relation to the several parts of the lands of the owners the Maclean and Company (Estates) Limited and

(to the extent of their interest therein) George Hyams and James Giles or other the owner or owners for the time being (whether at the date of the passing of this Act or at any time thereafter) of such parts respectively :

(2) The County Council shall not acquire compulsorily or show on the map as part of the controlled Sandhills the lands coloured red and the lands coloured blue or either of them or any part of either of them and the provisions of this Act relating to the controlled Sandhills shall not apply to the lands coloured red or the lands coloured blue or any part of either of them :

(3) (*a*) The owners shall not erect or permit or suffer the erection of any building or structure on the lands coloured red or any part thereof otherwise than in accordance with the following provisions of this subsection;

(*b*) If and whenever the owners shall desire to develop or lay out the lands coloured red or any part thereof for building purposes they shall consult with the County Council with regard to such development or laying out and shall (if the County Council so require) submit to the County Council a plan showing the general scheme for such development or laying out together with particulars as to—

(i) the purposes for which the several parts of the lands coloured red are respectively proposed to be used;

(ii) the height type and character of any building or structure proposed to be erected;

(iii) the number of dwelling-houses to the acre and the minimum cost (that is to say the actual cost in labour and materials only) of each dwelling-house; and

(iv) building lines and spaces about buildings in relation to streets or roads;

(*c*) If and whenever the owners shall desire to erect any building or structure on any part of the lands coloured red otherwise than by way of development of those lands or of such part thereof in accordance with any such plan as is

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referred to in the foregoing paragraph (*b*) the owners shall submit to the County Council drawings to a scale of not less than one-eighth of an inch to a foot of such building or structure and a block plan thereof showing the position of the site thereof in relation to the remainder of the lands coloured red together with an outline specification and particulars of such building or structure;

(*d*) The County Council may within two months of the receipt of any such plan specification or particulars as is or are referred to in either of the foregoing paragraphs (*b*) and (*c*) disapprove the same or approve the same either unconditionally or subject to any reasonable modification thereof;

(*e*) The owners may at any time submit to the County Council for their approval any alteration in any such plan specification or particulars as aforesaid and the County Council may if they think fit approve such alteration;

(*f*) If the County Council do not within two months after the submission to them of any such plan specification or particulars as aforesaid or within one month after the submission to them of any such alteration as is referred to in the foregoing paragraph (*e*) intimate in writing to the owners any disapproval of or any requirement with reference to such plan specification or particulars or such alteration (as the case may be) they shall be deemed to have approved thereof;

(*g*) The owners shall not without the approval of the County Council—

(i) develop or lay out the lands coloured red in such a manner as to conflict with; or

(ii) erect any building or structure otherwise than in accordance with

the plan and particulars of such development or laying out or the plan specification and particulars of such building or structure (as the case may be) as so approved or as altered with such approval as aforesaid;

(*h*) If the owners shall deem themselves aggrieved by any withholding of approval or any disapproval requirement or modification of or by the County Council under this subsection a difference shall be deemed to have arisen and shall be determined as hereinafter in this section provided :

(4) Except as hereinafter in this subsection provided the owners shall not place or erect or permit to be placed or erected any dwelling-houses or buildings upon the lands coloured blue nor use or permit to be used the lands coloured blue for any other purpose than all or any of the following purposes (hereinafter referred to as "the reserved powers") (namely) :—

(*a*) they may lay out construct and maintain any street road or footpath ;

(*b*) they may construct or erect and maintain promenades pavilions shelters bathing huts booths stalls tents shops cafes lavatories cloakrooms concert halls dance rooms cinemas bandstands bathing pools bathing places and baths and may demand and recover charges for the use thereof or admission thereto ;

(*c*) they may lay out and maintain pleasure grounds car parks tennis courts bowling greens miniature golf courses putting greens and other facilities for the playing of games or for recreation and erect and maintain pavilions works buildings and conveniences in connection therewith and may demand and recover charges for the use thereof or admission thereto :

Provided that—

(i) an aggregate area (excluding any streets or roads but including footpaths) amounting to not less than fifty per centum of the total area of the lands coloured blue shall remain unenclosed and unbuilt upon and shall at all times be available for public use and enjoyment free of charge ;

(ii) the reserved powers shall not be exercised with reference to the lands coloured blue otherwise than subject to and in accordance

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with the provisions and conditions contained in subsection (3) of this section with reference to the lands coloured red;

(iii) the occupation by a caretaker of any building erected on the lands coloured blue shall not for the purposes of this subsection be deemed to constitute that building a dwelling-house:

(5) The owners shall permit all persons desiring to do so to have access to and to use and enjoy free of charge at all times so much of the lands coloured blue as shall not for the time being have been laid out and developed or be in process of being laid out or developed for any purpose for which those lands may be used under the provisions of this section and for the purpose of such access rights of passage and repassage from and to the yellow lands shall be reasonably exerciseable and in addition the owners shall permit all persons desiring to do so to pass and repass on foot along and over so much of the lands coloured red as is shown edged with green lines on the signed plan Provided that (except as provided by the proviso (i) to subsection (4) of this section)—

(i) the exercise of such rights of access use and enjoyment shall not be deemed to create any permanent public right to or in the lands coloured blue or any part of those lands and that as from the commencement of such laying out and development as aforesaid of any part of the lands coloured blue the said rights of access use and enjoyment so far as they relate to the lands coloured blue shall (except as aforesaid) cease to be exerciseable with reference to such part; and

(ii) if the County Council shall at any time (either in consequence of representations made to them by the owners or otherwise) resolve that it is for any reason inexpedient that such rights of access use or enjoyment as aforesaid should continue to be exercised with reference to the lands coloured blue or any part thereof the said rights shall as from the date of the

passing of such resolution or such other date (if any) as may be specified in that behalf therein cease to be exerciseable with reference to the lands coloured blue or such part thereof as may be specified in the resolution :

(6) The lands coloured yellow shall—

(*a*) form part of the controlled Sandhills and in preparing the map the County Council shall show thereon such lands; and

(*b*) by virtue of this Act vest in the County Council freed and discharged from all claims by and all estates and interests of the owners and without any payment to the owners in respect of such vesting :

Provided that nothing in this Act shall prevent the County Council (if in their discretion they think fit) and the owners from entering into and carrying into effect any agreement for the erection or construction by the owners of buildings or works on any part of the lands coloured yellow and for conveying to the owners without payment therefor any part or parts of the lands coloured yellow which may be required for those purposes :

Provided also that during the construction of a sea wall along the eastern boundary of the lands coloured blue the owners shall be entitled to use temporarily for purposes in connection with such construction so much of the lands coloured yellow as may be requisite therefor :

(7) The owners shall not be entitled to claim and shall not claim under the provisions of the section of this Act of which the marginal note is "Compensation in respect of extinguishment of rights" or of any enactment incorporated with this Act any compensation in respect of any extinguishment or restriction by this Act or anything done thereunder of the rights of the owners with respect to the lands of the owners or any part thereof :

(8) The County Council shall not exercise the powers of this Act upon or with reference to the lands coloured yellow nor notwithstanding anything

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contained in this Act (except as expressly provided in the proviso to subsection (6) of this section) convey lease or otherwise dispose of the lands coloured yellow or any part thereof or grant any licence for the exercise by any other person of any powers upon or with reference to the lands coloured yellow or any part thereof otherwise than subject to the following conditions (that is to say) :—

(*a*) No buildings or structures shall be erected on the lands coloured yellow other than bathing huts of a temporary character and shelters and no shelter erected thereon shall be of a greater height than fifteen feet above the level of the ground adjacent thereto nor of a greater length than thirty-five feet;

(*b*) No bathing huts shall be erected on the lands coloured yellow which either by their number or character would affect prejudicially the amenities of the lands of the owners;

(*c*) An interval of not less than one hundred yards shall be left between any two shelters erected on the lands coloured yellow;

(*d*) No hoarding boards or other structures of a like nature shall be erected on the lands coloured yellow nor any fences permanently enclosing any part thereof or obstructing ingress or egress to or from the lands coloured blue;

(*e*) No part of the lands coloured yellow shall be used as a car or vehicle park nor for any purpose connected with aviation or for the posting of advertisements or bills and no art trade profession or business shall be carried on thereon;

(*f*) The lands coloured yellow shall not be used for camping purposes nor for public amusements or entertainments or other publicly organised sports or in any manner so as to be or tend to be a nuisance or annoyance at common law or otherwise or to

cause damage to the owners but nothing in this paragraph shall be deemed to prohibit organised motor racing on not more than four days in any year;

(*g*) No road shall be laid out or constructed on or over any part of the lands coloured yellow other than a marine parade or esplanade in such position of such height and width and of such design as not to affect prejudicially the amenities of the lands of the owners;

(*h*) The owners shall not be liable to contribute otherwise than by means of any general rate to the cost of constructing erecting or maintaining any building road or work on the lands coloured yellow;

(*i*) The County Council shall not excavate or grant any licence for the excavation of sand or gravel from the lands coloured yellow so as to impair the stability of any sea wall constructed along the eastern boundary of the lands coloured yellow:

(9) Nothing in this Act or done thereunder shall prevent the owners their lessees tenants and visitors from exercising in a reasonable manner at all times full rights of passage from or to the lands coloured blue to or from and over the lands coloured yellow to or from the sea:

(10) The owners shall not cut take or remove or permit or suffer to be cut taken or removed any tree shrub or plant for the time being growing in a natural state on the lands coloured red or the lands coloured blue or any sand soil turf gravel minerals or other materials for the time being in upon or under any of those lands except—

(*a*) so far as may be reasonably necessary for or in connection with the use or development as hereinbefore mentioned of the lands coloured red or the lands coloured blue or any part of those lands respectively; or

(*b*) for or in connection with the erection or construction of any such buildings or works as are referred to in the first proviso to subsection (6) of this section; or

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(*c*) for purposes of sale; or

(*d*) for purposes of cultivation:

Provided that nothing in this subsection shall preclude the owners from taking or removing any sand soil turf gravel minerals or other materials from any part of the lands coloured red or of the lands coloured blue for use exclusively on any other part of any of those lands for any of the purposes (*a*) (*b*) (*c*) and (*d*) referred to in this subsection:

(11) If any difference shall arise between the owners and the County Council with regard to any of the provisions of this section such difference shall be referred to and determined by an arbitrator to be appointed (failing agreement between the parties) on the application of either party after notice in writing to the other of them by the President of the Chartered Surveyors' Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination:

(12) Except so far as may be otherwise agreed between the owners and the County Council the provisions of this section or anything done or to be done thereunder shall not be varied or affected by any town planning scheme.

For protection of commissioners.

60. For the protection of the commissioners the following provisions shall unless otherwise agreed in writing between the County Council and the commissioners have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the County Council shall not under the powers of this Act acquire compulsorily the estate or interest of the commissioners in any lands or property nor shall such estate or interest (except with the consent of the commissioners) be vested in the County Council under the provisions of this Act Provided that the County Council shall not be deemed to be precluded from acquiring any lands or property not belonging to the commissioners by reason only of the fact that the commissioners have

constructed upon or contiguous to such lands or property any works of or in connection with sea defence:

(2) (*a*) Before commencing to exercise with reference to any part of the Sandhills any of the powers conferred by the sections of this Act of which the marginal notes are respectively "Powers of County Council with reference to portions of Sandhills acquired by them" and "Powers of County Council with reference to controlled Sandhills in certain cases" where such exercise involves the carrying out or construction of any works or erections over under or in any way affecting any sea defence work or drainage outfall vested in or under the jurisdiction of the commissioners the County Council shall give to the commissioners notice in writing of their intention to exercise such power and if the commissioners shall be of opinion that such exercise would injuriously affect any such sea defence work or drainage outfall the County Council shall (if so required in writing by the commissioners within fourteen days after the receipt of the notice given by the County Council) deliver to the commissioners a plan section and particulars of the proposed works or erections;

(*b*) If at any time within twenty-one days after the delivery to them of any such plan section and particulars the commissioners in writing addressed to the County Council object to the proposed works or erections or any of them or make or impose any requirement or condition with reference to the said plan section and particulars or the carrying out or construction of the proposed works or erections with which the County Council are unable or unwilling to comply a difference shall be deemed to have arisen between the County Council and the commissioners which shall be determined by arbitration as next hereinafter provided and pending any such determination the County Council shall not carry out or construct or begin to carry out or construct any such works or erections as aforesaid;

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(*c*) Any difference between the County Council and the commissioners which shall arise under this section shall be referred to and be determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed (on the application of either party after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination;

(*d*) If any such arbitrator shall by his award determine that the carrying out or construction of any such works or erections will or may injuriously affect any sea defence work or drainage outfall vested in or under the jurisdiction of the commissioners he may by his award direct that such works or erections or any of them shall not be carried out or constructed by the County Council or shall only be carried out or constructed subject to such conditions as he may prescribe;

(*e*) The making extending or widening of any street road or footpath on any part or parts of the Sandhills dedicated under the provisions of paragraph (*a*) of subsection (1) of the section of this Act of which the marginal note is "Powers of County Council with reference to portions of Sandhills acquired by them" shall be deemed for the purposes of this section to be the carrying out of a work under the provisions of that section;

(*f*) The demolition or removal of any structure promenade landing place launching slip or fence under the provisions of the section of this Act of which the marginal note is "Removal of "structures or fences erected after prescribed "date" or under that section as extended and applied by the section of this Act of which the marginal note is "Power to County Council to grant licences for certain purposes" shall be subject to the provisions of this section as if such demolition or removal were the carrying out of a work under the provisions of the

section of this Act of which the marginal note is " Powers of County Council with reference to portions of Sandhills acquired by them " :

(3) Any such works or erections as aforesaid shall only be carried out or constructed by and at the expense of the County Council under the superintendence (if such superintendence be given) and to the reasonable satisfaction of the surveyor to the commissioners :

(4) The provisions of subsections (2) and (3) of this section shall extend and apply to—

(*a*) any grantee of any part of the Sandhills under the section of this Act of which the marginal note is " Power to County Council " to convey lands to urban and rural district " councils or commissioners " ; or

(*b*) any lessee of any part of the Sandhills under paragraph (*f*) of subsection (1) of the section of this Act of which the marginal note is " Powers of County Council with reference to portions of Sandhills acquired by them " ; or

(*c*) any local authority to whom the County Council grant a licence to carry out or construct any work or erection on any part of the Sandhills acquired by or vested in the County Council under or by virtue of this Act ;

as if such grantee lessee or local authority had been referred to in those subsections instead of the County Council and as if any work or erection proposed to be carried out or constructed by such grantee lessee or local authority on any part of the Sandhills to which the conveyance lease or licence relates were so proposed to be carried out or constructed under the powers first referred to in the said subsection (2).

For protection of Postmaster-General.

61. Nothing in this Act shall affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1926.

Works below high-water mark not to be constructed without

62. The County Council shall not nor shall any other body or person under the powers of this Act erect on under or over any part of the Sandhills below high-water mark of ordinary spring tides any structure or fence without the previous consent of the Board of

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consent of Board of Trade.

Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such structure or fence may have been erected the County Council shall not nor shall any other body or person at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any structure or fence be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owners and the amount of such costs and charges shall be a debt due from the owners to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Abatement of work abandoned or decayed.

63.—(1) Where any structure or fence erected by the County Council or any other body or person under the powers of this Act and situate wholly or partially on under or over any part of the Sandhills below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the owners at their own expense to repair and restore such part of such structure or fence as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such structure or fence which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such structure or fence or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the owners they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at

the expense of the owners and the amount of such expense shall be a debt due from the owners to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt. A.D. 1932.

Powers of Act cumulative.

64. The powers conferred by this Act upon the County Council shall be in addition to and not in substitution for or in derogation of any powers which the County Council could have exercised if this Act had not been passed.

As to appeals to county court.

65.—(1) Where under the provisions of this Act any person appeals to a county court—

(*a*) such appeal shall lie to the county court within the jurisdiction of which the Sandhills or the greater part thereof are or is for the time being situate;

(*b*) such appeal shall notwithstanding anything in section 19 of the Administration of Justice Act 1925 be tried by the county court judge without a jury and the judge may make such order in the matter as he deems equitable.

(2) Rules with respect to the practice and procedure under this section shall be made by the authority having power to make rules of practice under the County Courts Acts 1888 to 1924 and the rules shall make provision with respect to an inspection by the judge of any premises to which the appeal relates in any case in which he considers that such inspection is desirable.

Authentication and service of notices.

66.—(1) Where any notice or demand under this Act requires authentication by the County Council the signature of the clerk or other duly authorised officer of the County Council shall be sufficient authentication.

(2) Notices orders and any other documents required or authorised to be served under this Act (other than a notice required or authorised to be served under the Lands Clauses Acts) may be served by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises They may also be served by registered post Any notice by this Act required to be given to the owner or occupier of any premises may where served otherwise than by

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registered post be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description:

Provided that in any case in which the County Council shall be unable to effect service by any of the methods hereinbefore referred to and shall be unable after diligent inquiry to ascertain the name or address of any person upon whom a notice order or other document is so required or authorised to be served or of the duly authorised agent of any such person they may serve such notice order or other document by fixing the same on some conspicuous part of the premises owned or occupied by such person.

Evidence of appointments and authorities.

67. Where in any legal proceedings taken under this Act by or on behalf of the County Council or (by virtue of any delegation from the County Council) the council of any urban or rural district or the commissioners (each of which bodies is in this section referred to as an "acting authority") it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the acting authority or of any committee of the acting authority or to prove any resolution of the acting authority or of any committee of the acting authority a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman or clerk of the acting authority shall be prima facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Judges not disqualified.

68. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Saving for indictments &c.

69. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act or any enactment incorporated with this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act or any such

incorporated enactment Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. A.D. 1932.

Saving for commissioners.

70.—(1) Nothing contained in this Act or in any byelaw made under or by virtue of the provisions thereof or done under or by virtue of this Act or of any such byelaw shall prejudice alter abridge or take away any of the jurisdiction rights powers or authorities vested in the commissioners except so far (if at all) as such jurisdiction rights powers or authorities are prejudiced altered abridged or taken away by any provision of this Act wherein the commissioners are specifically named and except as aforesaid all such jurisdiction rights powers and authorities shall be as good valid and effectual to all intents and purposes as if this Act had not been passed.

(2) Nothing in this Act shall be deemed to impose on the commissioners any greater duty towards any authority company body or person or any greater liability in respect of any injury loss or damage suffered by any authority company body or person by reason of any act neglect or default of the commissioners than the duty or liability (if any) to which the commissioners would have been subject towards any such authority company body or person if this Act had not been passed.

Inquiries by Minister of Health.

71.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The County Council shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

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Crown rights.

72. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the County Council or any other body or person to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

73. 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 County Council out of the county fund as a payment for general county purposes or for special county purposes according as they may determine or out of money to be borrowed for that purpose.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIPTION OF THE SANDHILLS.

The following lands bounded on the seaward side by high-water mark for the time being of ordinary tides and on the landward side by the westernmost line marked on the deposited plans indicating the "Limits of Sandhills":—

(*a*) Extending from and including Gibraltar Point in the parish of Wainfleet St. Mary in the rural district of Spilsby on the south to the southern boundary fence of the Seacroft Golf Links in the parish of Croft in the said rural district of Spilsby and an imaginary line in continuation of that fence in an easterly direction on the north and comprising—

(i) in the said parish of Wainfleet St. Mary the enclosure numbered 664 and parts of the enclosures numbered 662 662A 664A and 665 on the 1/2500 Ordnance map (1905 edition) Lincolnshire (Parts of Lindsey) sheet XCII. 11;

(ii) in the said parish of Croft the enclosures numbered 412 and 413 and parts of the enclosures numbered 382A 392 400 403 411 and 419 on the 1/2500 Ordnance map (1905 edition) Lincolnshire (Parts of Lindsey) sheets XCII. 7 and 11;

(*b*) Extending from an imaginary line in continuation in an easterly direction of the centre line of Drake Road in the urban district of Skegness on the south to an imaginary line in continuation in an easterly direction of the southern boundary fence of the Seacroft Hotel in the said urban district on the north and comprising in the said urban district the enclosure numbered 34 and parts of the enclosures numbered 30 32 33 70 and 71 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LXXXIV. 15 and 16;

(*c*) Extending from the southern boundary of the amusement park of Messieurs Booth Hurt and Guest in the said urban district of Skegness and an imaginary line in continuation of that boundary in an easterly direction

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on the south to the boundary between the parishes of Trusthorpe and Mablethorpe in the urban district of Mablethorpe and Sutton on the north and comprising—

(i) in the said urban district of Skegness parts of the enclosures numbered 122 257 271 282 and 295 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LXXXIV. 7 and 11;

(ii) in the parish of Ingoldmells in the rural district of Spilsby the enclosures numbered 32 and 271 and parts of the enclosures numbered 3 5 33 82 83 121 145 186 187 202 203 230 263 263B 265A 266 270 and 271A on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LXXXIV. 3 4 and 7 and LXXVI. 11 15 and 16;

(iii) in the parish of Chapel St. Leonards in the said rural district of Spilsby the enclosures numbered 3 4 and 63 and parts of the enclosures numbered 5 23 64 108 147 148 150 187 205 206 207 223 261 262 280 281 377 and 378 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LXXVI. 3 7 and 11 and LXVII. 15;

(iv) in the parish of Anderby in the said rural district of Spilsby parts of the enclosures numbered 62 67 70 248 and 249 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LXVII. 5 10 and 11;

(v) in the parish of Huttoft in the said rural district of Spilsby parts of the enclosures numbered 38 39 40 209A 226 460 and 501 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LXVII. 2 6 10 and 11;

(vi) in the urban district of Mablethorpe and Sutton the enclosures in the parish of Sutton le Marsh numbered 17 and 24 and parts of the enclosures numbered 14 15 18 25 34 35 62 113 180 184 186 190 381 383 and 391 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LXVII. 2 and LVIII. 9 10 13 and 14;

(vii) in the said urban district of Mablethorpe and Sutton the enclosures in the parish of Trusthorpe numbered 123 and 125 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LVIII. 5 9 and 10;

(*d*) Extending from the northern boundary of the urban district of Mablethorpe and Sutton on the south to the southern side of the drain forming the boundary

between the parishes of Saltfleetby St. Clement and Skidbrooke cum Saltfleet in the rural district of Louth on the north and comprising—

(i) in the parish of Theddlethorpe St. Helen in the rural district of Louth the enclosures numbered 26 26A 27 42 57 58 59 60 and 124 and parts of the enclosures numbered 28 43 123 143 167 and 168 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets XLIX. 12 and 16;

(ii) in the parish of Theddlethorpe All Saints in the rural district of Louth the enclosures numbered 3 3A 3B 22 23 23A 24 25 118A 119A and 120 and part of the enclosure numbered 119 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets XLIX. and XLIX. 7 and 12;

(iii) in the parish of Saltfleetby St. Clement in the rural district of Louth the enclosures numbered 80 81 81A 82 103 104 105 106 107 136A and 137 and parts of the enclosures numbered 14 60 and 79 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets XLIX. 3 and 7;

(*e*) Extending from the northern side of the said drain forming the boundary between the parishes of Saltfleetby St. Clement and Skidbrooke cum Saltfleet in the rural district of Louth on the south to an imaginary line in continuation in an easterly direction of the centre line of Sea Lane in the last-mentioned parish and comprising in that parish the enclosures numbered 188 and 381B and parts of the enclosures numbered 166 189 197 and 381 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets XLI. 15 and XLIX. 3.

SECOND SCHEDULE.

LANDS (NOT FORMING PART OF THE SANDHILLS) WHICH MAY BE ACQUIRED.

PART I.

FOR THE PROVISION OF ACCESS TO THE SANDHILLS.

(1) In the parish of Chapel St. Leonards in the rural district of Spilsby—

(*a*) a strip of land extending from the Sandhills to the Roman Bank between the houses known as "The Cottage" and "The Beacon" and comprising parts of

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the enclosures numbered 204 and 205 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet LXXVI. 7 including the footway or track traversing those enclosures; and

(*b*) a strip of land extending from the Sandhills to the Roman Bank and comprising parts of the enclosures numbered 254 and 261 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet LXXVI. 3 including the footway or track traversing those enclosures.

(2) In the parish of Anderby in the said rural district of Spilsby a strip of land extending from the Sandhills to the Roman Bank comprising parts of the enclosures numbered 249 and 252 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet LXVII. 15 including the footway or track traversing those enclosures.

(3) In the parish of Huttoft in the said rural district of Spilsby—

(*a*) a strip of land extending from the Sandhills to the Roman Bank near Bank House and comprising parts of the enclosures numbered 228 243 269 and 270 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LXVII. 6 and 10 including the footway or track traversing those enclosures; and

(*b*) a strip of land extending from the Sandhills to the Roman Bank near Whitehouse farm and comprising parts of the enclosures numbered 223 224 and 228 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet LXVII. 6 including the footway or track traversing those enclosures.

(4) In the urban district of Mablethorpe and Sutton a strip of land extending from the Sandhills to Trusthorpe Road and comprising parts of the enclosures in the parish of Sutton le Marsh numbered 18 and 23 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheets LVIII. 9 and 10 including the footway or track traversing those enclosures.

(5) In the parish of Theddlethorpe St. Helen in the rural district of Louth—

(*a*) a strip of land extending from the Sandhills to the public road and comprising parts of the enclosures numbered 126 and 127 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet XLIX. 16 including the footway or track traversing those enclosures; and

(*b*) a strip of land extending from the Sandhills to the public road and comprising part of the enclosure numbered 45 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet XLIX. 12 including the footway or track traversing that enclosure.

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(6) In the parish of Saltfleetby St. Clement in the said rural district of Louth extending from the Sandhills to Back Street and comprising parts of the enclosures numbered 100 110 and 111 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet XLIX. 7 including the footway or track traversing those enclosures.

(7) In the parish of Skidbrooke cum Saltfleet in the said rural district of Louth extending from the Sandhills to Sea Lane and comprising part of the enclosure numbered 162 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet XLI. 15 including the footway or track traversing that enclosure.

PART II.

FOR OTHER PURPOSES.

Lands in the urban district of Mablethorpe and Sutton comprising the enclosure in the parish of Mablethorpe numbered 32 on the 1/2500 Ordnance map (1906 edition) Lincolnshire (Parts of Lindsey) sheet LVII. 4.

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