# CHAPTER clxxi.

An Act to authorise and provide for the construction of certain Sea Defence Works between Newhaven and Seaford in the county of Sussex and to enable the Newhaven Harbour Company to raise additional capital and the London Brighton and South Coast Railway Company to guarantee Dividend thereon and for other purposes. [25th July 1898.] A.D. 1898.

WHEREAS there have been considerable encroachments by the sea upon the shore between Newhaven and Seaford in the county of Sussex and it is expedient that defence works should be made to prevent further encroachment:

And whereas the companies and persons hereafter mentioned are owners of lands and works adjacent or near to the seashore and have sustained and are liable to sustain injury by such encroachments and the councils hereafter mentioned are the authorities for districts affected by encroachments and the trustees of Newhaven Harbour and Ouse Lower Navigation have under the Newhaven Harbour and Ouse Lower Navigation Act 1847 and a subsequent Act powers with respect to the navigation of the River Ouse and lands adjacent thereto:

And whereas the Newhaven Harbour Company the London Brighton and South Coast Railway Company the county council of East Sussex the urban district council of Seaford Robert Lambe the trustees of the will of the late Thomas Crook junior the Seaford Bay Estate Company Limited the Right Honourable Walter John Earl of Chichester Alfred Blandford Hutchings and Charles William Catt are willing to subscribe to the cost of and to arrange for the construction of such defence works in the manner and subject to the provisions herein-after set forth and it is expedient that provision with that object should be made as hereafter set forth:

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And whereas it is expedient that provision should be made for the appointment of a body of commissioners for the purposes of this Act:

And whereas in order to enable such commissioners to effectually maintain such defences and works it is expedient that they should be empowered to raise and collect money and contributions in manner herein-after provided:

And whereas the Newhaven Harbour Company have created and issued all the capital which they have power to create and issue and they have various works in hand for the completion and improvement of their undertaking and it is expedient that for the purposes of this Act and for the general purposes of their undertaking the Newhaven Company should be empowered to raise additional capital and that the London Brighton and South Coast Railway Company should be empowered to guarantee dividend thereon as herein-after provided:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Act were deposited with the clerk of the peace for the county of Sussex and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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

## PART I.—PRELIMINARY.

Short title.

**1.** This Act may be cited as the Newhaven and Seaford Sea Defences Act 1898.

Act divided into Parts.

**2.** This Act shall be divided into Parts as follows viz.:—

Part I.—Preliminary.
Part II.—Constitution of Commissioners.
Part III.—Works.
Part IV.—Cost of construction Future maintenance.
Part V.—Financial.
Part VI.—Powers to Newhaven and Brighton Companies.
Part VII.—Miscellaneous.

**3.** The following Acts and parts of Acts are hereby incorporated with and form part of this Act except as varied by or inconsistent with the provisions of this Act viz. :— Incorporation of Acts.

The Lands Clauses Acts:

The Railways Clauses Acts:

The Commissioners Clauses Act 1847.

**4.** In this Act— Interpretation.

"The Newhaven Company" means the Newhaven Harbour Company;

"The Brighton Company" means the London Brighton and South Coast Railway Company;

"The county council" means the county council of East Sussex;

"The Seaford Council" means the urban district council of Seaford;

"The Newhaven Council" means the rural district council of the Newhaven Union;

"The estate company" means the Seaford Bay Estate Company Limited;

"Lord Chichester" means the Right Honourable Walter John Earl of Chichester;

"The Crook trustees" means the trustees of the will and codicil of the late Thomas Crook junior dated twenty-fifth August one thousand eight hundred and seventy-three and fifth of November one thousand eight hundred and seventy-three respectively;

"The Commissioners" means the body of Commissioners constituted by this Act;

"The councils" means the county council the Seaford Council and the Newhaven Council and also the Newhaven Urban District Council if and when that council shall agree to contribute to the construction or maintenance of the works hereby authorised;

"The conservators" means the trustees for Newhaven Harbour and Ouse Lower Navigation;

"The signed plan" means the plan signed in triplicate by the Chairman of the Committee of the House of Lords to whom the Bill for this Act was during its passage through Parliament referred of which a copy was deposited in the Parliament Office of the House of Lords and in the Private Bill Office of the House of Commons.

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## PART II.—CONSTITUTION OF COMMISSIONERS.

Incorporation of Commissioners.

**5.** There shall be a body of Commissioners constituted as by this Act provided for the purpose of carrying this Act into execution They and their successors shall be a body corporate under the name or style of "The Commissioners for the Newhaven and Seaford Sea Defence Works" with perpetual succession and a common seal and they shall have power to sue and be sued and to purchase take hold and dispose of lands and other property.

Constitution of Commissioners.

**6.** The Commissioners shall be not more than twelve in number of whom ten shall be appointed within three months from the passing of this Act as follows:—

Three members shall be appointed by the Newhaven Company one of whom shall be a director of that company;

Two members shall be appointed by the Brighton Company one of whom shall be a director of that company;

One member shall be appointed by the county council from among their own body;

Two members shall be appointed by the Seaford Council from among their own body;

One member shall be appointed by the Newhaven Council from among their own body;

One member shall be appointed by the conservators from among their own body.

Appointment of Commissioner by Robert Lambe.

**7.** Robert Lambe or some person to be nominated by him shall also be a member of the Commission but shall only be eligible to act as such Commissioner until the construction of the works by this Act authorised shall have been completed Provided that the said Robert Lambe or the member of the Commission nominated by him as aforesaid shall be entitled to attend at any meetings of the Commissioners after such completion whereat any question relating to the cost of the said works may be discussed and may vote upon any such question.

Newhaven Urban District Council may appoint Commissioner.

**8.** If and when the Newhaven Urban District Council agree to subscribe towards the maintenance of the walls and works by this Act authorised and to contribute towards the reserve fund hereinafter referred to a sum not less than two thirty-second parts thereof they may appoint one member of the Commission Provided that the member so appointed shall not be entitled to vote upon any question of the construction of the said works or the cost thereof.

Failure to appoint Commissioners

**9.** If any of the bodies by this Act authorised to appoint Commissioners fail to make such appointment before the date

prescribed for the first appointment of such Commissioners it shall be competent nevertheless for the other Commissioners to carry this Act into execution and if any of the said bodies by this Act authorised to appoint Commissioners fail to appoint Commissioners in any subsequent year of appointment the then existing Commissioners representing such respective bodies shall continue in office if eligible as if they had been re-appointed by any such body so failing to appoint.

not to affect action of Commissioners appointed.

**10.** The first Commissioners shall hold office till the completion of the said works But a Commissioner appointed by any one of the councils shall if he cease to be a member of the appointing council vacate his office unless otherwise provided by the resolution under which he was appointed.

Duration of office of first Commissioners.

**11.** With respect to the retirement and rotation of Commissioners after the completion of the said works the following provisions shall apply :—

Retirement and rotation of Commissioners.

At the first annual meeting immediately following the completion of the said works as certified by the engineer of the Commissioners one-third of such Commissioners to be determined by ballot among themselves unless they shall otherwise agree shall go out of office;

At the second annual meeting after the completion of the said works one-half of the remaining number of such Commissioners to be determined in like manner shall go out of office;

At the third annual meeting after the completion of the said works the remainder of such Commissioners shall go out of office:

And in each instance the places of the retiring Commissioners shall be filled by the companies councils or bodies who respectively nominated them and at the first annual meeting in every subsequent year one-third of the Commissioners being those who have been longest in office shall go out of office and their places shall be supplied in like manner:

Nevertheless every Commissioner so retiring from office may be re-elected immediately or at any future time and after such re-election shall with reference to the going out by rotation be considered as a new Commissioner:

Provided always that if at any time the number of Commissioners be some number not divisible by three the Commissioners shall in each case determine what number of Commissioners as nearly one-third as may be shall go out of office so that the whole number shall go out of office in three years.

**12.** The Commissioners shall hold their first meeting (which shall be summoned by the secretary of the Newhaven Company) at

Meetings of Commissioners.

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Newhaven at a place and time to be fixed by him and stated in the notice on some day as soon as convenient after the passing of this Act and other meetings of the Commissioners shall be held at such place on such days and at such times as the Commissioners shall appoint and shall be convened by the clerk to the Commissioners by circular delivered to each Commissioner or sent by post to or delivered at his residence two clear days at least before the day of meeting and the annual meeting shall be held on some convenient day in the month of March in each year commencing with the year one thousand eight hundred and ninety-nine or in such other month as the Commissioners may from time to time resolve.

Chairman and vice-chairman.

**13.**—(1.) The Commissioner appointed by the county council shall be ex-officio chairman.

(2.) At the first meeting of the Commissioners they shall by the majority of the votes of the Commissioners present elect a vice-chairman until the next annual meeting of the Commissioners when and at every subsequent annual meeting the Commissioners shall in like manner elect a vice-chairman.

(3.) If at any meeting of the Commissioners the chairman be not present the chair shall be taken by the vice-chairman and if neither chairman nor vice-chairman be present one of the Commissioners present shall be elected chairman at such meeting by the majority of the votes of the Commissioners present at such meeting.

Errors in election &c. not to vitiate acts of Commissioners.

**14.** Any act of the Commissioners or of any member thereof shall not be invalid or illegal by reason of any irregularity in the appointment or nomination of any member or other irregularity error failure or omission in or about any appointment or nomination or in or about any matter preliminary or incidental thereto.

Mode of supplying occasional vacancies.

**15.** If any Commissioner die or resign or if his office become vacant from any cause during the continuance of the period for which he was appointed whether during or after the construction of the works by this Act authorised the vacancy shall be filled by the appointment of another Commissioner by the body or person by whom the Commissioner whose office has become vacant was appointed and every person so appointed a Commissioner shall as to continuance in office and in all other respects be in the same position as the Commissioner in whose place he has been appointed.

Quorum.

**16.** The quorum of a meeting of the Commissioners shall be five.

Special meetings of Commissioners.

**17.** In addition to the meetings to be held by appointment of the Commissioners the chairman of the Commissioners for the time being or any three or more Commissioners may at any time by writing delivered to the clerk to the Commissioners require a

special meeting to be convened and the clerk shall convene a meeting accordingly and shall give at least two clear days notice thereof to each Commissioner. A.D. 1898.

**18.** The office of the Commissioners shall be at such place as the Commissioners shall determine. Office of Commissioners.

## PART III.—WORKS.

**19.** Subject to the provisions of this Act the Commissioners may in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the works shown on the deposited plans and sections among which are the following (that is to say):— Power to make works.

A sea wall (No. 1) commencing in the parish of Bishopstone at a point 4 chains or thereabouts west of the Tide Mills and terminating at a point 15 chains or thereabouts east of the Buckle Inn at or near the eastern boundary of the said parish of Bishopstone;

A sea wall (No. 2) commencing at the termination of sea wall No. 1 herein-before described passing through the parish of East Blatchington and terminating in the parish of Seaford at the western end of and adjoining the existing sea wall there:

Together with all such groynes along the line of the said sea walls and other works and conveniences connected therewith as the Commissioners may think necessary.

**20.** The said sea walls and works shall be proceeded with and completed with all reasonable despatch in their entirety as a complete work in accordance with the deposited plans with such modifications of details within the limits of deviation shown on those plans as the Commissioners may find necessary. Works to be completed with reasonable despatch.

**21.** The Commissioners may also construct and maintain groynes or other defensive works of such dimensions of such numbers and in such positions as may be deemed necessary or advisable on the foreshore in front of the sea wall now existing in the parish of Meeching otherwise Newhaven and the sea wall now existing in the parish of Seaford to which sea walls respectively the sea walls hereby authorised shall be joined. Subsidiary works.

**22.** From and after the date of the completion of the sea wall No. 2 the Commissioners shall for ever maintain the existing sea wall between the points F and K marked upon the signed plan including the southern half circle of the wall round the moat Commissioners to maintain existing sea walls.

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of the martello tower and the outer concrete supports of such sea wall (herein-after referred to as "the Seaford sea wall") and also the existing sea wall constructed by the Newhaven Company extending from the east pier of Newhaven Harbour to the commencement of sea wall No. 1 by this Act authorised (which existing sea wall is herein-after referred to as "the Newhaven sea wall"):

But this Act shall not impose on the Commissioners any obligation to maintain the northern half circle of the wall round the said moat.

Provisions as to construction of road along sea walls.

**23.** For the purpose of ensuring the construction of a road along the new sea walls by this Act authorised and along the existing Seaford sea wall the following provisions shall unless otherwise agreed between the parties herein-after referred to have effect (that is to say):—

(1) As soon as the new sea wall No. 1 has been constructed between the points marked A and Z on the signed plan the said Robert Lambe shall fill in and make up the ground on the landward side thereof between the same points for a width of sixty feet measured landwards from the said sea wall and shall thereon construct and properly metal and form a road of sixty feet in width being throughout between the said points A and Z on the same level as the top of the said sea wall and shall properly connect such road with the existing high road at the point Z shown on the signed plan and also with the road next herein-after provided for and the Newhaven Council shall thereupon take over and adopt such road as a public road without the said Robert Lambe being under any obligation to sewer channel pave or erect lamps for lighting the same:

(2) As soon as the new sea wall No. 2 has been constructed between the points marked A and E on the signed plan the said Robert Lambe shall fill in and make up the ground on the landward side thereof between the same points for a width of sixty feet measured landwards from the sea wall and shall thereon construct and properly metal and form to the satisfaction of the Seaford Council a road of sixty feet in width being throughout between the said points A and E on the same level as the top of the sea wall and shall properly connect the same with the portions of road to be constructed as herein provided between the points A and Z and the points E and F:

(3) So far as the said filling in and making up will be situate on land of the Seaford Council that council shall permit the user of such land for the purposes of this section by the said Robert

Lambe free of charge and when and so soon as the said road shall have been completed to the satisfaction of the Seaford Council as aforesaid the strip of land shown on the signed plan between the points L and M and thereon coloured dark red shall vest in the said Robert Lambe freed and discharged from all public and other rights thereover:

(4) The said Robert Lambe shall permit the Commissioners to use without payment therefor such portion of his frontage land as may be necessary for the construction of the works by this Act authorised between the points A and D shown on the signed plan and shall at all times permit free access for the public to and over the beach on the seaward side of the sea wall between the said points:

(5) Notwithstanding anything in section 150 of the Public Health Act 1875 the said Robert Lambe shall not be bound to sewer pave or channel the said road between the points A and E or erect any lamps thereon:

(6) The Commissioners shall at the same time as they construct the sea wall No. 2 fill in the space behind the said sea wall between the points E and F shown on the signed plan and make the same up to the level of the embankment on the landward side of the said sea wall for a width of sixty feet measured landwards from the said sea wall except where a less space than sixty feet shall intervene between the said sea wall and the towers gardens and boundary walls of the house and grounds known as Telsemaure where they shall in like manner fill in the entire intervening space:

(7) Upon the completion of such filling in as aforesaid between the points E and F the Seaford Council shall construct on the surface thereof a road of the width so filled in and on the same level as the top of the sea wall and shall properly connect the same with the road to be constructed as aforesaid by the said Robert Lambe between the points A and E and with the existing road at the point F shown on the signed plan and shall metal the road so to be constructed by them to the extent of thirty feet in width measured landward from the sea wall but shall not be under any obligation to metal the remainder of such road:

(8) When and so soon as the road between the points Z and E shall have been completed as aforesaid the Seaford Council shall take over and adopt the same between the points A and E as a public road and when and so soon as the Seaford Council shall have completed the road between the aforesaid points E and F

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they shall take over and adopt the same as a public road and neither the owners nor occupiers for the time being of the Telsemaure property shall be under any obligation with respect to the sewering levelling paving lighting metalling flagging channelling or making good of the said portion of road between the points E and F:

(9) The Seaford Council shall also as soon as the sea wall No. 2 is completed take over and adopt as public roads in their present condition the road on the land side of the Seaford sea wall and of the moat of the martello tower between the points marked on the signed plan F and K and to a width between the points F and G and the points H and K of not exceeding thirty feet and between the points G and H to the full width of the road:

(10) When and so soon as the estate company shall erect houses or buildings on the land at the back of the Seaford sea wall between the points F and G and the points H and J marked on the signed plan and when and so soon as the said Alfred Blandford Hutchings shall erect houses and buildings on the land at the back of the sea wall between the points J and K marked thereon they shall respectively widen the said road to a total width of sixty feet at least and shall make up level metal pave flag channel and erect lamps for lighting the same to the satisfaction of the Seaford Council who shall thereupon take over the said road as a sixty-feet road throughout:

(11) All roads taken over by the Seaford Council and the Newhaven Council respectively shall be maintained and repaired by those councils respectively as highways repairable by the inhabitants at large within their respective districts.

With respect to the Crook trustees.

**24.**—(1.) In constructing the sea wall No. 2 the Commissioners shall not without the consent in writing of the Crook trustees deviate landwards from the centre line of the said sea wall as shown on the deposited plans between the points O and F marked on the signed plan but shall be at liberty to curve the said sea wall towards the sea within the limits of deviation if they so desire.

(2.) When and so soon as the sea wall No. 2 shall have been completed the Commissioners shall stop up and discontinue the old road partly buried by shingle between the points O and P marked on the signed plan and the site and soil of such road are by this Act vested in the Crook trustees free from all public and other rights of way and other rights affecting the same and shall be held by such trustees upon the trusts declared by the will and codicil aforesaid of the late Thomas Crook junior of his said house and grounds known as Telsemaure subject nevertheless to the construction

of the new road between the said sea wall and the walls of Telsemaure herein-before referred to.

(3.) Notwithstanding anything in this Act contained or shown on the deposited plans the Commissioners shall not enter upon or use any greater portion of the Telsemaure property than shall be required for the purpose of the sea wall No. 2 and the filling in of the site and construction of the road between the points E and F on the signed plan as herein-before provided nor shall the Commissioners acquire any greater right or interest in the portion of the said property so required to be used than a right to make and maintain the said sea wall and to fill in and construct the road as herein-before provided and the Crook trustees shall grant such right to the Commissioners without any payment.

(4.) It shall be lawful for the Crook trustees to pay to the said Robert Lambe the contributions under this Act payable by them towards the three-eighths of the total cost of constructing the works by this Act authorised and from time to time to charge any payments made by them with the interest thereon at any rate not exceeding four per cent. per annum on any part or parts of the said Telsemaure property and to raise such sums together with any costs charges and expenses of the Crook trustees connected with or incidental to this Act and with the carrying into effect of the obligations imposed upon the Crook trustees thereby by mortgage in fee or for any term or terms of years of any part or parts of such property.

(5.) It shall be lawful for the Crook trustees from time to time to enter into and carry into effect contracts agreements and arrangements with the Commissioners or with the Seaford Council with respect to the exchange of any lands forming part of the estate for other lands to be held subject to the trusts of the said will and codicil of Thomas Crook junior declared of his said Telsemaure property and to surrender any lands or dedicate any lands forming part of that property for the use of the public and to grant public rights in through over and along the same.

Removal of fences rails and other obstructions.

**25.** The Seaford Council may remove any fences rails or obstructions along the existing embankment or sea wall or on any outer supports thereof within the district of the Seaford Council which would interfere with the road to be formed along the sea wall as herein-before provided but shall not under the powers of this Act interfere with the martello tower and moat situate between the points marked W and J on the signed plan.

As to frontage and road in Seaford.

**26.**—(1.) All works constructed by the Commissioners under the powers of this Act on the seaward side of the Seaford sea wall and

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the concrete blocks now lying seaward of the Seaford sea wall shall subject to the right of the Commissioners to maintain the same be vested in and under the control of the Seaford Council and that Council may from time to time erect and thereafter maintain steps and other means of access to the beach from any part of such works or of the said sea walls.

(2.) It shall be lawful for the council to surrender to the Commissioners without payment all or any part of the sea frontage vested in them between the points B and C the points D and E and the points V and W marked on the signed plan.

(3.) The Seaford Council shall take over and adopt the road from the southern end of Pelham Place to the point marked G on the signed plan at its existing width and in its present condition and the said council shall remove the present fences and gates at the northern entrance to the said road and all other obstructions thereon and when and so soon as the said road shall have been widened by the estate company to the width of 60 feet and such additional width shall have been paved channelled and sewered and the necessary lamps fixed for the lighting of the same by the estate company the said council shall in like manner take over and adopt such additional width of road and the portions of the said road as and when taken by the council shall be maintained and repaired by them as a highway repairable by the inhabitants at large within their district.

Grant of easements over certain land.

**27.** The Seaford Council the Newhaven Council Lord Chichester the said Charles William Catt the estate company the said Alfred Blandford Hutchings and the Newhaven Company shall each respectively for the purposes of the sea walls and works by this Act authorised and for the construction of the roadways in this Act also referred to grant to the Commissioners without any payment for the same a perpetual easement in and over so much of the land belonging to them respectively as shall be required for the construction of the sea walls and works by this Act authorised and in addition thereto shall each respectively according to their respective frontages permit the construction on the landward side of the sea walls and works by this Act authorised and of the Seaford sea wall of the several roadways in this Act referred to.

As to stopping certain roads &c.

**28.** It shall be lawful for the Commissioners to stop up and discontinue any roads or paths on the site of the sea walls and works and all rights of way thereover and also any roads or paths or parts of roads or paths situate on or underneath the beach to the seaward side of the intended sea walls and works.

Power to Commissioners to take lands.

**29.** Subject to the provisions of this Act the Commissioners may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they require for the construction and maintenance of the works by this Act authorised.

Limits of deviation.

**30.** Subject to the provisions of this Act in the construction of the works authorised by this Act the Commissioners may deviate laterally to any extent not exceeding the limits of the lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet:

Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Works below high-water mark not to be commenced without consent of Board of Trade.

**31.** The Commissioners shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of 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 such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Saving rights of Crown in foreshore.

**32.** Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any

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of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Provisions for accesses to shore to satisfaction of Board of Trade.

**33.** During the construction of the works by this Act authorised on or near the foreshore of the sea between Newhaven and Seaford and also at all times after completion thereof the Commissioners shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over under or across the works as the Board of Trade may from time to time direct or approve and shall also make and permanently maintain at the like expense and to the like satisfaction on the seaward side of the works such boat slips or other facilities for boats and for passengers landing therefrom or embarking thereon as the Board of Trade may from time to time direct or approve.

Further provisions as to public access to sea beach.

**34.** For the purpose of securing to the public access to the sea beach after the construction of the works by this Act authorised the Newhaven Urban District Council shall be empowered to construct steps on the seaward side of the existing sea wall belonging to the Newhaven Company in the parish of Meeching otherwise Newhaven at the point where the public footpath in that parish provided for by section 16 subsection 1 of the London Brighton and South Coast Railway (Various Powers) Act 1892 converges on such sea wall The Newhaven Council and the Bishopstone Parish Council or either of them may in like manner construct similar steps at any point that may be found most convenient near to the Buckle Inn in the parish of Bishopstone where the public road from Newhaven to Seaford skirts the sea walls by this Act authorised and also at a point opposite to the Tide Mills in the same parish to the south of the bridge leading over the branch of the mill pond to the sea beach Provided that the foundations of any such steps shall not be carried below the footings of the existing sea wall or of the sea walls to be constructed under the powers of this Act and that they shall be constructed in accordance with plans to be submitted to and reasonably approved by the engineer of the Commissioners.

Nothing contained in this Act shall be held to interfere with any existing public rights of access to and user of the seashore for bathing fishing or other purposes.

Saving rights of Crown under Crown Lands Act.

**35.** Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Period for completion of works.

**36.** If any works authorised by this Act are not completed within the period of seven years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Commissioners for executing the same or in relation thereto shall cease except as to so much thereof as is then completed.

Limitation of time for compulsory purchase of lands.

**37.** The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to acquire additional lands by agreement.

**38.** The Commissioners may (in addition to lands they are authorised to acquire and hold under the other powers of this Act) acquire by agreement either by purchase or by way of exchange or otherwise any land which they may think necessary for the purposes of this Act:

Provided that the amount of land to be acquired under the powers of this section shall not exceed ten acres but nothing in this Act shall exempt the Commissioners from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Restriction on taking houses of labouring class.

**39.** The Commissioners shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

## PART IV.—COST OF CONSTRUCTION. FUTURE MAINTENANCE.

As to cost of construction.

**40.** The cost of constructing the said works shall be paid by the companies authorities and persons and in the proportions following viz.:—

The Newhaven Company shall pay three-eighths of the total cost;

The Brighton Company shall pay two-eighths of the total cost:

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The remaining three-eighths of the total cost shall be provided as follows:—

The Seaford Council shall pay two thousand pounds;
The estate company shall pay one thousand pounds;
The Crook trustees shall pay one thousand pounds;
The county council shall pay one thousand pounds;
Lord Chichester shall pay four hundred pounds;
The said Alfred Blandford Hutchings shall pay three hundred and seventy-five pounds;
The said Charles William Catt shall pay two hundred pounds;
The said Robert Lambe shall contribute and pay or provide such sum of money as with the amounts received by the Commissioners from the said councils estate company trustees and persons shall make up the said last-mentioned three-eighths of the total cost:

Provided nevertheless that the liability of the said Robert Lambe hereunder shall not exceed a sum representing with the amounts aforesaid three-eighth parts of a sum of sixty thousand pounds:

Provided also that if the total cost as certified by the engineer of the Commissioners be less than fifty thousand pounds the sum to be contributed by the county council shall be one-fiftieth part of the total cost instead of a fixed sum of one thousand pounds and the Commissioners shall repay to the county council any excess that may be found due under this provision.

Consent of Newhaven and Brighton Companies to certain contracts.

**41.** The Commissioners shall not without the previous consent of the Newhaven Company and the Brighton Company given under their respective common seals enter into any contract or arrangement for the construction of the works by this Act authorised if such contract or arrangement shall involve a total expenditure thereon of any sum exceeding sixty thousand pounds.

As to maintenance of sea walls and works.

**42.** From and after the date upon which the sea walls and works by this Act authorised shall have been completed the same and the Seaford sea wall and the Newhaven sea wall shall be maintained and kept in repair by the Commissioners but at the expense of the companies and authorities following viz.:—

The Newhaven Company the Brighton Company the county council the Seaford Council the Newhaven Council and the conservators and if and when they so agree the Newhaven Urban District Council:

Provided that no greater liability towards the cost of such repairs shall be incurred by any of the said companies or councils in any one year than that provided for by the next following section.

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Maintenance reserve fund.

**43.**—(1.) In order to form a reserve fund for the purposes of maintaining the said works when constructed and the Seaford sea wall and the Newhaven sea wall and to provide that such fund shall be available when the same are completed the Commissioners shall be entitled to issue precepts for and to demand and recover from the companies and authorities lastly herein-before mentioned an aggregate sum of five thousand six hundred and twenty-five pounds being thirty thirty-second parts of the sum of six thousand pounds to be contributed by them according to the proportions following and to be made up by four equal yearly payments of one thousand four hundred and six pounds five shillings the first of such instalments to become payable on the first day of January one thousand eight hundred and ninety-nine and such sum so far as the same shall not be for the time required for repair or maintenance of the said works may be invested by the Commissioners and the income arising therefrom may be again invested The said reserve fund and any such income shall be applied by the Commissioners only to the repair and maintenance of the sea walls and works by this Act authorised and the said existing sea walls.

(2.) The said companies and authorities shall contribute towards the said reserve fund in the proportions following (that is to say):—

The Newhaven Company shall pay thereto a sum equal to three-eighth parts of six thousand pounds;

The Brighton Company shall pay thereto a sum equal to two-eighth parts of six thousand pounds;

The county council shall pay thereto a sum equal to one-sixteenth part of six thousand pounds;

The Seaford Council shall pay thereto a sum equal to three-sixteenth parts of six thousand pounds; and

The Newhaven Council and the conservators shall each pay thereto a sum equal to one thirty-second part of six thousand pounds.

(3.) No further contribution shall be demanded from any of such bodies towards the maintenance fund unless the said fund at any time after the expiration of four years from the date of the passing of this Act be reduced below the sum of four thousand pounds when the same shall be again made up to the said sum of five thousand six hundred and twenty-five pounds by yearly contributions in the manner and proportions aforesaid but not exceeding in any one year the aggregate sum of one thousand five hundred pounds and so from time to time.

(4.) The Commissioners of Sewers for Lewes and Laughton Levels shall also on demand by the Commissioners pay as a

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contribution to such fund one single payment of one hundred pounds.

(5.) If the Newhaven Urban District Council shall at any time hereafter by resolution determine to join with the said companies councils and conservators in contributing towards the said reserve fund and to subscribe two thirty-second parts thereof the amount of the said fund shall become six thousand pounds instead of five thousand six hundred and twenty-five pounds as herein-before mentioned and the said district council shall thenceforth be liable to pay towards all contributions to the said fund in the proportion of two thirty-second parts thereof.

Provision as to cost of certain groynes &c.

**44.** If before the passing of this Act any groynes or other works forming part of the sea defence works referred to in this Act shall have been constructed by any of the companies councils or persons who under the provisions of this Act are to contribute towards the cost of the construction thereof the sum representing the cost of such groynes or other works as the same may be agreed between the Commissioners and the company council or person constructing the same or in the event of dispute as may be settled by arbitration under the provisions of the Arbitration Act 1889 shall be credited by the Commissioners as a payment in discharge or on account as the case may require of the cash contribution of the company council or person who may have incurred the expenditure thereon and the groynes or other works so constructed and accepted by the Commissioners in lieu of a contribution in cash shall be vested in the Commissioners as part of the works to be constructed by them as by this Act provided.

Collection of contributions.

**45.** The councils may and shall include the amounts which they are required by any such precept to pay to the Commissioners in any precept or rate made to meet the expenses of the county or district under the Local Government Act 1888 or the Public Health Act 1875 as the case may be.

Remedy in cases of default.

**46.** If any council company or person liable under this Act to pay any money due and payable to the Commissioners fail to pay the same for the space of twenty-one days after demand the Commissioners may sue for and recover the same in any court of competent jurisdiction.

## PART V.—FINANCIAL.

Borrowing.

**47.** The councils or any of them may raise any moneys which they are by this Act required to pay towards the cost of construction of the sea walls and works or during the first four years after the

date of the passing of this Act to the reserve fund herein-before mentioned by borrowing on mortgage of the funds revenues or rates chargeable as security for loans raised under the Local Government Act 1888 or the Public Health Act 1875 as the case may be or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one and partly in another or others of such methods Provided that the county council may borrow by the issue of county stock.

Certain regulations of Public Health Act as to borrowing not to apply.

**48.** The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the councils may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

**49.** The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 Form of mortgage.
Section 237 Register of mortgages.
Section 238 Transfer of mortgages.
Section 239 Receiver may be appointed in certain cases.

Periods for payment off of money borrowed.

**50.** The councils shall pay off all moneys borrowed by them under this Act within the period of fifty years from the date or dates of the borrowing of the same and any statutory requirement to pay off moneys borrowed within a less period shall not apply to moneys borrowed under this Act.

Mode of payment off of money borrowed.

**51.** The councils shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds but it shall not be obligatory on any of the councils to commence such repayment by instalments or to set apart or appropriate any moneys for a sinking fund under this Act until the expiration of five years from the date of the passing of this Act and subject as aforesaid the following provisions shall apply in regard to any sinking fund to be formed under this Act:—

(A) The councils shall within twelve months after borrowing any money repayable by means of a sinking fund and thenceforth annually on the same or some earlier day appropriate and set apart out of the respective funds rates and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the

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principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period :

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages debentures debenture stock or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the council so appropriating and securities transferable by delivery) And if and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking funds And if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any such excess may be applied as part of such equal annual payments :

(C) The councils may at any time apply the whole or part of the respective sinking funds in or towards the repayment of the borrowed moneys in such order and manner as they deem proper Provided that in such case they shall pay into such sinking funds in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the respective sinking funds or part thereof so applied at the rate per centum on which the equal annual payments to the sinking funds are based :

(D) Whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the councils may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto :

(E) Whenever and so long as the yearly income arising from the respective sinking funds would if such sinking funds were

invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys the councils may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the respective sinking funds of the yearly sums required to be so paid thereto.

Power to re-borrow.

**52.** If the councils pay off any moneys respectively borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of sinking funds or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form respectively part of the same loan as the moneys originally borrowed and the obligations of the councils with respect to the repayment of the respective loans and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Protection of lender from inquiry.

**53.** A person lending money to the councils under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Application of money borrowed.

**54.** Moneys borrowed or raised by the councils under this Act shall be applied only to the purposes in respect of which they were respectively authorised to be borrowed or raised.

Annual return to Local Government Board with respect to sinking fund.

**55.** The respective clerks of the councils shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk in default shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and

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shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the councils or any of them have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to borrow under Local Loans Act 1875.

**56.** The councils if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Every such loan shall be discharged within the period prescribed by this Act.

The councils may invest any sums paid into any sinking fund formed by them under the provisions of the Local Loans Act 1875 in any securities in which by the section of this Act of which the marginal note is "Mode of payment off of money borrowed" they are authorised to invest sums set apart as a sinking fund under the powers of that section and where any such loan is made repayablo by means of a sinking fund the provisions in regard to sinking funds of the said section of this Act shall apply to such sinking fund in lieu of the provisions of section 15 of the Local Loans Act 1875.

Saving for existing charges.

**57.** Nothing in this Act shall prejudicially affect any charge on the revenue or rates of any of the councils subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have

priority over any mortgage or charge granted under this Act on the same revenue rate and property. A.D. 1898.

## PART VI.—POWERS TO NEWHAVEN AND BRIGHTON COMPANIES.

Newhaven Company may apply their funds towards purposes of Act and may raise additional capital.

**58.** The Newhaven Company may apply towards the works by this Act authorised and other purposes of this Act to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Newhaven Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the purposes of this Act and for the general purposes of their undertaking any additional capital not exceeding in the whole one hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively.

Shares not to be issued until one-fifth paid.

**59.** The Newhaven Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person corporation or company accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

**60.** One-fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and three-fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

**61.** If any money be payable to any shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Newhaven Company.

Extending certain provisions of Companies Clauses Acts.

**62.** The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the company against the shareholders;

The consolidation of shares into stock;

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The general meetings of the company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

and also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by any subsequent Act shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Power to Brighton Company to guarantee.

**63.** The Brighton Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Brighton Company specially convened for the purpose from time to time guarantee the payment of dividend not exceeding four per centum per annum upon the capital or any part of the capital of the Newhaven Company to be raised under the powers of this Act and the certificates of the shares issued by the Newhaven Company to which the said guarantee may apply shall be marked or endorsed with a statement that they are so guaranteed.

Brighton Company may apply funds to purposes of Act.

**64.** The Brighton Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any other Acts relating to that company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

## PART VII.—MISCELLANEOUS.

Agreements as to exchange of lands &c.

**65.** It shall be lawful for the Commissioners and the companies councils and persons named in this Act or any of them to enter into and carry into effect any arrangements either among themselves or with any owners of property including trustees tenants for life or other persons under disability interested in any of the lands affected by the proposed works as to the exchange of lands the vesting of the site of any disused roadway or portion of highway in such persons or any of them and the contribution of funds and other matters relative or incidental to the purposes of this Act and any such trustees tenants for life and other persons under disability are hereby authorised and empowered to enter into any such agreement

and for the purposes of any such agreement to convey to the Commissioners any lands forming part of the estates of which they are respectively trustees or tenants for life without payment and to raise by mortgage of the fee simple and inheritance of any such estates or any portion thereof any contributions payable by them in accordance with the terms of any such agreement. A.D. 1898.

Costs of Act.

**66.** All costs charges and expenses of and incidental to the obtaining and passing of this Act shall be paid by the Newhaven Company.

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