CHAPTER clix.

An Act to revive the powers and extend the periods for the compulsory purchase of lands and for the construction of the works authorised by the Walton-on-the-Naze and Frinton Improvement Act 1879 and for other purposes. A.D. 1884.

[28th July 1884.]

WHEREAS by the Walton-on-the-Naze and Frinton Improvement Act 1879 (in this Act referred to as "the Act of 1879") the Walton-on-the-Naze and Frinton Improvement Company (in this Act called "the Company") were incorporated and authorised to construct certain sea-defence and other works in the parishes of Walton-le-Soken and Frinton in the county of Essex:

And whereas by the Act of 1879 the time for the compulsory purchase of lands was limited to three years and the time for completion of the tramway and roads was limited to five years and for the completion of the other works to seven years from the twenty-first day of July one thousand eight hundred and seventy-nine:

And whereas it is expedient that the powers of the Company for the compulsory purchase of lands should be revived and that the time for completing the works should be extended as herein-after provided:

And whereas plans and sections of the works and 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 might have been taken for the purposes or under the powers of the Act of 1879 were deposited with reference to the application to Parliament for that Act with the clerk of the peace for the county of Essex which plans sections and book of reference are herein-after referred to as the deposited plans sections and book of reference:

And whereas by the Act of 1879 certain works in the nature of sea-defence works were authorised for the protection of the cliffs

A.D. 1884.

and adjoining property from inroads of the sea but for want of funds those works have only partially been proceeded with:

And whereas since the passing of the Act of 1879 serious additional damage has been occasioned by storms and high tides and it is imperatively necessary that such sea-defence works as are authorised by that Act should be executed in order to prevent as far as practicable any further destruction of property:

And whereas such works cannot be remunerative to the Company and some of the persons interested in the adjacent property comprised within the area herein-after defined are willing to contribute towards the expense thereof as in this Act provided:

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

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

Short title.

1. This Act may be cited for all purposes as the Walton-on-the-Naze and Frinton Improvement Act 1884.

Part II. of Railways Clauses Act 1863 incorporated.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act and wherever the word "railway" is used in that part of that Act the same shall be construed to mean and include the tramway and works authorised by the Act of 1879.

Interpretation.

3. In this Act the words and expressions to which meanings are assigned by the Act of 1879 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Revival of powers for purchase of lands.

4. The powers of the Act of 1879 with respect to the compulsory purchase or taking of the lands delineated on the deposited plans and described in the deposited book of reference are hereby revived and shall continue in force till the twenty-first day of July one thousand eight hundred and eighty-five.

Extension of time for completion of works.

5. The time limited by the Act of 1879 for the completion of the tramway and roads is hereby extended until the twenty-first day of July one thousand eight hundred and eighty-seven and for the completion of the sea-defence and other works by that Act authorised until the twenty-first day of July one thousand eight hundred and eighty-nine And sections 27 and 46 of the Act of 1879 shall be

read as if the periods therein referred to were the extended periods limited by this Act.

Gauge of tramways.

6. The tramway authorised by the Act of 1879 may be made on a gauge of three feet six inches instead of the gauge of four feet eight and a half inches prescribed by that Act.

If works not completed within extended periods powers to cease.

7. If the tramway roads sea-defence and other works shall not be completed within the extended periods limited by this Act then on the expiration of such periods the powers by the Act of 1879 and this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Area to be protected from encroachments of the sea.

8. The area herein-before referred to which will derive protection or benefit from the construction and maintenance of the sea-defence works firstly thirdly and fourthly described in section 26 of the Act of 1879 is situated partly in the parish of Walton-le-Soken and partly in the parish of Frinton in the county of Essex and is bounded by the Marine Hotel Gap and Pier Street in the town of Walton-on-the-Naze on the north-east, Station Road on the north, the north-western boundary of the Tendring Hundred Railway property on the north and north-west, a straight line drawn from the eastern boundary of the rick yard at Pole Barn Farm to the south-west limit of deviation of the marine drive authorised by the Act of 1879 as shown on the deposited plans on the west, and by the bottom of the cliffs adjoining the seashore on the south and south-east, and such area also comprises the properties in the parish of Frinton numbered 18 and 19 on the deposited plans and all other properties in that parish situated between the north-western limit of deviation of the tramway and roads shown on those plans and the bottom of the cliffs adjoining the seashore between Frinton Church on the north-east and the Battery House on the south-west.

Extension of sea-defence works with consent of parties interested.

9. The works described in subsections 1 and 4 of section 26 of the Act of 1879 may with the consent of the Board of Trade and the owners and lessees of property immediately adjoining the cliff between Cliff House and the Marine Hotel Gap be continued from Cliff House to the said Gap for the protection of the cliff between those places.

Owners, &c. may contribute and appoint committees.

10. In order to provide for the payment of interest upon any moneys expended and to be expended by or on behalf of the Company on the construction maintenance or repair of the sea-defence works or the repayment of the principal of such moneys any of the owners lessees and occupiers of all kinds of property for

A.D. 1884.

the time being by law assessable to any rate for the relief of the poor within the area defined by this Act including the Great Eastern Railway Company may contract and agree with the Company for the payment of such gross or annual sums contributions or rentcharges as may be mutually agreed on and may from time to time appoint committees of their number to enforce payment of the sums contributions or rentcharges so contracted or agreed to be paid and to consult and advise with the directors of the Company as to the nature and expense of the works to be first executed.

Occupiers may deduct rate from rent paid.

11. Every lessee or occupier of any houses or land not being a lessee for a greater period than twenty-one years unexpired at the time of the passing of this Act may with the consent of the lessor or landlord to whom the rent is payable deduct the whole or part of the amount of any payment or contribution actually made by him in respect of the construction maintenance or repair of any of the sea-defence works from the then next or any subsequent rent which may become payable by him to such lessor or landlord in respect of the house or land for which such payment or contribution may have been made by him.

Saving existing leases &c.

12. Nothing in this Act shall alter or affect any lease contract or agreement made or entered into before the passing hereof between the landlord and tenant of any premises.

Saving rights of Crown under Crown Lands Act.

13. 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 20 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Costs of Act.

14. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1884.