



## CHAPTER cxxxii.

An Act to authorise the acquisition and management by the urban district council of Exmouth for recreation and other purposes of lands and foreshore within their district and for other purposes. [9th August 1920.] A.D. 1920.

**W**HEREAS the district of Exmouth in the county of Devon is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Exmouth Urban District Council (hereinafter called "the Council"):

And whereas certain lands and foreshore within the district are vested in the Right Honourable Lord Clinton and parts of such lands are laid out and have for many years past been used for the purpose of golf cricket lawn tennis archery bowls and for other purposes of recreation:

And whereas the district is a popular seaside resort and it is expedient that the Council should be authorised to acquire the interest of Lord Clinton in the said lands and foreshore upon the terms and conditions set forth in the agreement scheduled to this Act and that the said agreement should be confirmed:

And whereas it is expedient that powers should be conferred upon the Council for the management of the said lands and foreshore and for other purposes in connexion therewith as in this Act mentioned:

And whereas by order of the Local Government Board dated the seventeenth day of September one thousand nine hundred and nine Parts II. III. V. VI. and X. and certain sections comprised in Part IV. of the Public Health Acts Amendment Act 1907 were declared to be in force within the district

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And whereas by order of the Secretary of State of the Home Department dated the eighteenth day of October one thousand nine hundred and nine sections 79 82 83 85 and 86 of Part VII. and Parts VIII. and IX. of the Public Health Acts Amendment Act 1907 were declared to be in force in the district :

And whereas it is expedient to make further provision in regard to the construction of drains and sewers within the district and that the powers of the Council in relation thereto should be enlarged as by this Act provided :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the consent of the Ministry of Health has been obtained :

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) :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Exmouth Urban District Council Act 1920.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Acquisition of Lands Foreshore &c.

Part III.—Management of Lands Foreshore and Pleasure Grounds.

Part IV.—Drains.

Part V.—Financial Provisions.

Part VI.—Miscellaneous.

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3. The Lands Clauses Acts except the provisions thereof with respect to the taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845 (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

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Incorporation  
of Acts.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act or by the Public Health Acts meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires:—

Interpre-  
tation.

“The district” means the urban district of Exmouth;

“The clerk” means the clerk of the Council and includes any person duly authorised to discharge temporarily the duties of that office;

“The owner” means the Right Honourable Charles John Robert Hepburn-Stuart-Forbes-Trefusis Baron Clinton;

“The scheduled agreement” means the agreement whereof a copy is set forth in the schedule to this Act;

“The pleasure grounds” means the lands and properties (other than the seashore and foreshore) referred to in the scheduled agreement and any other lands purchased taken on lease or acquired by the Council under the powers of this Act;

“The foreshore” means that part of the sands foreshore of the sea and beach between high-water mark and low-water mark of ordinary tides extending from Rodney Point on the east to the pier on the eastern side of the entrance to the Exmouth Docks on the west;

“The seashore” means the foreshore and all the beach sands rock and any seawall or bank adjoining the same within the district and for the time being vested in or leased to the Council;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district;

“Daily penalty” means a penalty for each day in which any offence is continued by a person after conviction;



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“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Council” includes revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and rates or contributions leviable by or on the order or precept of the Council;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

## PART II.

### ACQUISITION OF LANDS FORESHORE &C.

Confirma-  
tion of  
scheduled  
agreement.

5. The scheduled agreement which provides for the purchase by the Council from the owner of the lands properties and rights of the owner therein referred to is hereby confirmed and made binding upon the parties thereto.

Purchase of  
additional  
lands by  
agreement.

6. In addition to the lands described in the scheduled agreement the Council may by agreement purchase take on lease or acquire any lands (not exceeding in the whole one hundred acres) for the purpose of extension of those lands and after the purchase thereof they shall hold and maintain any

lands so purchased as pleasure grounds and may exercise with respect thereto all or any of the powers which they are by this Act authorised to exercise with respect to the pleasure grounds. A.D. 1920.

7. 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 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. Persons under disability may grant easements &c.

### PART III.

#### MANAGEMENT OF LANDS FORESHORE AND PLEASURE GROUNDS.

8. After the completion of the purchase by the Council the pleasure grounds and seashore shall respectively and subject to the provisions of this Act for ever thereafter be maintained by the Council as pleasure grounds and the provisions of this Act and the Public Health Acts relating respectively to pleasure grounds and seashore and to the borrowing of money for the purposes thereof shall respectively and subject as aforesaid apply thereto. Lands &c. to be maintained as pleasure grounds.

9.—(1) Subject and without prejudice to the terms and conditions of any lease or tenancy affecting the same the Council may hold and use and appropriate such part or parts of the lands described in the scheduled agreement and of any additional land which the Council may acquire for the extension thereof as may be necessary or expedient for the purpose of any games or recreation and may thereon lay out maintain alter regulate manage and use a golf course lawn tennis courts croquet lawns bowling greens and grounds for cricket football hockey archery and other similar purposes with all proper and convenient houses pavilions works buildings and conveniences and the Council may close to the public any such grounds so laid out as aforesaid and may make such charges as they think fit for the use of and for admission to the same and may let Power to maintain and carry on golf course &c.



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A.D. 1920. the same to or permit the use thereof by any club company body or person on such terms as they think fit.

(2) The Council may appoint and pay such officers and servants and do all such acts as may be required for the purpose of carrying out any of the powers conferred upon them by subsection (1) of this section and may in connection with and for the purpose of any such games as aforesaid provide any necessary apparatus and make such reasonable charges for the use of the same as they may from time to time prescribe.

(3) The Council may make and enforce byelaws with respect to any such golf course lawn tennis courts croquet lawns bowling greens and grounds so held and used by them for the purposes aforesaid and for regulating the use thereof respectively.

Power to provide buildings for concerts &c.

10. The Council may in the pleasure grounds erect provide maintain furnish and equip and may remove any concert halls pavilions winter gardens bandstands assembly refreshment or reading rooms baths and other buildings and may charge for admission to such buildings or any of them or in respect of the use thereof or of any part or parts thereof respectively.

Power to let buildings and to provide entertainments &c.

11.—(1) The Council may in the pleasure grounds or upon any portion of the seashore provide and carry on or arrange for the provision and carrying on of suitable entertainments exhibitions and amusements or may let any of the aforesaid buildings for the purpose of such entertainments exhibitions and amusements upon such terms and conditions as they may think fit.

(2) The Council may provide and sell or authorise any person to provide and sell programmes of any concert entertainment exhibition or performance which may from time to time be provided by the Council or with their sanction in any such place or building as aforesaid.

(3) The Council may make byelaws for securing good and orderly conduct during any such concert entertainment exhibition or performance.

Power to advertise performances at con

12. The Council may pay or contribute towards the cost of providing and maintaining at public places in the district and in newspapers circulating in the district advertisements

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of any entertainments exhibitions and amusement provided in pursuance of the last preceding section Provided that such payments or contributions shall not in any year exceed the amount of any balance which the Council were in the previous year entitled to carry to the credit of the district fund under the provisions of this Act or a sum equivalent to that which would be produced by a rate of one penny in the pound levied on the property in the district assessable in that year to the general district rate whichever shall be the less.

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cert halls  
&c.

**13.**—(1) The Council may upon the seashore erect provide furnish equip and repair and may let to or may permit any person subject to such charges and upon such terms and conditions as the Council think fit to occupy any site and thereon to erect use and carry on booths tents bathing huts shops stalls or stands for the sale of refreshments or of articles or commodities of any kind or for the giving of entertainments exhibitions and amusements and for any other purpose tending to promote the recreation health or pleasure of the public.

Provision  
and use of  
booths tents  
shops stalls  
stands &c.

(2) The Council may let for such periods and upon such terms and conditions as they think fit any booths tents bathing huts shops stalls or stands erected or provided by them under this section.

(3) The Council may upon such terms and conditions as they think fit permit any person by whom any booths tents bathing huts stalls or stands are used or carried on under this section to make charges for the use of the same or for admission to entertainments exhibitions and amusements therein.

(4) The Council may provide and let for hire bathing tents and towels costumes and other apparatus for bathing purposes and may provide construct and maintain upon the pleasure grounds and seashore sheds and other conveniences for the storing of the same.

(5) The Council may employ and pay boatmen for the purpose of protecting persons while bathing and may provide any boats for that purpose.

**14.** If any person shall erect provide or place or maintain in the pleasure grounds or upon the seashore any booth tent bathing hut shop stall stand or other erection or obstruction or shall use or carry on the same except in pursuance of the

Penalty for  
unauthorised  
erection of  
booths &c.



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Byelaws as to seashore.

**15.** For the purposes of section 82 of the Public Health Acts Amendment Act 1907 the seashore shall be deemed to be the seashore as defined in this Act and the powers of the Council under that section shall extend to enable them to make byelaws—

- (1) Prohibiting hawking on any part or parts of the seashore not set apart for that purpose and prohibiting the hawking on the seashore of particular articles or commodities to be defined in the byelaws:
- (2) Providing for the discontinuance of the user of the seashore for purposes of profit or gain by any person who seeking to use any part of the seashore for such purposes shall have failed to pay any charge prescribed by the Council for or in respect of such user.

Seats and chairs for public use.

**16.** The Council may provide and place or authorise any person or persons to place seats or chairs on the seashore and lands adjacent thereto now or hereafter belonging to or leased to them for the use of the public and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto.

Charges for use of parts of pleasure grounds for certain purposes.

**17.** When any portion of a public park or pleasure ground is set apart by the Council for any purpose under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 and is specially laid out and maintained for any such purpose the Council may charge reasonable sums for the use thereof for that purpose.

Removal of sand &c. from seashore.

**18.** Subject to the provisions of this Act and of the scheduled agreement and without prejudice to the provisions of the section of this Act the marginal note of which is "Saving for Crown rights" any person who at any time digs carries away or removes any sand gravel shingle rock or other material



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from the seashore without having first obtained the permission in writing of the Council or who having obtained such permission digs carries away or removes any sand gravel shingle rock or other material from any part of the seashore or in any quantity or manner other than the part quantity or manner permitted shall for every such offence be liable to a penalty not exceeding twenty pounds.

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19. The Council may appoint officers for securing the observance of this Part of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless he is in uniform or provided with a warrant.

Power to  
appoint  
officers.

20. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act Provided that the Secretary of State shall be the confirming authority for byelaws made under the section of this Act of which the marginal note is "Byelaws as to seashore" Provided also that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto.

General pro-  
visions as to  
confirmation  
&c. of bye-  
laws.

21.—(1) The Council may advertise the amenities of the district as a health resort or watering place by handbook and leaflets or by the insertion of advertisements in newspapers not published within the district.

Power to  
advertise  
district.

(2) The Council may apply for the purposes of this section all or any part of any balance remaining in any year of the moneys received by them by way of revenue under this Act.

(3) Provided that the expenses so incurred shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on the property in the district assessable in that year to the general district rate.

22. The powers conferred upon the Council by this Part of this Act shall not be exercised so as to contravene any covenant or condition or curtail any exception or reservation

Saving for  
covenants  
affecting  
pleasure

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A.D. 1920. subject to which the pleasure grounds and seashore are for the  
grounds and time being held by the Council without the consent of the person  
seashore. or persons entitled in law to the benefit of such covenant  
condition exception or reservation.

PART IV.

DRAINS.

Provision as 23. The powers given by section 19 of the Public Health  
to drainage Acts Amendment Act 1890 in relation to two or more houses  
for two or belonging to different owners shall extend and apply to two or  
more houses. more houses belonging to the same owner.

Power to 24.—(1) If it appears to the Council that two or more  
order houses houses may be drained more economically or advantageously in  
to be a combination than separately and a sewer of a sufficient size  
drained by a already exists or is about to be constructed within one hundred  
combined feet of any part of such houses the Council may when the  
drain. drains of such houses are first laid order that such houses be  
drained by a combined drain to be constructed either by the  
Council if they so decide or by the owner or owners in such  
manner as the Council shall direct and the costs and expenses  
of such combined drain and of the repair and maintenance  
thereof shall be apportioned between the owners of such houses  
in such manner as the Council shall determine and if such  
drain is constructed by the Council such costs and expenses  
may be recovered by the Council from such owners summarily  
as a civil debt.

(2) Any combined drain constructed in pursuance of this  
section shall for the purposes of the Public Health Acts be  
deemed to be a drain and not a sewer.

(3) Provided that the Council shall not exercise the powers  
conferred by this section in respect of any house plans for the  
drainage of which shall have been previously approved by the  
Council except with the consent of the owner or owners of  
the said house.

PART V.

FINANCIAL PROVISIONS.

Power to 25.—(1) The Council may from time to time independently  
borrow. of any other borrowing power borrow at interest any sum or



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sums of money for the purposes hereinafter mentioned (that is to say):— A.D. 1920.

(A) For the acquisition of the lands and properties referred to in the scheduled agreement and defraying the costs charges and expenses incident thereto (other than the costs of this Act) the sum of nine thousand five hundred pounds :

(B) For paying the costs charges and expenses of this Act the sum requisite for that purpose.

(2) The Council shall pay off all money borrowed by them under subsection (1) of this section within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to money borrowed for the purposes (A) mentioned in this section within sixty years from the date or dates of borrowing the same :

As to money borrowed for the purpose (B) mentioned in this section within five years from the passing of this Act.

(3) The Council may also with the consent of the Ministry of Health borrow such further money as may be necessary for any of the purposes of this Act.

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Ministry of Health.

(4) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge—

As regards moneys borrowed for the purposes (A) hereinbefore mentioned the revenue of the pleasure grounds and foreshore undertaking of the Council and if they think fit as a collateral security the district fund and the general district rate :

As regards moneys borrowed for the purpose (B) hereinbefore mentioned the district fund and the general district rate :

As regards moneys borrowed with the consent of the Ministry of Health such fund rate or revenue as that Ministry may prescribe.

**26.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the Mode of raising money.

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Application of moneys borrowed.

**27.** Any money borrowed or raised under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed or raised and (except in the case of money borrowed for working capital or for current expenses) to which capital is properly applicable. Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Council with the approval of the Ministry of Health determine.

Provisions as to mortgages.

**28.** The following sections of the Public Health Act 1875 (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);

shall apply to and in relation to all mortgages granted under the powers of this Act as if they were with necessary modifications re-enacted in this Act.

Protection of lender from inquiry.

**29.** Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Mode of payment off of money borrowed.

**30.** The Council 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 combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to



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the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing. A.D. 1920.

**31.**—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either— Sinking fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as shall be approved by the Ministry of Health will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appear to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appear to the Ministry of Health that any such increase is necessary the Council shall increase the payments to such extent as the Ministry may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Ministry of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Ministry of Health be



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sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed. A.D. 1920.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Ministry of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of that Ministry discontinue the annual payments to such sinking fund until the Ministry shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Ministry of Health may determine.

**32.** The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Council not  
to regard  
trusts.

**33.—**(1) The Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to re-  
borrow.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original

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(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 23 (Power to re-borrow) of the Exmouth Urban District Water Act 1910 is hereby repealed.

Returns to  
Ministry of  
Health re-  
specting  
sinking fund.

**34.**—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Ministry of Health may require such a return to be made transmit to the Ministry a return in such form as may be prescribed by that Ministry and if required by that Ministry verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Ministry may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and



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the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Ministry of Health out of the High Court. A.D. 1920.

(2) If it appear to the Ministry of Health by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Ministry of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Ministry of Health may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Ministry of Health out of the High Court.

**35.** When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities. Power to invest sinking funds in statutory securities.

**36.** Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts. Audit of accounts.

**37.—**(1) The Council shall keep the accounts in respect of the undertaking authorised by Parts II. and III. of this Act separate from their other accounts distinguishing therein capital from revenue and shall apply the moneys from time to time received by them by way of revenue under Part III. of this Application of revenue &c.

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A.D. 1920. Act in each year in the following manner and for the following purposes (that is to say):—

First In payment of the working and establishment expenses of the undertaking and the cost of maintenance of the same:

Secondly In payment of the interest on moneys borrowed or reborrowed for the purposes of the undertaking:

Thirdly By providing the requisite instalments or payments in respect of money borrowed or re-borrowed for the purposes of the undertaking in accordance with the provisions of this Act:

Fourthly In extending, altering and improving (if the Council think fit) any permanent works in connexion with and for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the reserve fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to meet any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if the fund at any time be reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

And the Council shall carry to the district fund so much of any balance remaining in any year of the moneys received by way of revenue from the undertaking (including the interest



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on the reserve fund when that fund amounts to the prescribed maximum) as may in their opinion not be required for the purposes thereof and for paying the current expenses connected therewith. A.D. 1920.

(2) Any deficiency in the revenue of the undertaking shall be forthwith made good out of the district fund and general district rate.

**38.** Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be paid out of the district fund or general district rate. Expenses of executing Act.

**39.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment 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 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. Power to retain sell &c. lands.

**40.** The proceeds of the sale of any lands or other property of the Council under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Ministry of Health and borrowed money discharged by the application of such sum shall not be reborrowed. Proceeds of sale of surplus lands.

A.D. 1920.

PART VI.

MISCELLANEOUS.

Recovery of penalties &c.

41. All offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid over to treasurer.

42. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf, under this Act or under any byelaw thereunder shall be paid to the treasurer of the Council and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Judges not disqualified.

43. 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.

44. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by 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 Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Inquiries by Ministry of Health.

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

(2) The Council shall pay to the Ministry of Health any expenses incurred by that Ministry 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 Ministry not exceeding three guineas a day for the services of such inspector.



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**46.** All the powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies for the time being possessed by them as owners or lessees of any foreshore or other lands or property or conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and shall be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

A.D. 1920.  
Powers of  
Act cumulative.

**47.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Saving for  
Crown  
rights.

**48.** The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

Costs of  
Act.

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The SCHEDULE referred to in the foregoing Act:

AN AGREEMENT made the twenty-ninth day of March one thousand nine hundred and twenty between the RIGHT HONOURABLE CHARLES JOHN ROBERT HEPBURN-STUART-FORBES-TREFUSIS BARON CLINTON (hereinafter referred to as "the Owner") of the one part and the EXMOUTH URBAN DISTRICT COUNCIL being the Council for the urban district of Exmouth in the county of Devon (hereinafter referred to as "the Council") of the other part.

WHEREAS the Owner is entitled in fee simple to the lands buildings sands foreshore rocks and hereditaments more particularly hereinafter described and referred to as "the properties":

And whereas the Council are desirous of acquiring the properties and the Owner is willing to sell the same subject to the conditions and stipulations hereinafter contained:

And whereas to enable the Council to acquire hold and develop and deal with the properties it is necessary for them to obtain further parliamentary powers:

Now therefore it is hereby agreed by and between the parties hereto and subject as hereinafter provided as follows:—

1. The Owner shall sell to the Council and the Council shall purchase from the Owner at the price of nine thousand pounds all the properties in fee simple described in the schedule hereto and delineated and shown on the plan annexed hereto and thereon edged with a red line but subject to all existing leases and tenancies of or affecting the same or any part or parts thereof and to a covenant by the Council thereafter at their own expense to maintain and repair the sea walls and defences forming part of or abutting on the properties.

2. Subject to the provisions of this agreement (so far as the same are not inconsistent therewith) the general conditions of sale by private contract of the Devon and Exeter Law Association shall be incorporated with and be deemed to form part of this agreement.

3. The Owner shall if and when required by the Council after the Bill hereinafter referred to shall have passed into law furnish an abstract of his title to the properties commencing with the will of John Lord Rolle deceased and shall produce at the offices of



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Messrs. Frere Cholmeley & Co. 28 Lincoln's Inn Fields London the A.D. 1920.  
deeds and muniments of title and other evidence in proof of the same  
to such extent as the solicitors of the Council shall require.

4. The purchase shall be completed on such day as the Council shall appoint not being later than six months after the date upon which the said Bill shall pass into law.

5. The conveyance to the Council shall contain covenants by the Council to the following effect namely:—

(1) That the Owner shall be at liberty at all times and from time to time to take and carry away free of charge from the said foreshore at such points as shall from time to time be directed by the engineer of the Council so much sand and gravel as the Owner may require solely for the purposes of and use by him upon the estates owned by him and known as the Rolle Estate in East Devon but not for sale Provided that if the Council shall at any time resolve that in order to ensure the safety of the sea defences no sand or gravel shall be taken from the foreshore the Owner's said right to carry away sand or gravel shall cease for so long as such resolution shall remain in force and be given effect to by the Council:

(2) That the properties (except the beach and foreshore) so far as the same are not already built upon shall (subject to existing leases) be used as open spaces or gardens or for organised sports or games suitable to a first class residential seaside town or for such other purpose as may conduce to the amenities of the district and that no new buildings shall be erected on any part of the properties except on the beach and foreshore unless of a style and appearance suitable to the above purposes and save in so far as the same may be necessary for the upkeep or proper enjoyment of the properties including concert halls, winter gardens buildings for games refreshments bathing and other recreations or similar purposes or for municipal or national requirements or uses and that such buildings and erections shall be subject to supervision and to rules and regulations usually adopted in a first class residential seaside town:

(3) That as and when the respective existing leases thereof shall expire the Council shall pull down all existing houses and buildings except on the beach and foreshore and except the tennis court pavilions facing Beach Gardens the life-

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boat house (and the ladies' lavatory adjoining) the drill hall the golf club house the cricket pavilion and Harbour View Bungalow and that thereafter the sites of the houses and buildings so pulled down shall be deemed to have been unbuilt on at the date of this agreement and the provisions of the preceding subsection clause (2) hereof shall apply accordingly.

6. From and after the date of this agreement and until completion of the purchase hereby agreed or if the said Bill hereinafter referred to shall not pass into law until the same has failed to receive the sanction of Parliament the Owner shall continue to manage the properties in the ordinary and usual way but otherwise he shall not deal with the same or any part thereof save with the sanction in writing of the Council.

7. Nothing in this agreement contained or to be done thereunder shall affect anything done or to be done by either party to this agreement under or by virtue of an agreement dated the fourth day of September one thousand nine hundred and twelve and made between the parties hereto save that on completion of the purchase as by this agreement provided clauses 7 and 9 (save as to the final provision therein for a covenant of indemnity by the Council) of the said last-mentioned agreement shall cease to be operative.

8. The Council shall promote in the present or next available session of Parliament and shall use their best endeavours to secure the passing into law of a Bill authorising the Council to acquire hold develop and deal with the properties and this agreement shall be scheduled to the said Bill and the Owner shall render to the Council all such assistance in the promotion of the said Bill as aforesaid as the Council shall reasonably require.

9. This agreement is made subject to and conditional upon the passing into law of the said Bill in the present or next available session of Parliament and in the event of the said Bill not being so passed into law this agreement shall be void and of none effect and if the Committee of either House of Parliament to whom the said Bill shall be referred shall alter this agreement or shall sanction the said Bill subject to conditions inconsistent with this agreement or to conditions which the party to this agreement affected thereby shall consider to be too onerous the party to this agreement affected by such alteration or condition as aforesaid shall be at liberty within one month of the Committee's decision by notice in writing to the other party hereto to withdraw from this agreement and thereupon the same shall also become void and of none effect.

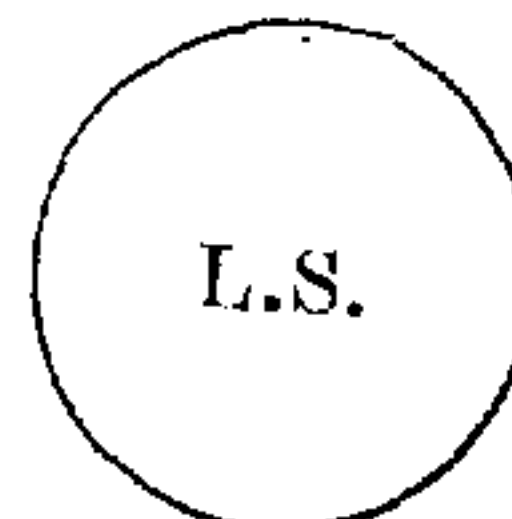


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In witness whereof Lord Clinton has hereunto set his hand and seal and the Exmouth Urban District Council have caused their common seal to be affixed the day and year first above written. A.D. 1920.

Signed sealed and delivered by the said Right Honourable Charles John Robert Hepburn-Stuart-Forbes-Trefusis Baron Clinton in the presence of  
HARRY P. GENGE  
Bicton E. Budleigh Devon  
Footman. } CLINTON.

The common seal of the Exmouth Urban District Council was hereunto affixed in the presence of  
FRED. C. HUNTER Chairman.  
B. BENOY Clerk.



The SCHEDULE hereinbefore referred to.

Description of Property.	How coloured on Plan.	Present Tenant.	Nature of Tenancy.
Land on which roadway is constructed or to be constructed from Points A to B and C to D on plan.	Brown -	In hand.	—
The Maer (417) (493) -	Pink -	Golf Club - -	Lease until 1952.
The enclosure (423) -	Yellow -	Golf Club - -	Do.
(421) -	Do. -	- - - -	In hand.
(420) -	Do. -	East and West Under-cliff.	Lease until 1924.
(419) -	Do. -	Cricket Club - -	Yearly.
(418) -	Do. -	Mr. Wilson - -	Do.
(416) (part) -	Do. -	Do. - -	Do.
(415) -	Do. -	Roadway - -	Do.
(414) -	Do. -	Mr. Thorn - -	Lease until Lady day 1920.
Golf club pavilion (part 416).	Do. -	Golf Club - -	Lease until Lady-day 2012.
Drill hall - - -	Do. -	Devon Territorial Association.	Lease until Lady-day 2011.
Coastguard station and houses.	Do. -	Admiralty - -	Lease until Lady-day 1943.
Coastguard gardens -	Do. -	Various - -	Yearly.
Coastguard storehouse -	Brown -	Admiralty - -	Lease until 1930.
Refreshment pavilion -	Yellow -	Mr. Orchard - -	Yearly.
Lifeboat house - -	Do. -	Royal National Life-boat Institution.	Lease until 1993.
Ladies' lavatories -	Do. -	Council - -	Do. 2007.
Harbour View Bungalow -	Green -	Mr. Hurdle - -	Do. 1995.
Archery and lawn tennis grounds.	Yellow -	Lawn Tennis Club -	Yearly.

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Description of Property.	How coloured on Plan.	Present Tenant.	Nature of Tenancy.
The Plantation - - -	Yellow - - -	- - - - -	In hand.
Grass plot in front of beacon.	Do. - - -	- - - - -	Do.
Plantation abutting on and footpaths leading to Madeira Walk.	Do. - - -	- - - - -	Do.
Madeira Walk - - -	Do. - - -	- - - - -	Do.
Sands foreshore beach and all the owners' estate right and interest in the area between high-water mark and low-water mark bounded by the sea defences on the north side the property of the Devon Dock Company on the west side and the property of J. M. Pratt on the east side and	Blue - - -	Exmouth Urban District Council.	Yearly tenancy.
All his rights below low-water mark.	No colour - - -	- - - - -	In hand.
Site of Exmouth Bathing Club pavilion.	Blue (on sands and foreshore as described above).	Bathing Club - - -	Yearly.
Site of boathouse - - -	Do. - - -	Mr. Truscott - - -	Lease until 1930 subject to one month's notice.
Do. - - -	Do. - - -	Mr. Balmano - - -	At will.
		Mr. Blackmore - - -	Do.
		Mrs. Dixon - - -	Do.
		Mr. Webber - - -	Do.
		Miss Coombes - - -	Do.
		Mr. Radford - - -	Do.
		Mr. Hayman - - -	Do.
		Mrs. Hawkins - - -	Do.
		Mrs. T. Hooper - - -	Do.
		Mr. Hayman - - -	Do.
Do. - - -	Do. - - -	Dr. Thorntun - - -	Yearly.
		Mrs. Horne - - -	Do.
		Mr. Hedington - - -	Do.
		Miss Sheldon - - -	Do.
		Mr. Cole - - -	Do.
Site of bathing hut - - -	Do. - - -	Miss Fearon - - -	At will.
Do. - - -	Do. - - -	Children's Seaside Home.	Do.

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