



CHAPTER cxxix.

An Act to authorise the widening of the existing pier in and adjoining the urban district of Clacton in the county of Essex and for other purposes. A.D. 1930.
[10th July 1930.]

WHEREAS Clacton Pier Limited (in this Act called "the Company") are the owners of and carry on the existing pier and pier undertaking in and adjoining the urban district of Clacton in the county of Essex :

And whereas it is expedient to empower the Company to construct and maintain the widenings authorised by this Act of the said existing pier and to purchase the lands foreshore and bed of the sea or rights and easements in and on the same necessary for the construction and maintenance of such widenings :

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference 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 or used compulsorily for the purposes or under the powers of this Act were duly deposited with the clerk

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A.D. 1930. — of the peace for the county of Essex and are in this Act respectively referred to as the deposited plans sections and book of reference :

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 :—

Short title. 1. This Act may be cited as the Clacton-on-Sea Pier Act 1930.

Incorporation of Acts. 2. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Lands Clauses Acts;

(2) The Harbours Docks and Piers Clauses Act 1847 except sections 12 13 16 17 18 19 25 26 and 77 :

Provided that in the application to this Act of the Harbours Docks and Piers Clauses Act 1847 the expressions "packet boat or Post Office packet" and "Post Office bag of letters" used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act :

Provided also that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

Interpretation. 3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

(a) "The Company" means Clacton Pier Limited;

(b) "The pier" means and includes the existing pier and works of the Company and all widenings and extensions thereof constructed under the authority of the existing enactments relating to the said pier and pier undertaking together with the widenings and works authorised by and constructed under this Act or as the case may be any part thereof respectively; A.D. 1930.
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(c) "The council" means the urban district council of Clacton.

4. Subject to the provisions and for the purposes of this Act the Company may purchase or otherwise acquire enter on take appropriate and use all or any of the lands foreshore and bed of the sea in and adjoining the urban district of Clacton in the county of Essex delineated on the deposited plans and described in the deposited book of reference. Acquisition of lands.

5. Notwithstanding anything in this Act contained the following provisions for the protection and benefit of the council shall apply and have effect unless otherwise agreed in writing between the Company and the council (that is to say):— For protection of council.

(1) The Company shall not purchase or otherwise acquire enter on take appropriate or use under the powers of this Act any lands foreshore or bed of the sea belonging to the council and within the limits of deviation shown on the deposited plans but in lieu thereof the Company may acquire such easements only in such lands foreshore or bed of the sea as they may require for the purposes of the construction maintenance and renewal of the works authorised by this Act and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts and this Act:

(2) As regards any lands in respect of which the Company shall have acquired easements only under the provisions of this section the Company

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shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and exercise control over the said lands at all times as if this Act had not been passed.

For the
further
protection
of the
council.

6. Notwithstanding anything contained in this Act or shown on the deposited plans the following further provisions for the protection and benefit of the council shall apply and have effect unless otherwise agreed in writing between the Company and the council (that is to say):—

- (1) The Company shall not acquire enter on take appropriate or use a greater part of nor easements in respect of a greater part of the lands foreshore and bed of the sea referred to in the section of this Act of which the marginal note is "Acquisition of lands" than is coloured red and green on the plan signed in quadruplicate by Joseph Gibbins Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which is deposited in the office of the Clerk of the Parliaments in the House of Lords another copy in the Committee and Private Bill Office of the House of Commons the third copy with the Company at their registered office and the fourth copy with the council at their office:
- (2) The Company shall not erect any building on the lands coloured red on the said plan other than two ticket offices occupying superficial areas each not exceeding sixty-four square feet which may be erected on any portion of the pier which lies to the north-west of a line drawn parallel with and at a distance of forty-five feet to the south-east of the north-westerly limits of deviation for the works by this Act authorised as shown on the deposited plans:
- (3) No part of any building to be erected on the lands coloured green on the said plan or on

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any portion of the pier adjacent thereto shall exceed forty-two feet in height above Ordnance datum except two roof lights (each of which shall not exceed three hundred and seventy-five square feet in superficial area) which may extend to a height not exceeding forty-eight feet above Ordnance datum :

- (4) (a) On or before the expiration of two years after the council shall have constructed works for the discharge of sewage into the sea at a point opposite or near Holland Haven and shall have constructed a proper and sufficient rising main sewer between the landward end of the pier and the existing sewer in Marine Parade the Company shall discontinue the discharge of sewage from the pier into the sea and shall make such provision as the council shall reasonably require for discharging all sewage from the pier into the said existing sewer in Marine Parade ;

(b) The Company shall pay to the council one half part of the expenses reasonably incurred by them in constructing the said rising main sewer between the points aforesaid and the said rising main sewer shall thereafter be repaired and maintained by the council at the expense of the Company ;

(c) In the event of the Company failing to comply with the requirements of this subsection they shall be liable to a penalty not exceeding twenty pounds for every day during which the failure shall continue and such penalty may be recovered summarily by the council ;

(d) Any difference which may arise between the council and the Company under this subsection shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof shall apply to any such arbitration :

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(5) Nothing in this Act shall alter or affect the rights of the council under an indenture of conveyance dated the first day of October one thousand nine hundred and thirteen and made between the Coast Development Corporation Limited of the one part and the council of the other part or entitle the Company at any time to act in any manner contrary to the covenants restrictions and obligations to be performed and observed by the Company as successors of the Coast Development Corporation Limited which are contained in the said indenture.

Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of one year from the first day of October nineteen hundred and thirty.

Power to construct works.

8. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections relating thereto make and maintain the widenings and other works in and adjoining the urban district of Clacton in the county of Essex shown on those plans so far as they are to be situate on the lands coloured red and green on the plan referred to in the section of this Act of which the marginal note is "For the further protection of the council" together with all necessary and proper apparatus machinery works and conveniences connected therewith (namely) :—

Work No. 1 A widening of openwork construction of the pier on the south-west side;

Work No. 2 A widening of openwork construction of the pier on the north-east side.

Limits of deviation.

9. Subject to the provisions of this Act in the construction of the works authorised by this Act the Company may deviate laterally to any extent not exceeding the limits of 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 two feet upwards and two feet downwards :

Provided that no such deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. A.D. 1930.

10. If the works authorised by this Act and shown on the deposited plans are not completed within four years from the thirty-first day of October nineteen hundred and thirty then on the expiration of that period the powers by this Act granted to the Company for executing those works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

11.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun. Works below high-water mark to be subject to approval of Board of Trade.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

12. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed or site of any work removed by the Company under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt. Survey of works by Board of Trade.

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Abatement
of work
abandoned
or decayed.

13.—(1) Where any work constructed by the Company under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

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

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Lights on
works
during con-
struction.

14.—(1) The Company shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

15. So soon as the works authorised by this Act or any part thereof shall have been completed the powers of the Company under the Thorpe and Great Clacton Railway Act 1866 to demand and receive the tolls rates and charges authorised by that Act in respect of the existing pier shall extend and apply to the pier as widened by such works or such part thereof authorised by this Act.

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Tolls rates
and charges.

16. The following provisions of the Clacton-on-Sea Pier Order 1875 the Clacton-on-Sea Pier Order 1897 and the Clacton-on-Sea Pier Order 1925 shall with the necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

Application
of provisions
of Clacton-
on-Sea Pier
Orders 1875
1897 and
1925.

The Clacton-on-Sea Pier Order 1875—

Section 10 (Board of Trade may revise rates).

The Clacton-on-Sea Pier Order 1897—

Section 9 (Improvement of pier and accommodation works);

Section 14 (Construction and maintenance of buildings);

Section 15 (Restriction on mooring vessels to landing stages);

Section 16 (Power to prevent use of pier for cattle or merchandise);

Section 20 (Tolls not to confer right to use buildings);

Section 21 (Power to demand rates &c. for use of buildings &c.);

Section 23 (Power to close pier on special occasions &c.);

Section 27 (Life buoy to be kept).

The Clacton-on-Sea Pier Order 1925—

Section 11 (Power to construct additional works);

Section 12 (Penalty for obstructing works);

Section 13 (Power to dredge);

Section 14 (Permanent lights on works);

Section 15 (Provision against danger to navigation);

Section 17 (Crown rights);

Section 18 (Crown minerals);

Section 19 (Discharge of sewage).

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As to
byelaws.

17. The Company may from time to time make byelaws under section 26 (Power to make byelaws) of the Clacton-on-Sea Pier Order 1889 and any such byelaws and any byelaws made under that section and in force at the date of the passing of this Act shall apply only to the pier as defined by this Act.

Plans of
buildings on
pier to be
submitted
to council.

18.—(1) Three months before commencing the construction or reconstruction of any building on Work No. 1 or Work No. 2 authorised by this Act or on any part of the pier within twenty yards thereof the Company shall give to the council notice of the intention of the Company to commence such construction or reconstruction and shall submit therewith plans sections and elevations of such building and a description of the materials to be used in the construction or reconstruction thereof for the reasonable approval of the council. Provided that the council shall not require the use of materials which are unsuitable for the construction of buildings on piers. Provided also that if within six weeks after the giving of such notice the council shall not have disapproved such plans sections elevations and description they shall be deemed to have approved thereof.

(2) If within six weeks after such notice shall have been given the council shall disapprove the said plans sections elevations or description any difference between the council and the Company with regard to such plans sections elevations or description shall be referred to and determined by an architect to be appointed on the application of either party by the President of the Royal Institute of British Architects and the provisions of the Arbitration Act 1889 shall apply to any such reference.

(3) Any such building shall be constructed or reconstructed only according to such plans sections elevations and description as shall be approved or deemed as aforesaid to be approved or determined by arbitration as hereinbefore provided.

Use of part
of pier as a
parking
place for
vehicles.

19. The Company may set apart such part or parts of the pier as they may from time to time think fit as a parking place for vehicles and may make such reasonable charges for the use of such parking place as the Company think fit. Provided that not more than forty vehicles shall be parked therein at any one time.

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20. The pier shall be deemed to be for all purposes within the parish and urban district of Clacton in the county of Essex. Provided that nothing in this section shall make the byelaws with regard to new buildings of the council applicable to buildings on the pier below low-water mark of ordinary tides.

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Pier to be within parish and urban district of Clacton.

21.—(1) The Company shall within two months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Company and any and every such accounts.

Annual accounts to be sent to Ministry of Transport.

(2) The Company shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with the foregoing provisions.

(3) The accounts of the Company referred to in this section and in section fifty of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the thirty-first day of March in each year.

(4) Section 11 (Annual account to be sent to Board of Trade) of the Clacton-on-Sea Pier Order 1875 is hereby repealed.

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

Costs of Act.

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