



CHAPTER lxxi.

An Act to empower the Hove Pier Theatre and Kursaal Company Limited to construct a pier at Hove in the county of Sussex and for other purposes. A.D. 1932
[12th July 1932.]

WHEREAS the Hove Pier Theatre and Kursaal Company Limited (in this Act called "the Company") is a company limited by shares and was incorporated on the ninth day of December nineteen hundred and thirteen :

And whereas it would be for the public advantage that the Company should be empowered to make and maintain the pier hereinafter described and that the powers hereinafter contained should be conferred upon the Company :

And whereas a plan and section showing the line and level of the said pier and a book of reference thereto 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 or under the powers of this Act were duly deposited with the clerk of the county council of the county of East Sussex and are hereinafter respectively referred to as the deposited plan section and book of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most

A.D. 1932. 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 Hove Pier Act
 1932.

Incorporation of Acts. 2. The following Acts and parts of Act are except
 where expressly varied by this Act incorporated with
 and form part of this Act (that is to say) :—

The Lands Clauses Acts;

The Harbours Docks and Piers Clauses Act 1847
except sections 16 to 19 (unless the Company
shall be required by the Board of Trade to
provide and maintain a lifeboat and a tide
gauge and a barometer) and except sections 25
and 26 of that Act.

Interpretation. 3.—(1) In this Act the following words and
 expressions shall unless the context otherwise requires
 have the meanings hereinafter assigned to them
 (namely) :—

“ The Harbours Clauses Act 1847 ” means
the Harbours Docks and Piers Clauses Act
1847;

“ The Company ” means the Hove Pier Theatre
and Kursaal Company Limited;

“ The corporation ” means the mayor aldermen
and burgesses of the borough of Hove;

“ The pier ” means and includes the works
authorised by this Act and the buildings and
conveniences belonging to the Company and
used by them in connection with those works
and the limits over which under this Act the
jurisdiction of the Company extends;

“ High-water mark ” means the high-water mark of
ordinary spring tides;

“ Vessel ” means steamer ship barge trow boat
and craft of every class and description however
propelled.

(2) In this Act the following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

A.D. 1932.

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

4. Subject to the provisions of this Act the Company may make and maintain with a centre line which coincides with the eastern limit of deviation shown upon the deposited plan and according to the level shown upon the deposited plan and section the pier hereinafter described which shall be constructed upon piers piles or pillars and shall be open work.

Power to make pier.

The pier hereinbefore referred to and authorised by this Act is—

A pier commencing in the parish and borough of Hove in the county of Sussex at a point in Madeira Esplanade and extending thence into and terminating in the bed of the sea (extra-parochial) at a distance of twenty-two chains or thereabouts from the point of commencement.

5. In constructing the pier the Company shall not deviate laterally from the centre line referred to in the last preceding section of this Act but subject to the provisions of the section of this Act of which the marginal note is "For protection of Hove Corporation" in constructing the works the Company may deviate vertically from the levels of the pier as shown on the deposited sections to any extent not exceeding five feet Provided that no vertical deviation below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to deviate.

A.D. 1932.

—
Powers as to
further and
subsidiary
works.

6.—(1) Subject to the provisions of this Act the Company may construct maintain and use temporarily or permanently piles groynes coffer-dams approaches landing stages and places moorings buoys tramways toll-houses pay-boxes gates and such other works and conveniences as may be requisite or expedient for the purposes of or in connection with the pier or the construction maintenance and use thereof or for the purposes of this Act A line of rails or tramway constructed under the powers of this Act shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Minister of Transport to be fit for that purpose.

(2) Subject to the provisions of this Act the Company may construct and maintain on the pier and may furnish stock and equip and make such reasonable charges as they think fit for the use of and admission to fishing platforms pavilions theatres cinemas buildings galleries saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands bandstands arcades shops bazaars kiosks aquaria waterclosets lavatories and sanitary and other conveniences and they may also construct under the pier-head and maintain and make such reasonable charges as they think fit for the use of and admission to floating swimming baths.

Power to
dredge.

7.—(1) The Company may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the landing stage.

(2) All sand mud and other materials dredged up or removed shall be the property of the Company who may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that the powers of the Company under this section shall be exerciseable subject to the provisions of the section of this Act of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment

by the Company to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Company under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be Provided also that no sand mud stone or other material shall be laid down or deposited between high and low-water marks within the borough of Hove without the consent in writing of the corporation.

A.D. 1932.

—

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Act may be applied.

8. Any person who wilfully obstructs any person acting under the authority of the Company in setting out the line of the works authorised by this Act or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the line of those works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

9.—(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

A.D. 1932. — be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Powers to cease in certain events.

10.—(1) If within three years from this Act becoming law the works authorised by this Act are not substantially completed the powers given by this Act for executing those works or otherwise in relation thereto shall cease.

(2) If the works authorised by this Act after having been substantially commenced are virtually suspended for six consecutive months the powers of this Act given for executing those works or otherwise in relation thereto shall cease except as to so much of those works as has then been completed.

(3) In either of the above cases a certificate from the Minister of Transport to the effect that the works have not been substantially completed or that they have been virtually suspended for six consecutive months shall for the purposes of this Act be conclusive evidence of the facts stated in such certificate.

Limits of Act.

11.—(1) The limits within which the Company shall have authority and within which the powers of the pier master may be exercised shall comprise the pier and an area below low-water mark within a distance of one hundred yards measured in any direction from the southern extremity of the pier which limits are in this Act termed "the limits of this Act."

(2) The limits within which the power to levy rates may be exercised hereinafter termed "the rating limits" shall comprise the pier.

Pier and works to be in borough of Hove.

12. So much of the pier by this Act authorised as is to be made and constructed in and upon the foreshore and bed of the sea and not included in any parish shall be deemed to be for all purposes within the parish and borough of Hove in the county of Sussex.

Lands for pier.

13. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purposes of the pier or for any purposes connected therewith.

14. The Company may for the purpose of their undertaking purchase lease or take by agreement and hold any lands not exceeding in the whole two acres in addition to the lands which they are by this Act authorised to take by compulsion but nothing in this section shall exempt the Company from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

A.D. 1932.

Lands for extra-ordinary purposes.

15. 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 Company 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.

Power to grant easements &c. by agreement.

16. The powers of the Company 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.

Period for compulsory purchase of lands.

17. For the protection of the corporation the following provisions shall unless otherwise agreed in writing between the Company and the corporation and notwithstanding anything contained in this Act apply and have effect (that is to say) :—

For protection of Hove Corporation.

- (1) The Company shall not commence the construction of any works by this Act authorised or any additional works pavilion or other buildings or conveniences mentioned or referred to in the section of this Act the marginal note whereof is "Powers as to further and subsidiary works" except in accordance with plans sections and elevations to be previously submitted to and approved by the corporation and the said works additional works and buildings shall be of a type and size which is in the opinion of the corporation suitable to the position in which

A.D. 1932.
—

they are proposed to be erected on the pier and shall be constructed to the satisfaction and approval of and in manner required by the corporation and under the superintendence (if required) of their borough surveyor :

- (2) The Company shall not enter upon take use or interfere with temporarily or permanently the foreshore or beach or any land or property owned by or leased to the corporation or over which they have control except so far as may be necessary for the purpose of constructing the piers piles and pillars of the pier and works which shall be so constructed that there be a free passage for boats thereunder and a free passage for persons proceeding along the beach or foreshore :
- (3) The Company shall not except with the previous consent in writing of the corporation under their common seal deviate vertically from the level thereof shown on the deposited section :
- (4) (a) If the corporation in their absolute discretion shall consider it necessary to widen the roads known as Lower Hove Street the Medina Esplanade (between Lower Hove Street and St. Aubyns South) and St. Aubyns South or any of those roads in consequence of increased traffic due to the construction and user of the pier the Company shall from time to time on demand pay to the corporation—

(i) the actual cost incurred by the corporation in or in connection with the acquisition by agreement or otherwise of any land and premises not belonging to the corporation which are required by them for or in connection with the construction of such widenings or any of them ;

(ii) two-thirds of the value of any land and premises which may be required to be taken for the purposes aforesaid from land belonging to the corporation on the north side of the Medina Esplanade (including any compensation payable to any tenants of such land and premises) such value to be settled by an

arbitrator to be appointed by the President of the Chartered Surveyors' Institution; A.D. 1932.

(iii) any expense incurred by the corporation in respect of or in connection with the removal and re-erection or alteration of any buildings or works situate upon or adjoining any such land as aforesaid;

(iv) two-thirds of the reasonable cost incurred by the corporation in or in connection with the construction of such widenings:

Provided that the total sum or sums to be contributed by the Company under the provisions of this subsection shall not exceed seven thousand pounds;

(b) The reasonable cost referred to in paragraph (a) (iv) of this subsection shall be determined by the arbitration of a single arbitrator to be appointed by the President of the Institution of Civil Engineers:

(5) (a) Before commencing the construction of any of the works authorised by this Act the Company shall deposit in the joint names of the corporation and the Company with the Hove (Town Hall) Branch of Barclays Bank Limited the sum of six thousand pounds and such sum shall from time to time be appropriated towards meeting the obligations of the Company under the provisions of subsection (4) of this section;

(b) The corporation shall consent to the withdrawal of the said sum of six thousand pounds (or any part thereof which is not then expended on the purposes aforesaid) and also to the handing over of such sum (or any such part thereof) to the Company if and when the pier and the buildings thereon within a distance of ten chains from the commencement of the pier shall have been constructed and opened for public use for a period of three years in the hands of the Company or its lessees or assignees but such withdrawal and handing over shall not affect or modify the

A.D. 1932.

obligations of the Company under subsection (4) of this section :

- (6) Before commencing any such works additional works or buildings as aforesaid the Company shall submit to the corporation for their approval the arrangements proposed to be made by the Company with reference to the sanitary arrangements drainage smoke and other like matters and with reference to getting rid of waste material and refuse and no such arrangement shall be carried out until the corporation have signified their approval thereof in writing :
- (7) (a) No part of the works authorised by this Act shall be commenced unless and until the Company shall have satisfied the corporation that a sum of not less than one hundred and eighty thousand pounds has been subscribed or is secured or otherwise available to the Company for the purposes of the pier and the buildings thereon within a distance of ten chains from the commencement of the pier ;
- (b) The construction of any pavilion or other buildings on any portion of the pier within seven chains from the termination of the pier shall not be commenced unless and until the Company shall have satisfied the corporation that a further sum which together with any balance of the said sum of one hundred and eighty thousand pounds remaining after the completion of the works and buildings referred to in the preceding paragraph (a) is not less than the estimated cost of such pavilion or other buildings has been subscribed or has been secured or otherwise available to the Company for the purposes of the construction thereof :
- (8) The Company shall not execute or do temporarily or permanently in or upon the foreshore or beach or any land or property owned by or leased to the corporation or over which they shall have control anything which may be or become a breach of the restrictions or restrictive and other covenants or conditions entered into

by the Hove Commissioners or by the corporation unless or until the Company shall have obtained the consent of the persons having the benefit of any such covenant or which may be inconsistent with the provisions of the Hove Commissioners Act 1873 :

- (9) No building or other erection except entrance gates and toll-houses or pay-boxes shall be erected on the pier within a distance of ninety-nine feet from the commencement of the pier :
- (10) The Company shall submit to the corporation plans sections elevations and specifications of any pavilion theatre cinema arcade or other building proposed to be erected on the pier and shall not commence the erection of any such building if the corporation within twenty-eight days after such plans sections elevations and specifications shall have been submitted to them notify the Company in writing under the hand of their town clerk that in the opinion of the corporation any such building is by reason of the type and size thereof unsuitable to the position in which it is proposed to be placed on the pier In the event of the corporation approving such plans sections elevations and specifications or failing to notify the Company within twenty-eight days as aforesaid then the pavilion theatre cinema arcade or other building shall be constructed in accordance in all respects with the plans sections elevations and specifications submitted to or approved by the corporation :
- (11) All pavilions and other buildings constructed beyond a distance of ten chains from the commencement of the pier shall be constructed in accordance with particulars and in a style similar to and in consonance with the particulars and style of any pavilions or other buildings constructed within a distance of ten chains from such commencement and the corporation shall be entitled to disapprove of any plan section elevation or specification

A.D. 1932.

submitted to them for approval if they do not comply with the requirements of this subsection :

(12) (a) When the Company commence the construction of the pier they shall proceed diligently with such construction and shall complete the same as soon as is reasonably practicable ;

(b) Within a period of one year after the pier shall have been completed to deck level the Company shall subject as aforesaid commence the construction of the pavilion and other buildings to be constructed at the seaward end of the pier and shall proceed diligently with such construction and complete the same as soon as may be reasonably practicable after its commencement :

(13) If the Company fails to carry out and complete the pier as provided in the section of this Act of which the marginal note is " Powers to cease in certain events " or at any time after the completion of any of the said works or buildings permit or suffer the same or any of the same to become dilapidated or ruinous or if the Company shall fail to properly maintain to the satisfaction of the corporation the pier and the buildings and works thereon then and in any such case and as often as the same may happen without prejudice to other remedies the corporation may give to the Company notice in writing requiring the Company within three months after such notice to complete the said works and buildings or to repair and make good the dilapidations or perform the obligation as to maintenance as the case may be and if the Company shall not within a period of six months from the date of such notice have complied with the requirements thereof then at the expiration of that period if they so elect the corporation may complete the aforesaid works and buildings and repair and make good such dilapidations or otherwise do all such works as may be necessary in performance

of the obligations of the Company under this Act or remove and abate the work so left uncompleted or out of repair and the reasonable expenses incurred by the corporation in repairing such works or making good the dilapidations or otherwise carrying into effect the provisions of this section shall be paid by the Company to the corporation on demand : A.D. 1932.

- (14) Except as provided by the section of this Act of which the marginal note is " Powers as to further and subsidiary works " the Company shall not construct on or in connection with the pier any swimming or other baths :
- (15) The Company shall send to the corporation a copy of the account referred to in section 49 of the Harbours Clauses Act 1847 at the same time as such account is sent to the clerk of the peace for the county of Sussex :
- (16) Subject to the provisions of subsection (4) of this section any dispute or difference between the Company and the corporation arising under or in relation to any of the provisions of this Act shall unless otherwise agreed be determined by an arbitrator to be appointed on the application of either party with notice to the other by the Minister of Transport and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

18. For the protection of the Admiralty in relation to a piece or parcel of land situate on the north side of Madeira Esplanade Hove belonging to the Admiralty and occupied as a Royal Naval Volunteer Reserve station the following provisions shall apply and have effect :— For protection of Admiralty.

- (1) The pier shall be constructed so that the centre line thereof coincides with the eastern limit of deviation shown upon the deposited plan :
- (2) No part of the pier or any ancillary work or building in connection therewith or any other work or building shall be constructed by or with the authority or to the order of the Company so as to be situate immediately opposite any part of the said land belonging

A.D. 1932.

to the Admiralty to the intent that no part of the pier or any works or buildings of the Company shall be erected westward of the eastern boundary of the said land :

- (3) On receipt of notice in writing from the civil engineer-in-chief of the Admiralty for the time being the Company shall at their own cost and expense when constructing the pier or at any time thereafter provide either a boathouse and slipway under the shore end of the pier or suitable hoisting facilities on the pier for use at all times free of charge by the Royal Naval Volunteer Reserve (Hove Division) as the Admiralty may elect. Such boathouse and slipway or hoisting facilities as the case may be shall be erected in a position approved by and to the reasonable satisfaction of the Admiralty and shall thereafter be maintained and kept in proper order and repair to the reasonable satisfaction of the Admiralty by the Company at their own cost and expense.

Use of
pier for
landing &c.

19. The Company shall not permit anything except persons passengers luggage and vehicles to be landed upon or embarked from the pier.

Power to
levy rates.

20. When in addition to the certificate to be granted under section 26 of the Harbours Clauses Act 1847 a certificate has been obtained from the Minister of Transport that all consents and approvals required under this Act or otherwise necessary for the due execution of the works authorised by this Act have been given the Company may within the rating limits subject and according to the provisions of this Act demand receive and recover for the use of those works and the conveniences connected therewith and in respect of vessels boats persons and things and for services described in the schedule to this Act any rates not exceeding those specified in that schedule.

Rates may
be levied
though
works not
completed.

21. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Minister of Transport but to be paid by the Company that the works authorised by this Act have

been so far completed as to afford increased accommodation for the landing and embarking or the shipping and unshipping of passengers by means of those works the Company may notwithstanding the twenty-fifth section of the Harbours Clauses Act 1847 and although the whole of the works authorised by this Act have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Act as will in the opinion of the Minister of Transport be commensurate with the increased accommodation afforded.

A.D. 1932.

—

22. The Company may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Act but so that no preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Act.

Power to confer exemptions and compound for rates.

23. The Company may (so far as the rates specified in the schedule to this Act do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any buildings works and conveniences belonging to or provided by the Company or in respect of any services rendered by them in connection with the pier.

Rates in respect of services &c.

24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the pier and not breaking bulk while making use thereof be exempt from rates leviable under this Act.

Certain fishing vessels under stress of weather exempt from rates.

25. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Company.

Exemption of lifeboat crew.

A.D. 1932.
—
Special charges for entertainments &c.

26. Notwithstanding anything contained in this Act the Company may charge in addition to the rates mentioned in Part II of the schedule to this Act such a sum as may be reasonable for admission from the pier to any entertainment held in any theatre cinema pavilion or other building erected upon the pier or to any building or part of the pier set apart for any special purpose.

Power to close pier on special occasions.

27.—(1) The Company may on any special occasions but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit.

(2) On all such occasions the Company shall reserve a sufficient passage along the pier from the landing steps to the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the schedule to this Act and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Company shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Pass and family tickets.

28.—(1) The Company may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as the Company may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Company shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

A.D. 1932.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

(6) In the event of any pass or family tickets for the use of the pier being granted by arrangement with the proprietors or masters of any vessels engaged in transporting passengers to or from the pier to passengers disembarking or embarking at the pier from or upon any passenger vessel any such arrangement shall be deemed to be an agreement between the Company and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Clauses Act 1847 incorporated with this Act shall apply thereto accordingly.

29.—(1) The Company shall within two months after the date to which their annual account and balance sheet are made up send a copy of the same to the Minister 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 account.

Annual
account
to be sent
to Minister
of Trans-
port.

(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 50 of the Harbours Clauses

A.D. 1932. Act 1847 respectively shall be made up to the end of the thirty-first day of December in each year.

Minister of Transport may reduce rates.

30. If at any time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed exceeds interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Minister of Transport to have been expended by the Company in executing the works authorised by this Act the Minister of Transport may if in his discretion he thinks fit reduce the rates leviable under this Act to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Act.

Application of revenue.

31. All moneys received from rates or otherwise as income under this Act shall be applicable to payment of the expenses properly chargeable to revenue of the maintenance repair and management of the pier and the surplus (if any) after providing for the purposes aforesaid shall belong to the Company for their own use.

Notice to be given of application to sell or lease in certain cases.

32.—(1) Before making application to the Minister of Transport for his consent to any sale or lease or to the assignment of any lease under either of the two next succeeding sections of this Act to or in favour of any person or persons the Company shall cause notice of the proposed application to be given by advertisement or otherwise in the locality in such manner as may be approved by the Minister of Transport in order that all persons interested may have an opportunity of making objections to the proposed sale lease or assignment.

(2) The Company shall give fourteen days' previous notice to the corporation of their intention to apply for the consent of the Minister of Transport to any sale lease or assignment of any lease so as to give the corporation an opportunity of making representations to the Minister of Transport with reference thereto.

33.—(1) At any time after the works have been completed the Company may with the previous consent in writing and upon such terms conditions and restrictions as may be sanctioned by the Minister of Transport sell their undertaking to the corporation or to any other company or person and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company under this Act.

A.D. 1932.

—
Power to
sell under-
taking.

(2) The Company shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Minister of Transport and shall as from the expiration of that month 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 this subsection.

34.—(1) The Company may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister of Transport lease to any company corporation or person (a) the undertaking of the Company or (b) the right to collect and retain the authorised rates.

Power to
lease under-
taking or
rates.

(2) As from the commencement of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Company by this Act which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations to which the Company are subject and shall perform all the duties of the Company under this Act.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister of Transport and the provisions of this Act with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Company shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Minister of Transport

A.D. 1932. — and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Company from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Act and of this Act as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Company and all moneys received by the Company under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Act.

Power to
lease
pavilions
&c.

35. The Company may let for hire or lease for any term not exceeding seven years any pavilions theatre cinema buildings rooms shops baths or other buildings or structures separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Byelaws.

36.—(1) In addition to any other powers for making byelaws conferred on the Company by this Act they may make byelaws in relation to the pier for all or any of the following matters (that is to say) :—

For regulating the collection and levying of the rates authorised by this Act to be taken by the Company ;

For regulating the vessels goods and traffic near to or on the pier ;

For regulating the conditions of the user of any portion of the pier and works ;

For preventing nuisance or annoyance by smoke and noise caused by vessels and the machinery and appliances thereof ;

For preventing injury to and protecting the pier and works and property thereon or attached thereto ;

For preventing refuse of any kind being thrown or suffered to fall into the sea within the limits of this Act ;

For regulating the conduct of persons frequenting the pier and preserving order thereon; A.D. 1932.

For regulating the removal and disposal of ballast brought by vessels to the pier and for preventing ballast being thrown overboard from vessels within the limits of or so as to obstruct access to the pier.

(2) The byelaws which may from time to time be made by the Company in exercise of the power in that behalf conferred on them by this Act or by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding five pounds for the breach or non-observance of any of the byelaws.

(3) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes.

(4) The Company shall send to the corporation a copy of any proposed byelaws at least fourteen days before those byelaws are submitted to the Minister of Transport :

Provided that in the case of any byelaw which the Minister of Transport in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the Minister of Transport and the allowance and confirmation of any such byelaw by the Minister of Transport or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section :

Provided also that no byelaw affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

37.—(1) The Company shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus. Company may be required to provide life-saving apparatus.

(2) If the Company fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

A.D. 1932.

—
Life-saving
apparatus
may be
attached
to pier.

38. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Lifebuoys
to be kept.

39. The Company shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lights on
works
during
construc-
tion.

40.—(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.

Permanent
lights on
works.

41.—(1) After the completion of the works by this Act authorised the Company shall at the outer extremity of those works below high-water mark of ordinary spring tides 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 Corporation of Trinity House Deptford Strond shall from time to time direct.

(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.

42.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

A.D. 1932.

—
Provision
against
danger to
navigation.

(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 ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

43. 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 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.

44.—(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 or of any creek bay arm of the sea or navigable river communicating therewith 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

Abatement
of work
abandoned
or decayed.

A.D. 1932. — 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 the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such 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 summarily as a civil debt.

Meters and weighers.

45. The Company shall have the appointment of meters and weighers within the limits of this Act.

Appointment of officers to enforce byelaws and regulations.

46. The Company may appoint officers for securing the observance of the byelaws and regulations made by the Company under this Act in respect of the pier and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Recovery of penalties.

47. All penalties recoverable by the Company under this Act shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and be applied as income under the provisions of the section of this Act the marginal note whereof is "Application of revenue."

Officers exempt from rates.

48. Officers of the Ministry of Transport Board of Trade and the Corporation of Trinity House Deptford Strond and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment.

Local lighthouse authority.

49. The Company shall within the limits of this Act be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

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

A.D. 1932.

—
Crown
rights.

51. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by
Minister of
Transport.

52. Nothing contained in this Act shall exempt the pier or the Company from the provisions of the Merchant Shipping Acts or of any general Act relating to harbours and piers or to dues on shipping or on goods carried in ships now in force or which may be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates authorised by this Act.

Provision
as to
Merchant
Shipping
Acts &c.

53.—(1) The Company shall forward to the Registrar of Companies a printed copy of this Act and it shall be retained and registered by him and if such copy is not forwarded within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every director and manager of the Company who knowingly and wilfully authorises or permits such default shall incur the like penalty.

Copy of
Act to be
registered
&c.

A.D. 1932.

(2) There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a memorandum of association or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

(3) Every penalty under this section shall be recoverable summarily.

Repeal of Hove
Pier Order 1912
and Hove Pier
Order 1925.

54. The Hove Pier Order 1912 and the Hove Pier Order 1925 are hereby repealed.

Costs of
Act.

55. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act shall be paid by the Company.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1932.

I.—RATES ON VESSELS USING THE PIER.

	£	s.	d.
For every vessel not exceeding the burden of 15 tons per ton register - - - - -	0	0	4
For every vessel exceeding the burden of 15 tons and under 50 tons per ton register - - - - -	0	0	6
For every vessel of the burden of 50 tons and under 100 tons per ton register - - - - -	0	0	8
For every vessel of the burden of 100 tons and under 150 tons per ton register - - - - -	0	0	10
For every vessel of the burden of 150 tons and upwards per ton register - - - - -	0	1	0

II.—RATES FOR USE OF PIER.

For every passenger or other person landing on the pier from or embarking from it on board of any ship vessel boat packet or passage boat for each time any sum not exceeding - - - - -	0	0	4
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for bathing embarking or disembarking for each time any sum not exceeding - - - - -	0	0	3
For every bath chair (including the person in charge) taken on the pier for each time any sum not exceeding - - - - -	0	0	4
For every perambulator (including the person in charge) taken on the pier for each time any sum not exceeding - - - - -	0	0	4
For every person using the pier for the purpose of bathing any sum not exceeding - - - - -	0	0	4
For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - - - -	1	0	0

A.D. 1932. III.—RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED OR
TRANSHIPPED AT THE PIER.

	£	s.	d.
For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding 28 pounds -	0	0	2
Over 28 pounds and not exceeding 84 pounds -	0	0	4
Over 84 pounds and not exceeding 112 pounds -	0	0	5
Over 112 pounds and not exceeding 140 pounds -	0	0	6
Over 140 pounds and not exceeding 196 pounds -	0	0	7
Over 196 pounds and not exceeding two hundred- weight - - - - -	0	0	8
If exceeding two hundredweight for every hundred- weight - - - - -	0	0	4
And for every 28 pounds weight in addition -	0	0	1

IV.—RATES FOR VEHICLES LANDED AT THE PIER
OR SHIPPED OR TRANSHIPPED.

For every four-wheel carriage - - - - -	0	4	0
For every two-wheel carriage - - - - -	0	2	6
For every bicycle or tricycle for each and every time -	0	0	3

Printed by EYRE and SPOTTISWOODE LIMITED,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.