



CHAPTER xlvi.

An Act to authorise the transfer to the mayor aldermen and burgesses of the county borough of Brighton of the powers vested in the Brighton Hove and Preston United Omnibus Company Limited under the Brighton Hove and District Railless Traction Act 1911 and to sanction and confirm the purchase by the Corporation of lands adjoining the borough in the parishes of Ovingdean Rottingdean and Falmer and for other purposes. A.D. 1913.
[15th August 1913.]

WHEREAS the borough of Brighton is a municipal borough under the government of the mayor aldermen and burgesses thereof (hereinafter referred to as "the Corporation") and is a county borough under the Local Government Acts 1888 and 1894 :

And whereas by the Brighton Corporation Act 1912 (in this Act called "the Act of 1912") the Corporation were authorised to provide and use a system of trolley vehicles on various routes within the said borough :

And whereas by the Brighton Hove and District Railless Traction Act 1911 (in this Act called "the Act of 1911") the Brighton Hove and Preston United Omnibus Company Limited (in this Act called "the company") were authorised to provide and use trolley cars on a route extending from the eastern end of the said borough to Rottingdean :

And whereas by heads of agreement (in this Act called "the Rottingdean agreement") scheduled to and confirmed by the Act of 1912 and made between the Corporation of the one part and the company of the other part the company agreed to transfer to the Corporation all their rights and powers under

A.D. 1913. the Act of 1911 if called upon by the Corporation to do so within two years from the passing of the Act of 1912 subject to the Corporation obtaining the necessary sanction from Parliament and it is expedient that such sanction be given and that the time for the completion of the overhead equipment authorised by the Act of 1911 be extended as by this Act provided :

And whereas by section 33 of the Act of 1912 provision was made for the deviation of a portion of route No. 6 authorised by that Act on the Corporation obtaining the necessary powers and it is expedient that the Corporation be authorised to deviate such route accordingly and to construct a new route to communicate with Kemp Town Station :

And whereas the Corporation are the local education authority for the borough and are possessed of certain lands in the parish of Patcham in the county of Sussex outside and adjoining the borough which could be conveniently utilised for the purpose of building a public elementary school and it is expedient that they should be authorised to utilise the same as such and that provision with regard thereto should be made as in this Act hereinafter provided :

And whereas it is expedient that the Corporation should be authorised to purchase the lands in the parishes of Ovingdean Rottingdean and Falmer in the county of Sussex hereinafter in this Act referred to :

And whereas it is expedient that the further powers hereinafter contained should be conferred upon the Corporation :

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

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows :—

For purchase of lands and construction of sheds	£
and buildings underground cableways and cables	9,000
For overhead line equipment shelters and	
miscellaneous equipment - - - - -	5,300
For trolley vehicles - - - - -	4,900

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

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 approval of the Local Government Board has been obtained: A.D. 1913.

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.

1. This Act may be cited as the Brighton Corporation Act 1913. Short title.

2. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council. Act to be carried out by council.

3. This Act is divided into Parts as follows (that is to say):— Act divided into Parts.

Part I.—Preliminary.

Part II.—Transfer of Rottingdean undertaking and extension of time.

Part III.—Trolley vehicles—New routes.

Part IV.—Motor omnibuses.

Part V.—East Brighton Estate.

Part VI.—Miscellaneous.

Part VII.—Finance.

4. The following provisions of the Tramways Act 1870 so far as the same are applicable for the purposes of and are not inconsistent with or expressly varied by this Act are hereby incorporated with and form part of this Act (that is to say):— Incorporation of Tramways Act 1870.

Section 3 Interpretation of terms;

Part II. Relating to the construction of tramways (except sections 22 25 28 and 29);

Section 41 Tramways to be removed in certain cases;

Section 45 Tolls &c.;

Section 46 Byelaws by local authority Promoters may make certain regulations;

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- Section 47 Penalties may be imposed in byelaws ;
Section 49 Penalty for obstruction of Promoters in laying out tramway ;
Section 51 Penalty on passengers practising frauds on the Promoters ;
Section 52 Transient offenders ;
Section 53 Penalty for bringing dangerous goods on the tramway ;
Section 55 Promoters or lessees to be responsible for all damages ;
Section 56 Recovery of tolls penalties &c. ;
Section 57 Right of user only ;
Section 60 Reserving powers of street authorities to widen &c. roads ;
Section 61 Power for local or police authorities to regulate traffic in roads ;
Section 62 Reservation of right of public to use roads ;
Section 63 Regulating inquiries before referee appointed by the Board of Trade ;
Section 64 Rules for carrying Act into effect :

Provided that the provisions of the Tramways Act 1870 incorporated with this Act shall be read and have effect as if the trolley vehicle equipment as hereinafter defined in this Act were tramways and as if trolley vehicles were carriages used on tramways and as if the expression road included the footway.

Interpretation.

5. In this Act unless the subject or context otherwise requires the following words and expressions have the following meanings (that is to say):—

- “The borough” means the county borough of Brighton ;
“The Corporation” means the mayor aldermen and burgesses of the borough ;
“The council” means the town council of the borough ;
“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund borough rate district fund and general district rate of the borough ;
“The Order of 1883” means the Brighton Electric Lighting Order 1883 ;

“The Act of 1900” means the Brighton Corporation Act 1900; A.D. 1913.

“The Order of 1902” means the Brighton Corporation Tramways Order 1902;

“The Act of 1903” means the Brighton Corporation Act 1903;

“The Act of 1911” means the Brighton Hove and District Railless Traction Act 1911;

“The Act of 1912” means the Brighton Corporation Act 1912;

“The company” means the Brighton Hove and Preston United Omnibus Company Limited;

“The Corporation tramways” means and includes the tramways authorised by the Act of 1900 the Order of 1902 and the Act of 1903 and any other tramways for the time being belonging to the Corporation;

The expression “trolley vehicles” means mechanically propelled vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

The expression “trolley vehicle equipment” means and includes all posts poles brackets cables conductors tubes mains transformers feeders wires and other apparatus for the purpose of working and lighting trolley vehicles or for the purpose of connecting or signalling or telephonic communication with or between any generating station sub-station street boxes pillars or depôt or between officers and servants of the Corporation in connection with the working of trolley vehicles or the Corporation tramways;

The expression “the Rottingdean undertaking” means and includes the undertaking of the company authorised by the Act of 1911 and all powers rights privileges and authorities conferred by that Act or any Act or Acts incorporated wholly or partially with that Act and all the interests agreements and benefits and liabilities of or under agreements held or acquired or incurred in connection with or for the purposes of that Act or relating thereto and any lands or interest in lands required for the purposes thereof and of or to which the company are seized entitled or liable;

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The expression "the Rottingdean route" means the route described in section 4 of the Act of 1911;

The expression "the new routes" means the new routes within the borough upon which the Corporation are by this Act authorised to work and use trolley vehicles;

"The race ground" means and includes all such part of the premises described in Part II. of Schedule B to the Brighton Improvement Act 1884 as have been conveyed to the Corporation and the lands described in Schedule A to the Brighton Corporation Act 1896 annexed.

PART II.

TRANSFER OF ROTTINGDEAN UNDERTAKING AND EXTENSION OF TIME.

Transfer to Corporation of Rottingdean undertaking.

6.—(1) On and as from the passing of this Act the Rottingdean undertaking shall be by virtue of this Act transferred to and vested in the Corporation and all the rights powers privileges and authorities of the company and their directors officers and servants respectively which by virtue of the Act of 1911 or any Act or Acts incorporated wholly or partially therewith may be exercised and enjoyed by them respectively with respect to the Rottingdean undertaking may be exercised and enjoyed by the Corporation and their officers and servants respectively under with and subject to the same regulations restrictions conditions obligations penalties and immunities in accordance with such Act as by the company and their directors officers and servants respectively and the provisions of the Act of 1911 shall subject to the provisions of this Act be read and have effect as if the Act of 1911 had been passed with reference to the Corporation instead of with reference to the company and on completion of the trolley vehicle equipment on the Rottingdean route the Corporation may subject as aforesaid work and use trolley vehicles on such route for the carriage of passengers parcels animals goods and minerals and may demand and take tolls and charges in respect of the use of such trolley vehicles Provided that nothing in this section shall be deemed to authorise the Corporation to manufacture trolley vehicles. Provided further that the weight of any trolley vehicle including the load thereon shall not exceed

such weight as may be prescribed by the Board of Trade and in any event shall not exceed the total weight of twelve tons. A.D. 1913.

(2) Subject to the provisions of this Act the provisions contained in sections 20 21 and 22 of the Act of 1900 shall so far as applicable apply with reference to the trolley vehicles and trolley vehicle equipment referred to in this Part of this Act and in construing these provisions in their application to this Part of this Act unless the context otherwise requires the expression "the tramways" or "the Corporation tramways" shall mean the trolley vehicles and trolley vehicle equipment and subsection (2) of section 9 of the Act of 1911 is hereby repealed.

(3) On the completion of the construction by the Corporation of the trolley vehicle equipment necessary for working and using trolley vehicles on the Brighton through routes mentioned in section 15 of the Act of 1912 the Corporation shall in accordance with the provisions of the Rottingdean agreement pay to the company any sums due to them under such agreement and the receipt in writing of three directors of the company for such sums shall effectually discharge the Corporation from any liability in respect thereof or from being bound to see to the application thereof or from being answerable or accountable for the loss misapplication or non-application thereof.

7. The period limited by the Act of 1911 for the completion of the overhead equipment by that Act authorised is hereby extended till the seventh day of August one thousand nine hundred and seventeen and on the expiration of such extended period the powers by the Act of 1911 as amended by this Act granted for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Extension of period limited by Act of 1911 for completion of overhead equipment.

8. For the purposes of calculating the maximum fares rates and charges to be taken in respect of traffic conveyed partly on the Rottingdean route and partly on the trolley vehicle routes authorised by the Act of 1912 and this Act such routes respectively shall be deemed to form part of one undertaking: Maximum fares for traffic conveyed partly on Rottingdean route and partly on routes authorised by Act of 1912.

Provided that where there is a different scale applicable to such respective routes the maximum charge for each part of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such part would be chargeable for the entire distance.

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PART III.

TROLLEY VEHICLES—NEW ROUTES.

Power to use trolley vehicles on new routes.

9. The Corporation may provide maintain and equip but shall not manufacture trolley vehicles and may work and use the same upon the following new routes in the borough (that is to say):—

- (1) A Route (No. 1) commencing at the junction of Eastern Road with Rock Street and passing thence along Church Place and Bristol Gardens and terminating at the eastern boundary of the borough of Brighton at or near the junction of Bristol Gardens with Arundel Road:
- (2) A Route (No. 2) commencing at the junction of Montague Place with St. George's Road passing thence along Montague Place and Sutherland Road and terminating at or near the junction of Sutherland Road with Coalbrook Road opposite the goods yard entrance to the Kemp Town railway station.

Abandonment of portion of authorised route.

10. The Corporation shall abandon so much of Route No. 6 authorised by the Act of 1912 as is situate between its authorised commencement and the junction of Eastern Road with Rock Street and the Corporation are hereby relieved from all liabilities penalties and obligations imposed on them by the Act of 1912 in relation thereto.

Power to lay down trolley vehicle equipment.

11.—(1) The Corporation may subject to the provisions of this Act place erect lay down and maintain trolley vehicle equipment on over under along and across any streets or roads forming part of the new routes and any public streets or roads adjoining or intersecting the same or in which it may be necessary to lay down the same for the purpose of connecting with any generating station sub-station street boxes pillars or dépôt of the Corporation or for the purpose of signalling or telephonic communication in connection with the working of trolley vehicles or the Corporation tramways and may make and maintain openings and ways for the purpose of such equipment and for that purpose may subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

All posts and poles erected by the Corporation under the powers of this Act in any street or road shall be placed in such position as the local authority and road authority may reasonably approve. Provided that no posts or poles shall be erected on the carriageway except with the consent of the Board of Trade.

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(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

(3) The Corporation shall not use the trolley vehicle equipment or any part thereof for the purpose of the transmission of telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

12. The provisions of the Act of 1900 and the Act of 1903 referred to in section 18 of and incorporated with the Act of 1912 and the provisions of Part II. Trolley Vehicles of the Act of 1912 except section 15 and of sections 55 56 and 57 of such Act shall be incorporated with and be deemed part of this Part of this Act and for the purposes of such incorporation the Act of 1912 shall be read and have effect as if the trolley vehicle routes trolley vehicles and trolley vehicle equipment referred to in such Act included the new routes and trolley vehicles and trolley vehicle equipment authorised by this Act.

Incorporating provisions of Acts of 1900 1903 and 1912.

13. For the purposes of section 15 of the Act of 1912 the new Route No. 1 referred to in the section of this Act the marginal note whereof is "Power to use trolley vehicles on new routes" shall be deemed to form part of Route No. 6 authorised by the Act of 1912 in substitution for the part of that route authorised to be abandoned by this Act.

New route to form part of Route No. 6 under Act of 1912.

14. The purposes for which the Corporation may under the powers of the Order of 1883 the Act of 1900 the Act of 1903 and the Act of 1912 and the Acts incorporated therewith generate and supply electricity and exercise the powers of such Order or Acts shall include the purposes of working by electrical power and lighting any trolley vehicles on the Rottingdean route and new routes.

As to supply of electricity for trolley vehicles on Rottingdean route and new routes.

15. All expenses and receipts incurred in or arising from the exercise by the Corporation of the powers of Part II. of this Act and this Part of this Act shall be deemed to be part

Accounts.

A.D. 1913. of the expenses and receipts of the tramway undertaking of the Corporation.

In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles shall (as far as may reasonably be practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking.

PART IV.

MOTOR OMNIBUSES.

Power to
provide
omnibuses.

16. In addition to the powers conferred by section 17 of the Act of 1903 and section 39 of the Act of 1912 with reference to the running of motor omnibuses the Corporation may provide maintain work and run but shall not manufacture motor omnibuses—

- (a) On the Rottingdean route pending the construction of trolley vehicle equipment and running of trolley vehicles thereon; and
- (b) In the rural district of Newhaven in connection with the Rottingdean route or the other trolley vehicle routes of the Corporation or the Corporation tramways or when the running of trolley vehicles is impracticable or during the construction alteration or repair of the trolley vehicle equipment or any part thereof or in prolongation of any trolley vehicle route or tramway or for testing the amount of traffic along any route or between any particular points:

And the provisions of section 17 of the Act of 1903 shall apply in all respects to and in connection with the provision maintenance and working of motor omnibuses under this section Provided that no such powers shall be exercised under this section except with the consent of the Newhaven Rural District Council and in the case of main roads of the county council of the administrative county of East Sussex:

Nothing in this section shall relieve the Corporation from any liability for any damage which the Brighton and Hove General Gas Company may sustain by reason or in consequence of any injury to their mains pipes or apparatus by reason of the running of motor omnibuses under the powers conferred by this section:

Provided also that the Corporation shall perform in respect of the motor omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated. A.D. 1913.

PART V.

EAST BRIGHTON ESTATE.

17.—(1) The Corporation may purchase by agreement the lands in the parishes of Ovingdean Rottingdean and Falmer embracing an area of about one thousand and sixty-seven acres two roods and seventeen perches or thereabouts and more particularly described in the First Schedule hereto and hereinafter in this Part of this Act referred to as “the East Brighton Estate” for a sum of money not exceeding thirty-five thousand pounds and the Corporation may with the approval of the Local Government Board purchase by agreement any additional lands adjoining the East Brighton Estate and which may be conveniently held therewith and any lands so purchased with the consent of the Local Government Board shall for the purposes of this part of this Act be deemed to form part of the East Brighton Estate. Purchase of
East Bright-
ton Estate.

(2) Subject and without prejudice to the powers hereinafter conferred on the Corporation with reference to the East Brighton Estate the Corporation shall and may on completion of the purchase thereof hold such estate as corporate land within the meaning of the Municipal Corporations Act 1882 and the provisions of sections 108 and 109 of that Act as amended by the Local Government Act 1888 shall subject as aforesaid apply to such estate and the Corporation may accordingly exercise all the powers contained in such sections in relation to the East Brighton Estate.

(3) The Corporation may manage lay out and improve the East Brighton Estate and make and maintain roads footpaths and ways and lakes and plant trees and shrubs for the purpose of shelter or ornament and erect and provide buildings enclosures pavilions stands lavatories kiosks and seats and appoint officers servants and workmen to perform any services in connection with the estate and the Corporation may with the consent of

A.D. 1913. the Local Government Board from time to time appropriate all or any portion of the said estate for any special purpose for which the Corporation whether as a sanitary authority or otherwise are now or may hereafter be authorised by Statute to acquire and hold lands.

Application
to East
Brighton
Estate of
provisions of
Act of 1896.

18. From and after the date when the Corporation shall have appropriated any portion of the East Brighton Estate for the purpose of a public park pleasure ground or recreation ground or public walk the provisions contained in the sections of the Brighton Corporation Act 1896 hereinafter referred to in this section shall apply thereto as if such portion of the East Brighton Estate had been specifically referred to in such sections in addition to the parks and recreation grounds referred to therein, and the Corporation may in reference to such portion of the East Brighton Estate exercise all the powers referred to in such sections with reference to the recreation grounds therein mentioned :—

Section 23 (Parts of Queen's Park Race Ground and Blaker Recreation Ground may be set apart for games &c.);

Section 24 (As to closing of the recreation grounds) save and except the proviso to such section;

Section 26 (Corporation may provide apparatus for games);

Section 27 (Corporation may let chairs &c.);

Section 28 (Power to make bye-laws as to recreation grounds);

Section 29 (Power to erect maintain and let conservatories refreshment rooms &c.);

Section 32 (Keepers and officers may be appointed):

Provided that the Corporation shall not in any one year close any part of the East Brighton Estate appropriated as a public park pleasure ground or recreation ground exceeding one-fourth of the whole area so appropriated for more than twenty-eight days.

Power to ap-
ply moneys
coming to
Corporation
under trust
of William
Edmund
Davies and
receipts of
race ground.

19.—(1) The trust fund held in trust for the council under the codicil to the will of William Edmund Davies referred to in section 6 and the preamble of the Preston Park Act 1883 and under the deed of arrangement and compromise dated the twenty-fourth day of June one thousand eight hundred and eighty and the deed annexed thereto dated the

thirteenth day of June one thousand eight hundred and eighty-one referred to in the said preamble or so much of such trust fund whether capital or income as shall from time to time be received by the Corporation shall be deemed and taken to be a fund at the disposal of the Corporation applicable to the payment of the cost of purchasing managing laying out and improving such portion of the East Brighton Estate as may be or may have been laid out or appropriated for the purpose of a public park pleasure ground or recreation ground or public walk and for the purposes of any payment to any sinking fund or the payment of any instalments of any loan in respect of moneys to be borrowed by the Corporation for the purposes of the purchase of such portion of the said estate or otherwise in connection with the laying out or improvement of the same in addition to the existing purposes for which the same is already applicable and the Corporation may apply any moneys received by them by way of rent or otherwise in respect of the race ground and the portion of Queen's Park known as the German Spa referred to in section 22 of the Brighton Corporation Act 1896 after payment of the expenses of maintenance of the race ground or Queen's Park as the case may be for similar purposes in connection with the East Brighton Estate as hereinbefore in this section referred to.

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(2) Moneys paid by the trustees for the time being of the said codicil out of the trust fund aforesaid under the provisions of the said codicil the said deed of arrangement and compromise and the deed annexed thereto and applied by the Corporation in purchasing managing laying out or improving the East Brighton Estate and for other purposes connected therewith mentioned in this section shall be deemed to have been paid by the said trustees and applied by the Corporation as if the said estate were situate within the borough.

20. Any expenditure incurred by the Corporation in pursuance of this Part of this Act other than expenditure defrayed out of borrowed money shall be defrayed out of rents or revenue of the East Brighton Estate and so far as the same may be deficient out of the borough fund or borough rate.

As to expenditure for purposes of East Brighton Estate.

21. All revenue from the East Brighton Estate shall be applied—

Application of revenue from East Brighton Estate.

First In payment of the expenses properly chargeable to revenue of conducting managing maintaining improving and laying out the East Brighton Estate;

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Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the purchase of or in connection with the East Brighton Estate;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the purchase of the East Brighton Estate:

And the Corporation shall carry to the borough fund or borough rate so much of the balance remaining in any year as may in the opinion of the Corporation not be required for carrying on managing maintaining and improving the East Brighton Estate and for paying current expenses in connection therewith.

As to application of moneys received from sale of East Brighton Estate.

22. Any capital money received by the Corporation upon the sale leasing or disposal of lands or buildings forming portion of the East Brighton Estate shall be applied in or towards the extinguishment of any loan raised by the Corporation for the purposes of the purchase of or otherwise in connection with the East Brighton Estate and for the time being outstanding or to such other purposes as the Corporation with the approval of the Local Government Board may determine.

PART VI.

MISCELLANEOUS.

As to appropriation of Southern Enclosure for street improvement.

23. It shall be lawful for the Corporation to appropriate and use a strip of land in the borough forming part of the south-eastern corner of the southern enclosure of the Old Steine Gardens which is coloured red on the map signed in duplicate by the Right Honourable Algernon Hawkins Thomond Keith-Falconer Earl of Kintore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy whereof has been deposited in the Private Bill Office of the House of Commons and one copy in the Office of the Clerk of the Parliaments in the House of Lords for the purpose of any street improvement which may hereafter be carried out by the Corporation under the powers of the Public Health Act 1875 or otherwise and in the event of the Corporation appropriating and using the same such land shall be freed from the provisions of the Brighton Corporation Act 1896 or any other Act affecting the same.

As to lands outside borough

24. The lands specified in the Second Schedule hereto which are vested in the Corporation as the local education

authority as successors of the Brighton and Preston School Board shall for the purposes of the Education Acts 1870 to 1911 be treated as and be deemed to be wholly situated within the borough.

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vested in
Corpora-
tion as local
education
authority.

PART VII.

FINANCE.

25. The Corporation may from time to time borrow at interest— Power to borrow.

(a) On the security of the tramway revenue and if they think fit (as a collateral security) of the borough fund and borough rate—

(1) For lands sheds and buildings underground cableways and cables nine thousand pounds;

(2) For overhead line equipment shelters and miscellaneous equipment five thousand three hundred pounds;

(3) For trolley vehicles four thousand nine hundred pounds;

(4) For the purpose of payment of the amount due to the Company under the Rottingdean agreement such sum as may be required:

(b) On the security of the borough fund and borough rate—

(5) For the purchase of the East Brighton Estate and expenses in connection therewith thirty-five thousand five hundred pounds and for the purchase of any additional lands with the consent of the Local Government Board adjoining the East Brighton Estate such sums as the Local Government Board may from time to time sanction;

(6) For the laying out and improvement of the East Brighton Estate or otherwise in connection therewith such sum or sums as the Local Government Board may sanction:

(c) On the security of the borough fund and borough rate and district fund and general district rate or either of them for payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" such sum as may be ascertained as hereinafter provided:

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Provided always that in case further moneys may be required for any of the aforesaid purposes or other the purposes of this Act the Board of Trade in the case of any such purposes other than those included in Parts V. and VI. of this Act and the Local Government Board in the case of any purposes included in Parts V. and VI. of this Act may from time to time at the request of the Corporation authorise them to borrow such further sums for all or any of such purposes as the Board of Trade or the Local Government Board as the case may be may from time to time think fit and the provisions of this Act and of the Acts incorporated therewith shall mutatis mutandis apply to the further sums so borrowed.

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act:

Provided always that the respective mortgagees shall be entitled one with another to their respective proportions of the revenue fund and rate comprised in their mortgages respectively according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sum so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or the dates of any such mortgages respectively.

Protection of
lenders from
inquiry.

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

As to repay-
ment of
borrowed
moneys.

27. All moneys borrowed by the Corporation under the provisions of this Act without the consent of the Board of Trade or the Local Government Board may be borrowed for any terms not exceeding the terms hereinafter respectively mentioned (that is to say):—

As regards moneys borrowed for the purchase of the East Brighton Estate fifty years from the date of the original loan;

As regards moneys borrowed for purposes of lands sheds and buildings underground cableways and cables forty years from the date of the original loan;

As regards moneys borrowed for purposes of overhead line equipment shelters and miscellaneous equipment twenty years from the date of the original loan ;

As regards moneys borrowed for the purposes of trolley vehicles ten years from the date of the original loan ;

As regards moneys borrowed for payment of sums due to the Company fifteen years from the date of the original loan ;

As regards moneys borrowed for the purpose of paying the costs charges and expenses aforesaid five years from the passing of this Act ;

And all moneys borrowed by the Corporation under the authority of this Act with the consent of the Board of Trade or the Local Government Board may be borrowed for such term not exceeding sixty years as the Board of Trade or the Local Government Board as the case may be may prescribe :

And subject as aforesaid all moneys borrowed by the Corporation under the authority of this Part of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

But it shall not be obligatory on the Corporation in the case of moneys borrowed for trolley vehicles or trolley vehicle equipment or for lands or buildings in connection therewith to commence any such repayment by instalments or to set apart or appropriate any moneys to or for a sinking fund under this Act until the expiration of one year after the trolley vehicle system in respect of which such moneys shall have been borrowed shall have been completed and opened for public traffic or two years from the borrowing thereof whichever period shall be the earlier Provided that nothing in this section shall be deemed to relieve the Corporation from any obligation as to payment of interest on loans in the case of loans repayable by instalments of principal and interest.

28. The provisions contained in the sections of the Act of 1903 and the Act of 1912 the numbers and marginal notes of

Application
of certain
provisions of

A.D. 1913.
Acts of 1903
and 1912 to
moneys bor-
rowed under
this Act.

which are set forth in this section shall subject to the provisions of the section of this Act the marginal note whereof is "As to repayment of borrowed moneys" apply in all respects to and in the case of moneys to be borrowed under the powers of this Act and such sections shall be incorporated in this Act and be read and have effect as if they had reference to moneys borrowed under the powers of this Act.

The sections hereinbefore referred to are—

The Act of 1903.

- Section 50 Sinking Fund;
- Section 51 Annual return to Local Government Board with respect to repayment of moneys borrowed on mortgage;
- Section 53 Power to re-borrow;
- Section 54 Power to borrow under Local Loans Act;
- Section 68 Inquiries by Local Government Board:

The Act of 1912.

- Section 46 Application of money borrowed;
- Section 47 Saving existing charges;
- Section 48 Corporation not to regard trusts:

Provided that for the purposes of such incorporation section 68 of the Act of 1903 shall be read and have effect as if the words "the Act of 1912 and" had been inserted after the words "consents under" in such section.

Recovery of
penalties &c.

29. Save as otherwise by this Act expressly provided 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 by the Corporation in a summary manner and shall except in the case of penalties recovered against the Corporation be paid to the treasurer of the borough and be by him carried to the credit of the borough fund Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as a civil debt.

Powers of
Act cumu-
lative.

30. All powers rights and remedies given to the Corporation 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 conferred on them by the Public Health Acts or any of them and the Municipal Corporations Act 1882 and any Act amending the same and the Corporation may exercise such other powers and 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 the commission of the same offence. A.D. 1913.

31. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the Taxing Officer of the House of Lords or of the House of Commons and the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act shall be paid by the Corporation out of the borough fund and borough rate and the district fund and general district rate in proportions to be hereafter determined by the Corporation or out of moneys borrowed under the authority of this Act for that purpose and before borrowing such moneys the Corporation shall by resolution determine the proportions in which the funds on the security of which such moneys are borrowed shall contribute in respect of such loans. Costs of Act.

A.D. 1913. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Certain lands belonging to the executors of the late Steyning Beard situate in the parishes of Ovingdean Rottingdean and Falmer in the county of Sussex and embracing an area of about 1,067 acres 2 roods and 17 perches and which estate abuts on the eastern boundary of the borough and extends from such eastern boundary to the village of Ovingdean and the greater part of which is bounded on the north and south sides respectively by the parish boundary of Ovingdean.

THE SECOND SCHEDULE.

Certain lands belonging to the Corporation containing three acres or thereabouts situate in the parish of Patcham in the county of Sussex adjoining the northern boundary of the borough and bounded on the south by land and houses fronting into Loder Road in the said borough and situate near the existing temporary elementary school in Loder Road.

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