



ANNO TRICESIMO

# VICTORIÆ REGINÆ.

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## Cap. xxii.

An Act to authorize the Mayor, Aldermen, and Burgesses of the Town of *Brighton* to borrow further Sums of Money for improving the *Pavilion Estate*, and for other Purposes.

[31st *May* 1867.]

**W**HEREAS by an Act (Local) of the Thirteenth Year of the Reign of Her present Majesty, Chapter Five, (hereafter in this Act called the "*Pavilion Act*,") the Commissioners, in that Act and hereafter in this Act called the "*Brighton Town Commissioners*," then acting under an Act (Local) of the Sixth Year of the Reign of King *George* the Fourth, Chapter One hundred and seventy-nine, were authorized to purchase the *Royal Pavilion* at *Brighton*, with the Ground and Appurtenances and other Lands, Hereditaments, and Property in the "*Pavilion Act*" mentioned or referred to: And whereas the *Brighton Town Commissioners* were by the "*Pavilion Act*" authorized to borrow, for effecting the Purchase before mentioned and other the Purposes of that Act, the Sum of Sixty thousand Pounds, and to levy Rates upon Property

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within the Parish of *Brighton*, not exceeding Fourpence in the Pound in any One Year: And whereas the *Brighton* Town Commissioners were authorized by the "*Pavilion Act*" to charge, by way of collateral Security for raising the said Sum of Sixty thousand Pounds, the consolidated Rates and other Sums authorized to be levied by the said Act of the Sixth Year of the Reign of King *George* the Fourth, Chapter One hundred and seventy-nine: And whereas by an Act (Local) passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Six, the Property, Powers, Privileges, and Liabilities of the *Brighton* Town Commissioners, including the *Pavilion* and the Lands and Property connected therewith, were transferred to and vested in the Mayor, Aldermen, and Burgesses of the Town of *Brighton*, in this Act called the Corporation: And whereas the Corporation are the Local Board for the District of the Borough: And whereas by the "Local Government Supplemental Act, 1861," certain Parts of the said Act of the Sixth Year of the Reign of King *George* the Fourth, Chapter One hundred and seventy-nine, are repealed, and it is enacted that all Powers under any of the Local Acts therein referred to (and which include the "*Pavilion Act*") may be exercised in the Manner directed by the "Public Health Act, 1848," and the "Local Government Act, 1858," for the Exercise of Powers under those Acts respectively, and that the Provisions of the said last-mentioned Acts shall extend and apply to Matters arising under the unrepealed Parts of the said Local Acts, and that the said "Public Health Act" and "Local Government Act" shall be incorporated with the unrepealed Parts of the said Local Acts, and that the Purposes of the said unrepealed Parts shall be taken and deemed to be Purposes of the "Public Health Act" and "Local Government Act:" And whereas under the Powers of the "*Pavilion Act*" the Sum of Sixty thousand Pounds was borrowed, and the said Purchase completed, but Part of that Sum has been paid off, and on the Thirteenth Day of *November* One thousand eight hundred and sixty-six there remained due and owing in respect of that Sum of Sixty thousand Pounds the Sum of Twenty-four thousand five hundred Pounds: And whereas the Corporation require further Sums of Money for the Improvement of the *Pavilion* Estate, and for adapting, preserving, and improving the *Pavilion* and the Grounds thereof for the Use, Enjoyment, and Benefit of the Town and Inhabitants of *Brighton*: And whereas it is expedient that the Corporation be authorized to borrow further Sums of Money for the Purposes of the *Pavilion* Estate, and to charge the Money borrowed

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on such Rates in such Manner as in this Act provided: And whereas it is expedient to amend the "*Pavilion Act*" in other respects; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may be cited for all Purposes as "*The Brighton Pavilion Act, 1867.*" Short Title.

2. The Clauses of "*The Commissioners Clauses Act, 1847,*" with respect to the Mortgages to be executed by the Commissioners, except Sections 84 and 85 thereof, shall be incorporated with this Act, and the Expression "the Commissioners" in such Clauses shall for the Purposes of this Act mean the Corporation. Certain Clauses of 10 & 11 Vict. c. 16. incorporated.

3. The several Words and Expressions to which by the said Act partially incorporated with this Act Meanings are assigned shall in this Act have the same respective Meanings, and in this Act, the several Expressions following shall have, for the Purposes of this Act, the Meaning hereby assigned to them, namely, the Expression the "*Pavilion Estates*" means the *Pavilion* and the Grounds thereof and Appurtenances belonging thereto, and all Lands and Hereditaments purchased and from Time to Time held by the Corporation under and by virtue of the "*Pavilion Act*;" the Expression "the Corporation" means the Corporation acting by the Council as the Local Board; the Expression the "*Public Health Acts*" includes the "*Public Health Act, 1848,*" and the "*Local Government Act, 1858,*" and the several Acts passed amending the same, or incorporated therewith, from Time to Time in force, unless in any of the Cases aforesaid there be in the Context something repugnant to or inconsistent with any such Construction. Same Meanings to Words in incorporated Act as in this Act.

4. The Corporation may from Time to Time borrow at Interest for a Term of Years, or otherwise, in addition to any Money which they have before the passing of this Act borrowed, or which they are for the Time being independently of this Act authorized to borrow, such Sums of Money as they think requisite, so that there shall not be owing under the Powers of this Act at any One Time more than the Power to Corporation to borrow further Money.

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the Sum of Fifteen thousand Pounds, and in the event of any Part of such Money being repaid may from Time to Time reborrow the same, and so *toties quoties*; and the Corporation may mortgage and assign over the Rates, Assessments, and Impositions authorized to be levied and imposed or taken under and by virtue of the "*Pavilion Act*," and the *Pavilion* Estates, and the Rents and Profits thereof, or any of such Securities, either together or separately, and, if they think fit, by way of collateral Security, the general District Rates levied within the District of *Brighton* under the Provisions of the "*Public Health Acts*," to the Person or Persons who shall lend and advance any such Sums of Money, or his or their Trustees, as a Security for the Repayment of the Money to be borrowed, together with Interest for the same: Provided always, that if the said Sum of Fifteen thousand Pounds or any Part thereof shall have been paid off by annual Instalments, or by means of a Sinking Fund under the Provisions of this Act, the Power of reborrowing herein-before given shall not be exercised in respect of the Sum so paid off so as to raise a larger Sum than Fifteen thousand Pounds in addition to the first herein-before mentioned Sum of Fifteen thousand Pounds, nor shall such Power of reborrowing in respect of any Sum paid off by annual Instalments, or by means of a Sinking Fund under the Provisions of this Act, be exercised without the Consent of the Inhabitants of the Parish of *Brighton* in Vestry assembled being first had and obtained thereto.

Power to Corporation to include in Rates Sums necessary for Interest, &c., of Money borrowed.

5. After any Money shall have been borrowed under the Powers of this Act, the Amount of the Rates levied under and by virtue of the "*Pavilion Act*" (but not exceeding the Amount in the Pound limited by that Act), and the Amount of the general District Rates, if charged as collateral Security, as in this Act authorized, and of the Estimates to be prepared of the Amount required for the Purposes of the *Pavilion* Rate, and, if deemed advisable, for the general District Rates, shall respectively include any such Sums as in the Judgment of the Corporation are necessary to be provided for the Payment of any Monies from Time to Time due as Interest upon or in respect of the Mortgages granted under the Powers of this Act, and for Repayment of the Principal Monies in accordance with the Provisions of this Act, and all other Expenses and Liabilities of the Corporation under and with respect to this Act and the Purposes and Execution thereof.

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6. All Mortgages or Annuities granted by the Corporation, or by the *Brighton* Town Commissioners, before the passing of this Act, charged upon any Rates, Assessments, Impositions, or Property by this Act authorized to be mortgaged, shall during their respective Continuance have Priority over any Mortgage granted under this Act.

Priority of existing Mortgages.

7. The Mortgagees under this Act and the "*Pavilion Act*" may enforce Payment of Arrears of Interest or Principal or Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal or Principal and Interest the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Two thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

8. In order to discharge any Principal Monies borrowed or reborrowed under the Powers of this Act, the Corporation shall every Year appropriate and set apart out of the Rates and Income of the Property authorized to be mortgaged by virtue of this Act such Sums as by annual Instalments, or by means of a Sinking Fund, shall be sufficient to pay off such Sums of Money within Thirty Years from the respective Times of borrowing or reborrowing of such Principal Monies respectively.

Repayment of Principal Monies.

9. Nothing herein-before contained shall prevent the Corporation from applying the Rents and Profits of the *Pavilion* Estate, or the Monies which may arise by the Sale of any Part or Parts thereof authorized to be sold by the "*Pavilion Act*," in or towards the Repayment of the Principal Monies hereby authorized to be borrowed, or the Interest thereof, or either of them, or any Part thereof respectively.

Monies received from the *Pavilion* Estate applicable to Payment of Principal or Interest.

10. All Monies borrowed by the Corporation under the Powers of this Act shall be applied for the Purpose of adapting for the Use, Benefit, and Enjoyment of the Inhabitants of *Brighton*, and preserving and improving the *Pavilion* Estate, and in defraying any Expenses already incurred by the Corporation in such Adaptation or Improvement, and in replacing any Money advanced by the Corporation for that Purpose, and in otherwise carrying the Objects and Purposes of the *Pavilion Act* and of this Act into execution in such Manner as the Corporation from Time to Time think fit.

Application of Money borrowed.

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Expenses of  
Act.

**II.** All the Costs, Charges, and Expenses of applying for, obtaining, and passing of this Act, and preparatory and incidental thereto, shall be paid by the Corporation out of any Money received by virtue of the *Pavilion Act* and this Act, or either of them.

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