



## CHAPTER xxix.

An Act for empowering the Local Board for the District of Southend in the county of Essex to purchase the Pier there ; and for other purposes. A.D. 1875.  
[28th May 1875.]

**W**HEREAS by the Acts described in the Schedule to this Act the Southend Pier Company were incorporated, and were empowered to make a pier at Southend in the county of Essex (in this Act called the pier), and various powers were conferred on that Company in respect thereof :

And whereas it would be of great advantage for the district of Southend if the pier and the undertaking formerly of the Southend Pier Company, and the property belonging thereto or held therewith, and the powers connected therewith, were vested in the Local Board for that district (in this Act called the Local Board) :

And whereas the Local Board have entered into an agreement with the persons who are or claim to be absolutely entitled to the pier, undertaking, property, and powers aforesaid for the purchase and transfer thereof, and it is expedient that the Local Board be empowered to carry that agreement into effect, and to borrow money for the purposes thereof, and that on completion of the purchase the powers formerly of the Southend Pier Company under their Acts be vested in the Local Board, and that those powers be in some respects enlarged :

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

And whereas a majority of the whole number of the Local Board, at a meeting held on the sixth day of October one thousand eight hundred and seventy-four, after ten clear days notice by public advertisement of the meeting, and of the purpose thereof, in the Southend Standard, a local newspaper published or circulating in the district of the Local Board, that notice being in addition to the

A.D. 1875. ordinary notices required for summoning the meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on and paid out of the general district rates :

And whereas that resolution was published twice in the *Southend Standard*, a newspaper circulating as aforesaid, and has received the approval of one of Her Majesty's Secretaries of State :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by a majority of the whole number of the Local Board at a further special meeting held, in pursuance of a similar notice, on the sixteenth day of January one thousand eight hundred and seventy-five, being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district of the Local Board, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act :

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,)

Short title. **1.** This Act may be cited as *The Southend Local Board Act, 1875.*

Provisions of certain general Acts incorporated. **2.** Sections twelve, fourteen, fifteen, twenty-eight, seventy-four, seventy-five, seventy-six, and eighty-three of the *Harbours, Docks, and Piers Clauses Act, 1847*, and sections thirteen, eighteen, and nineteen of the *Railways Clauses Act, 1863*, are hereby incorporated with and form part of this Act, and shall be read and construed and shall henceforth operate as if they had been incorporated with the Acts referred to in the Schedule to this Act, and the pier shall be deemed to be a work within the meaning of the said sections of the *Railways Clauses Act, 1863.*

Power to Local Board to purchase pier. **3.** The Local Board may purchase and take by agreement, at a price not exceeding ten thousand pounds, the pier and the undertaking formerly of the *Southend Pier Company*, and the property belonging thereto or held therewith, or any part thereof, and may hold the same.

Powers of Local Board after purchase. **4.** On and from the completion of the purchase the Local Board shall have and may exercise all the rights and powers formerly of the *Southend Pier Company*, except such of them as related to that Company's constitution or share or loan capital, and whatever might have been done by that Company at a meeting, general or special, or



by their committee of management, may be done by the Local Board in their ordinary course of proceeding. A.D. 1875.

5. The Local Board may use all erections, constructions, buildings, rails, works, conveniences, and other accommodations existing on the pier or the property belonging thereto at the time of the completion of the purchase, with all machines (fixed or moveable), vehicles, animals, articles, and other things provided for the purposes thereof, and may maintain and from time to time repair, renew, and improve the accommodations and things aforesaid, or provide others in substitution for the same. Power for Local Board to maintain and use existing works and conveniences on pier, &c.

6. The Local Board may at any time and from time to time, with respect to all or any part of the piece of land lying to the westward of the pier and to the southward of the road leading from Upper to Lower Southend which they shall or may acquire by virtue of this Act, and which shall not be immediately required for the purposes of the undertaking formerly of the Southend Pier Company, grant leases thereof for building or other purposes, for such terms of years, at or for such rents or other considerations, and subject to such covenants, conditions, and stipulations, or on such other terms as they deem expedient with reference to the circumstances of each case, and it shall not be obligatory on the Local Board to offer to resell to any person any part of such land in respect whereof they exercise the powers of this section. Power to lease lands not wanted.

7. Nothing contained in this Act shall authorise the Local Board 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 right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, not before the passing of this Act taken, used, or interfered with by virtue of the Acts of the Southend Pier Company, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors. Saving rights of the Crown in the foreshore.

8. The Local Board shall on the outer extremity of the pier exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct. Local Board to exhibit lights.

9. The power of making byelaws which will be exerciseable by the Local Board under this Act after the completion of the purchase shall extend to authorise them to make byelaws for regulating, Additional power to make bye-laws.

A.D. 1875. — with respect to place and time, and in other respects, the landing and carting of goods, merchandise, manure, and other matters and things within and through the district of the Local Board, whether landed at any of the piers and jetties and causeways made under the Acts of the Southend Pier Company, or elsewhere within the limits defined by those Acts, and whether liable to toll or not; and in framing byelaws under this section the Local Board shall have regard to the comfort and convenience of the inhabitants of their district, and the provisions of the Acts of the Southend Pier Company respecting byelaws shall extend and apply to byelaws made under this section.

Confirma-  
tion of bye-  
laws.

**10.** Byelaws made by the Local Board under this Act shall not be of any force or effect unless and until the same be confirmed in such manner and with such conditions and requirements as to notice, furnishing copies, publication, and in all other respects, as are now requisite in relation to the confirmation of byelaws made by a local board under the Sanitary Acts, and the same shall not require confirmation or publication in any other manner.

Application  
of receipts  
from pier,  
and expenses  
of pier.

**11.** All money from time to time received by the Local Board by virtue of their ownership of the pier and property aforesaid shall be carried to and form part of the district fund account, and the costs, charges, and expenses of the execution of this Act by the Local Board shall (subject to the provisions of this Act) be charged to and be defrayed out of that account.

Power for  
Local Board  
to borrow.

**12.** The Local Board may from time to time (independently of and so as not to affect any other their borrowing power) borrow at interest, on the security of the district fund account and general district rates of their district, so much money as they deem necessary for the purposes of this Act, not exceeding the sum of twelve thousand pounds, and for the purposes of repairs and improvements of the pier, and for other purposes of this Act, such further money as they deem necessary and the Local Government Board approve, and may mortgage the same account and rates to secure repayment thereof with interest accordingly.

Mortgages  
under Act  
to be in  
accordance  
with Sanitary  
Acts.

**13.** Subject to the provisions of this Act, the mortgages of the Local Board under this Act shall be made in accordance with the provisions of the Sanitary Acts regulating mortgages of urban sanitary authorities, and all the powers and provisions of those Acts relating to mortgages, transfers of mortgages, the appointment of a receiver, and other matters connected with mortgages, shall have effect with respect to mortgages of the Local Board under this Act.

Payment off  
of money  
borrowed

**14.** The Local Board shall within fifty years from the passing of this Act, and under such provisions as the Local Government



Board from time to time approve, pay off all money borrowed under this Act either by half-yearly or yearly instalments, or by means of a sinking fund appropriated and with the accumulations thereof (if any) from time to time applied for that purpose.

A.D. 1875.  
—  
by instalments or sinking fund.

**15.** The treasurer of the district shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in a form prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount invested for the sinking fund during the year next preceding the return, and the securities on which the same has been invested, and the purposes to which any portion of the money invested has been applied during that year, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board by that return or otherwise that the Local Board have failed to set apart the sum required for the sinking fund, or have applied any portion of the money set apart for that fund to any purposes other than those authorised, the Local Government Board may, if they think it just, and after hearing the Local Board, if desiring to be heard, by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested as part of the sinking fund, and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Annual return with respect to sinking fund.

**16.** If the Local Board pay off any money borrowed by them under this Act otherwise than by way of instalments or by means of a sinking fund, they may re-borrow the same, and so from time to time, but they shall pay off all money re-borrowed by them within the time appointed by this Act for payment of the money originally borrowed.

Power to re-borrow.

**17.** All money borrowed by the Local Board under this Act shall be applied for purposes of this Act, and not otherwise.

Application of money borrowed.

**18.** A lender of money to the Local Board shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or non-application of the money lent, or of any part thereof.

Protection of lenders from inquiry.

**19.** Nothing in this Act shall prejudicially affect any charge on the district fund account and general district rates of the district of the Local Board, by way of mortgage or otherwise, subsisting at the passing of this Act, and every mortgagee or incumbrancer, or

Saving of existing charges

A.D. 1875. — other person for the time being entitled to the benefit of any such charge, shall have the same priority of charge and all the like rights and remedies as if this Act had not been passed; and all such charges created before the passing of this Act shall during their subsistence have priority over any mortgage granted under this Act.

Expenses of Act.

20. 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, including those connected with the passing of the aforesaid resolution of owners and ratepayers, shall be paid by the Local Board out of money borrowed under this Act.

---

## SCHEDULE.

---

### ACTS relating to SOUTHEND PIER.

10 Geo. IV. c. xlix.—An Act for making and maintaining a Pier at or near Southend in the parish of Prittlewell in the county of Essex, and for making convenient Approaches to and from the same.

5 and 6 Will. IV. c. xc.—An Act to explain and amend the powers of an Act of His late Majesty King George the Fourth for making a Pier at Southend in the county of Essex.