

[43 & 44 VICT.] *Clacton-on-Sea Special Drainage* [Ch. xlii.]
District Act, 1880.



CHAPTER xlii.

An Act to authorise the Construction and Maintenance of a Sea Wall and other Works at Clacton-on-Sea, in the county of Essex, and to provide for the Appointment of Commissioners for that purpose. [9th July 1880.]

A.D. 1880.

WHEREAS Clacton-on-Sea is a modern town or hamlet, situate on or near the seashore, in the parish of Great Clacton, in the rural sanitary district of the Tendring Union, in the county of Essex, and has recently been made into a special drainage district in accordance with the provisions of the Public Health Act, 1875:

38 & 39 Vict.
c. 55.

And whereas the sea for many years, and especially of late, has greatly encroached, and unless the cliff be protected by the construction of proper sea walls, groynes, and other defence works, many of the houses which have been erected, and the land set out and available for the building of other houses, will be gradually washed away or greatly damaged:

And whereas it is expedient that Commissioners should be appointed to carry out and maintain the works herein-after described, with such powers and authorities as are by this Act vested in them:

And whereas plans and sections of the works by this Act authorised showing the lines and levels thereof, and a book of reference to the plans 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 peace for the county of Essex, and are herein respectively referred to as the deposited plans, sections, and book of reference:

And whereas the purposes of this Act 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

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A.D. 1880. Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the Clacton-on-Sea Special Drainage District Act, 1880.

Incorporation of general Acts, 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 16. 8 & 9 Vict. c. 20. 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Commissioners Clauses Act, 1847, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to the crossing of roads or other interference therewith, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute; and for the purposes of this Act the expression "the railway" in the provisions herewith incorporated of the Railways Clauses Consolidation Act, 1845, shall mean the works by this Act authorised and every or any part thereof.

Limits of Act. 4. The limits of this Act shall be the Clacton-on-Sea Special Drainage District, the boundaries of which are specified in a resolution of the guardians of the poor of the Tendring Union as the sanitary authority for the rural sanitary district of that union, dated the twenty-ninth day of May one thousand eight hundred and seventy-eight, and also in a schedule to the published approval of the said resolution by the Local Government Board, dated the twenty-third day of July one thousand eight hundred and seventy-eight, which boundaries are also shown on a map or plan sealed with the seal of the Local Government Board, deposited in the office of the said guardians, and also in the office of the Local Government Board, and shall include any extension of the said special drainage district which may hereafter be approved by the Local Government Board.

Commissioners for carrying 5. There shall be nine Commissioners for carrying this Act into execution, to be elected from time to time in manner by this

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Act provided, and the Commissioners for the time being acting in execution of this Act shall be called "The Clacton-on-Sea Commissioners."

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 Act into execution.

6. The qualification of a Commissioner under this Act, except as respects those herein-after named, shall be his being the legal or equitable owner in fee simple or for life, or for a term of years determinable on life, or for a term of years granted for a period of not less than forty years, of lands or houses within the limits of this Act rated to the relief of the poor of the parish of Great Clacton upon a rateable value of not less than thirty pounds a year.

Qualification of Commissioners.

7. The Commissioners other than the first Commissioners shall be elected from time to time by the persons being the legal or equitable owners in fee simple or for life, or for a term of years determinable on life, or for a term of years granted for a period of not less than forty years, of lands or houses within the limits of this Act rated to the relief of the poor of the parish of Great Clacton upon a rateable value of not less than thirty pounds a year.

Qualification of electors.

8. The first Commissioners shall be Andrew Thomson, Albert George Kitching, Henry James Page, James Harman, Joseph Wilkinson, James Hooper, Thomas Daniel Hayes, James Chapman, and Frederick Mann, who may retain office until the first Monday in the month of September in the year one thousand eight hundred and eighty-five, from which time they shall retire in rotation, and their successors shall be elected in the manner prescribed by the Commissioners Clauses Act, 1847.

First Commissioners.

9. For the purpose of electing Commissioners from time to time in the place of those who go out by rotation, a meeting of the persons entitled to vote at such election shall be held at such place as may from time to time be appointed by the Commissioners, or in default of such appointment, then at the office of the Commissioners, on the first Monday in the month of September in the year one thousand eight hundred and eighty-five and on the same day in every subsequent year, in the manner provided by the Commissioners Clauses Act, 1847.

Meeting for election of Commissioners.

10. The prescribed number of Commissioners for exercising the powers vested in the Commissioners by this Act shall be five.

Quorum of Commissioners.

11. The Commissioners may hold their meetings for the transaction of business at such times and places as they shall from time to time determine upon, but they need not hold monthly

Meetings of Commissioners.

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A.D. 1880. — meetings and need not provide daily attendance at their office, but such attendance shall always be provided one day at least in every week for not less than three hours (the same day and the same three hours being adhered to as far as practicable), of which notice shall at all times be given by affixing the same in a conspicuous manner both outside and inside their office.

Annual meeting of Commissioners.

12. The Commissioners shall hold their annual meeting on such day in the month of July, August, or September as they shall from time to time select.

Power to execute works.

13. Subject to the provisions of this Act, the Commissioners may make and maintain and from time to time improve, in the lines and according to the levels shown on the deposited plans and sections, the sea wall, promenade, and other works herein-after described, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose; (that is to say,)

1. A sea wall or embankment on the seashore in front of Clacton-on-Sea, commencing at a point near high-water mark distant seventeen yards or thereabouts in a south-easterly direction from the boundary stone at the south-east corner of the ground surrounding a martello tower, and numbered 175 on the tithe commutation map of the parish of Great Clacton, thence continuing in a north-easterly direction at or about high-water mark along the seashore at the base of the cliff to a point on the shore distant twenty yards or thereabouts from the south-eastern end of the hedge fence between the arable fields numbered respectively 393 and 595 on the said tithe commutation map:
2. A promenade or roadway for foot passengers, extending along the whole length of the intended sea wall or embankment before described, and to be situated partly on the said sea wall or embankment and partly on the foreshore between the same and the cliff:
3. All necessary groynes, embankments, piers, buttresses, culverts, intercepting and other drains, approaches, and other works and conveniences in connexion with the aforesaid works:
4. The cutting down, lowering, straightening, levelling, draining, and protecting the cliff adjoining the seashore for the whole length of the said sea wall or embankment and promenade, and the improving the face of the cliff and making footpaths and stairs thereon, with convenient approaches thereto:

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All which works shall be under the sole control and management of the Commissioners, freed from the jurisdiction or control of any other commissioners, guardians, or local authorities. A.D. 1880.

14. If any omission, mis-statement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described in the deposited plans or book of reference, it shall be lawful for the Commissioners, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, to apply to two justices for the correction thereof; and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or erroneous description, and in what respect any such matter shall have been omitted, mis-stated, or erroneously described, and such certificate shall be deposited with the clerk of the peace for the county of Essex and with the parish clerk of the parish of Great Clacton aforesaid, and shall be kept by such clerk of the peace along with the documents to which they relate; and thereupon the said plan and book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Commissioners to make the works by this Act authorised in accordance with such certificate. Errors and omissions in plans, &c. to be corrected.

15. Copies of the deposited plans and book of reference, or of any alteration or correction thereof or extracts therefrom, certified by the said clerk of the peace for the time being, (which certificate such clerk of the peace shall give to all parties interested when required,) shall be received in all courts of justice or elsewhere as *primâ facie* evidence of the contents thereof. Copies of plans, &c. to be evidence.

16. In addition to the lands which the Commissioners are hereinbefore authorised to purchase or acquire, they may from time to time purchase by agreement for the purposes of this Act and may hold any other lands within the limits of this Act, not exceeding in the whole five acres. Power to purchase additional lands by agreement.

17. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, (subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act,) grant to the Commissioners any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts Power to take easements, &c. by agreement.

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Deviations. **18.** The Commissioners may in the construction of the works by this Act authorised deviate from the lines thereof to the extent shown on the deposited plans, and may deviate from the levels thereof as marked on the deposited sections to the extent of five feet either upwards or downwards.

Power to cross roads, &c. **19.** The Commissioners may, for the purpose of making and maintaining the works by this Act authorised, cross, divert, alter, or stop up, whether temporarily or permanently, all such roads, highways, footpaths, pipes, sewers, drains, streams, and watercourses within the limits of this Act as it may be necessary or convenient to cross, divert, alter, or stop up for that purpose; and in the exercise of such powers the Commissioners shall do as little damage as can be, and shall make full compensation to all parties interested for all damage by them sustained by reason of the exercise of such powers.

Period for compulsory purchase of lands. **20.** The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works. **21.** If the works by this Act authorised are not completed within ten years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed, and the improvement, maintenance, re-erection, and substitution thereof from time to time.

Estimate to be made of costs, &c. **22.** The Commissioners shall at or as soon as may be after their first general meeting cause an estimate to be prepared of the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act, and of making and completing in accordance with the provisions of this Act the works by this Act specially authorised, and the works connected therewith; and such estimate, certified by and under the hands of two justices, (which certificate, upon production of such evidence as they shall think necessary, such justices are hereby required to give,) shall be deposited by the Commissioners with the clerk of the peace for the county of Essex, and duplicates or copies of the estimate so certified shall be also deposited by them with the parish clerk of the parish of Great Clacton and the district clerk of Saint Paul's Church, Clacton-on-Sea.

23. If at any time it appear to the Commissioners that such estimate is insufficient, they may from time to time make amended or supplemental estimates, which, or duplicates or copies thereof, as the case may be, shall be certified and deposited in like manner as the original estimate.

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 Amended or supplemental estimates.

24. The Commissioners may from time to time borrow at interest, on mortgage of the rates which they are hereafter authorised to make, such sum or sums of money as they may from time to time think necessary, not exceeding the amount or amounts of such estimate or amended or supplemental estimates as aforesaid.

Power to borrow amounts included in estimates.

25. The Commissioners may from time to time reborrow any amount from time to time paid off by them of the moneys borrowed by them under this Act, unless the same shall have been paid off by instalments as herein-after mentioned or by means of the sinking fund, in which case and to the extent of the amount so paid off their powers under this Act of borrowing and reborrowing shall cease.

Power to re-borrow.

26. Any principal money so borrowed may be made repayable by such instalments, of such amounts, and payable at such times as may be agreed between the Commissioners and the lender: Provided always, that all such principal money shall be made repayable within sixty years from the time when the same shall be borrowed, and that not less than one-sixtieth part of the principal money shall be paid off as an instalment or brought into the sinking fund in every year.

Repayment of principal moneys by instalments.

27. The clerk to the Commissioners 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 or to be paid off by instalments under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which any investment has been made, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period, 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 said clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to set apart the sum required by this Act for the sinking fund, or to pay any instalment, or have applied any portion of the money set apart for that fund or any interest

Annual return to Local Government Board with respect to sinking fund.

A.D. 1880. — thereon to any purposes other than those authorised by this Act, the Local Government Board may, if they think fit, by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Local Government Board out of the High Court of Justice.

Appointment
of receiver.

28. Mortgagees of the Commissioners may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Application
of borrowed
money.

29. All moneys to be borrowed by the Commissioners shall be applied for the purposes of this Act only.

Power to
make and
levy rates.

30. In order to provide for the payment of the annual interest upon any moneys to be borrowed by the Commissioners as aforesaid, and of the annual or other instalments and payments into the sinking fund, and for the annual expenses of the Commissioners in carrying this Act into execution, the Commissioners may from time to time as occasion may require make rates or assessments (to be called "sea defence rates"), to be made and levied as hereinafter provided upon the owners or occupiers of all kinds of property for the time being by law assessable to any rate for the relief of the poor within the limits of this Act.

Application
of portions of
section 211
and section
269 of
38 & 39 Vict.
c. 55.

31. With respect to the assessment and levying of sea defence rates under this Act and of appeals against the same, the provisions of sections two hundred and eleven and two hundred and sixty-nine of the Public Health Act, 1875, shall apply and have effect as if the Commissioners were an urban authority within the meaning of that Act, and as if the sea defence rates were general district rates, and as if the limits of this Act were a district within which the Commissioners were the urban authority: Provided always, that sub-sections 1b and 1c and also so much of sub-section 2 of the said section two hundred and eleven as provides that the rate shall not be charged on any person in respect of any unoccupied premises shall not apply to sea defence rates, but in every such case the same may be recovered either from the next occupier or the person who would be entitled to the rent thereof if the same were occupied.

Power to
inspect, &c.
rate books.

32. For the purposes of assessing any rate under this Act the clerk to the Commissioners, or any person authorised in writing by

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him for that purpose, may inspect and take copies of or make extracts from any valuation list or rate for the relief of the poor within the parish of Great Clacton aforesaid, or any book relating to the same, without fee or reward; and every officer having the custody of any such rate or book shall permit the said clerk, or the person so authorised by him, to inspect the same and take copies of or make extracts therefrom accordingly. A.D. 1880.

33. Any person interested in or assessed to any rate made under this Act may inspect the same and any estimate made previously thereto, and may take copies of or extracts therefrom without fee or reward; and any person who having the custody of such rate or estimate refuses to allow or does not permit such inspection of such copies or extracts to be taken shall be liable to a penalty not exceeding five pounds. Rates, &c. open to inspection.

34. Where the name of any owner or occupier liable to be rated under this Act is not known to the Commissioners, it shall be sufficient to assess and designate him on the rate as "the owner" or "the occupier" of the premises in respect of which the assessment is made, without further description. Description of owner or occupier in rates.

35. The Commissioners may from time to time amend any rate made in pursuance of this Act by inserting therein the name of any person claiming and entitled to have his name inserted, or by inserting the name of any person who ought to have been assessed, or by striking out the name of any person who ought not to have been assessed, or by raising or reducing the sum at which any person has been assessed if it appears to the Commissioners that he has been underrated or overrated, or by making any other alteration which will make the rate conformable to the provisions of this Act, and no such amendment shall be held to avoid the rate: Provided that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made, and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment; and an amended rate shall not be payable by any person the amount of whose rate is increased by the amendment or whose name is thereby newly inserted until seven days after such notice has been given to him. Rates may be amended.

36. All rates made or collected under this Act shall be published in the same manner as poor rates, and shall commence and be Publication and collection of rates.

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payable at such time or times and shall be made in such manner and form as the Commissioners may from time to time appoint.

Evidence of rates.

37. The production of the books purporting to contain any rate or assessment made under this Act shall, without any other evidence whatever, be received as *prima facie* evidence of the making and validity of the rates mentioned therein.

Proportions in which property to be rated.

38. The sea defence rates for the purposes of this Act shall be made and levied in the following proportions on the several descriptions of property next herein-after mentioned; (that is to say,)

(A.) Upon land not built upon and not parcelled out for building purposes, and upon land occupied as a railway, or by the works, stations, and buildings connected with a railway, constructed under the powers of any Act of Parliament for public conveyance, an acreage tax or contribution of two pounds per acre, and so in proportion for any less quantity than an acre :

(B.) Upon land parcelled out for building, but not built upon, an annual rate or sum upon the extent of building frontage of not exceeding sixpence per foot frontage :

(C.) Upon land actually built upon a sum of two shillings in the pound on the rateable value according to the parochial valuation or assessment list for the time being in force :

And so in proportion for any lower or higher rates or assessments which may from time to time be required.

Occupiers may deduct rate from rent paid.

39. Every lessee or occupier of any houses or land, not being a lessee for a greater period than twenty-one years unexpired at the time of any rate under this Act becoming payable, may deduct the amount of any rate made under this Act and actually paid by him from the then next or any subsequent rent which may become payable by him in respect of the house or land for which such rate may have been paid by him.

Saving existing leases, &c.

40. Nothing in this Act shall alter or affect any lease, contract, or agreement made or entered into before the passing hereof between the landlord and tenant of any premises.

Rates to be collected by Commissioners or by overseers of the poor.

41. Upon the making of any such rate as aforesaid by the Commissioners, they (1) may either themselves collect the rate by appointing from time to time a collector for that purpose and paying him such salary or commission as may be agreed upon, or (2) may issue their precept to the overseers of the poor for the said parish of Great Clacton requiring them to levy and collect such rate within a time to be limited in that behalf by the precept, and

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the overseers shall levy and collect the rate accordingly, and for that purpose shall have all such and the same powers, remedies, and privileges as if the rate were a poor rate, and shall from time to time pay over to the Commissioners the proceeds of any such rate, and such overseers shall in every case give a separate receipt to the person paying a sea defence rate, so as to better enable the person to receive the amount thereof from the landlord, if entitled so to do. A.D. 1880.

42. The reasonable costs, charges, and expenses of the overseers in levying and collecting rates under this Act, if called upon so to do, shall from time to time be repaid to them by the Commissioners. Expenses of overseers in collecting rates.

43. In addition to the byelaws authorised to be made by the Commissioners under the Commissioners Clauses Act, 1847, they may in like manner from time to time make, rescind, or vary byelaws for the better protection of the sea wall, embankment, and other works authorised by this Act, and for the better protection of and enjoyment and use by the public of the promenade by this Act authorised, and thereby impose such reasonable penalties upon all persons offending against such byelaws, although not officers or servants of the Commissioners, not exceeding five pounds for any one offence, as the Commissioners may think fit, so that all such byelaws be at all times conspicuously exhibited in one or more than one place on the said promenade: Provided that no such byelaw, whether made under the Commissioners Clauses Act, 1847, or under this Act, shall have any effect unless sanctioned by the Local Government Board. Byelaws.

44. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors. Saving rights of Crown under 29 & 30 Vict. c. 62.

45. Nothing contained in this Act shall authorise the Commissioners 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, 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 Saving rights of the Crown in the foreshore.

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A.D. 1880. or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving of rights as to future accretions.

46. Whereas all lands to the seaward of the sea wall or embankment by this Act authorised now are below the line of ordinary high-water mark; therefore if any land to the seaward of the said sea wall or embankment shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly, or otherwise, so as to be above instead of below such line of ordinary high-water mark, the Commissioners shall not, by virtue of the ownership of any lands which they are by this Act empowered to embank, have any estate, right, or interest in or to the lands so raised in height or reclaimed, by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works by this Act authorised or otherwise, but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty, or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued, as the same now is, subject to the flow and reflow of the ordinary tides.

As to works below high-water mark.

47. The Commissioners shall not construct any works on any part of the shore or bed of the sea where the tide flows and reflows, without the previous consent of the Board of Trade, to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval; and if any such work shall be commenced or completed without such consent and approval, the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners, and the amount of such cost shall be a debt due to the Crown, and recoverable against the Commissioners accordingly.

Abatement of work abandoned or decayed.

48. If a work constructed by the Commissioners on, in, over, through, or across tidal lands or tidal water is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners, and the amount of such expense shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly with costs, or the same may

be recovered with costs as a penalty is recoverable from the Commissioners. A.D. 1880.

49. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the Commissioners shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Commissioners to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Commissioners. Survey of works by Board of Trade.

50. The Commissioners shall on or near the works below high-water mark hereby authorised, during the whole time of the constructing, altering, or extending, exhibit and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) as the Board of Trade from time to time requires or approves, and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also, on or near the works when completed, always maintain, exhibit, and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) for the guidance of vessels as the Board of Trade from time to time requires or approves. If the Commissioners fail to comply in any respect with the [provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds. Lights on works.

51. The Commissioners shall construct on the face of the sea wall or embankment hereby authorised, and maintain to the satisfaction of the Board of Trade, such landing-places, stairs, and steps, if any, as the Board of Trade from time to time may require. Commissioners to provide stairs and steps.

52. All costs, charges, and expenses of and incidental to the applying for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be borne by the Commissioners, and shall be paid by them out of the moneys to be borrowed or otherwise received by them under the powers of this Act. Expenses of Act.

