



CHAPTER clv.

An Act to extend the period limited for the construction
and completion of the Brighton Marine Palace and Pier
and for other purposes. [27th July 1893.]

A.D. 1893.

WHEREAS by the Brighton Marine Palace and Pier Act 1888
(in this Act called "the Act of 1888") the Brighton Marine
Palace and Pier Company (herein-after called "the Company") were
incorporated and authorised to make and maintain a promenade pier
jetty and landing and shipping place on the southern side of the
Grand Junction Road at Brighton with a pier-head or promenade at
the seaward end of the pier and the Company were also authorised to
take down and remove the Old Chain Pier and the buildings connected
therewith :

And whereas the Company were by the Act of 1888 authorised to
raise one hundred and fifty thousand pounds by shares and to borrow
fifty thousand pounds on mortgage by the instalments prescribed by
that Act :

And whereas the Company have acquired the Old Chain Pier and
the buildings connected therewith and also the land and property
required for the purposes of their new pier pier-head and works and
made considerable progress with the erection and construction of
such works and it is expedient that the time for constructing and
completing their undertaking should be extended :

And whereas it is expedient to alter the conditions on which the
borrowing powers of the Company may be exercised and also to
alter the qualification of directors of the Company as herein-after
provided :

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

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Act, 1893.

A.D. 1893. — the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title. 1. This Act may be cited as the Brighton Marine Palace and Pier Act 1893.

Incorporation of general Act. 2. The provisions of Part II. (relating to extension of time) of the Railways Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act and in construing the said provisions of the Railways Clauses Act 1863 for the purposes of this Act the pier and works authorised by the Act of 1888 shall be deemed to be a railway and the Company shall be deemed to be a railway company.

Time for completion of pier and works extended. 3. The time limited by the Act of 1888 for the completion of the pier pier-head and works authorised by that Act is hereby extended for a period of three years from and after the seventh day of August one thousand eight hundred and ninety-three and if the pier pier-head and works are not completed within such extended period then on the expiration thereof the powers by the Act of 1888 and 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:

Provided that so much of the said works as is or will be situate on any foreshore or land of the corporation shall unless otherwise agreed between the corporation and the company be completed before the seventh day of August one thousand eight hundred and ninety-five and no materials shall after that date be allowed to remain by the Company on such land or foreshore or be brought thereon except so far as necessary in the conveyance thereof to other parts of the pier in course of construction.

Provisions of Act of 1888 contracts and notices to take lands not to be affected by extension of time. 4. The provisions of the Act of 1888 with reference to the construction of the pier and works and the removal of the Old Chain Pier shall be read and construed as if the extended time granted by this Act was the time limited by the Act of 1888 for their completion but such extension of time shall not affect any contract entered into or notice given by the Company before the passing of this Act for purchasing taking or using any lands or property which the Company were entitled to purchase take or use but every such contract and notice shall be construed and take effect and the same proceedings may be had thereunder and all parties thereto shall be entitled to the same rights and remedies in respect thereof at law and in equity as if the extension of time had not been granted.

5.—(1.) Whereas the mayor aldermen and burgesses of the borough of Brighton (herein-after called “ the corporation ”) have in accordance with the terms of section 30 of the Act of 1888 agreed with the Company for (amongst other things) the modification of the requirements of sub-section 3 of that section for the extension of the time limited by that sub-section for the removal of the Chain Pier toll-houses buildings and chains therein referred to until the new pier is completed Be it enacted the Company shall within three months after completion of the pier pier-head and works authorised by the Act of 1888 or if they fail to fully complete the same prior to the seventh day of August one thousand eight hundred and ninety-six within three months of the receipt of notice in writing from the corporation so to do take down and remove the Chain Pier and all works materials and buildings which the Company are by the aforesaid sub-section required to take down and remove but the Company shall not unless the pier pier-head and works have been fully completed and a certificate to that effect obtained from the borough surveyor which shall not be unreasonably withheld take down or remove such Chain Pier works materials or buildings or any of them unless required to do so by the corporation.

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For protec-
tion of
corporation.

(2.) If the Company fail to fully complete the whole of the pier pier-head and works authorised by the Act of 1888 as shown on the plans sections elevations and specifications approved by the borough surveyor to his satisfaction prior to the seventh day of August one thousand eight hundred and ninety-six the Company shall pay to the corporation by way of liquidated damages a sum of five hundred pounds and such sum shall be recoverable by the corporation from the Company as damages not specially provided for are recoverable by the Harbours Docks and Piers Clauses Act 1847 and any sum so received or recovered from the Company by the corporation shall be carried to the credit of the borough fund The provisions of this sub-section shall be in addition to and not in substitution for the provisions of sub-section 9 of section 30 of the Act of 1888.

6. Section 18 (Power to borrow) of the Act of 1888 is hereby repealed and the following modified section shall be substituted and have effect namely :—

Amended
borrowing
powers.

The Company may from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole fifty thousand pounds in manner following :—

They may borrow not exceeding twenty-five thousand pounds in respect of the first issued seventy-five thousand pounds of their capital when and so soon as the promenade pier and

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works mentioned in sub-section 1 of section 5 of the Act of 1888 are so far completed as to be capable of being used as a promenade; and

They may borrow a further sum not exceeding twenty-five thousand pounds in respect of the remaining seventy-five thousand pounds of their capital when and so soon as the works and conveniences mentioned in sub-section 2 of the said section 5 or such of them as are required for the public use and opening of the pier are erected and provided:

But no part of any such sum of twenty-five thousand pounds shall be borrowed until shares for the whole seventy-five thousand pounds of capital in respect of which it is to be borrowed are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Application
of moneys.

7. All moneys raised under this Act or the Act of 1888 whether by shares stock debenture stock or borrowing shall be applied only to the purposes of the undertaking of the Company such purposes being in every case purposes to which capital is properly applicable.

Qualification
of directors
reduced.

8. Section 25 (Qualification of directors) of the Act of 1888 is hereby repealed From and after the passing of this Act the qualification of a director of the Company shall be the possession in his own right of not less than twenty-five shares in the capital of the Company.

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9. Nothing herein contained shall exempt the Company or the pier pier-head and works by the Act of 1888 authorised from the provisions of any present or future general Act relating to harbours docks or piers.

Company not exempt from provisions of general Acts relating to piers &c.

10. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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