



CHAPTER lix.

An Act to amend the Newhaven Harbour and Ouse Lower Navigation Act 1847 and the Newhaven Harbour and Ouse Lower Navigation Improvement Act 1863 to authorise the remission or rebate of the Annual Assessments or Scots leviable under the first-mentioned Act to authorise the Trustees of the Newhaven Harbour and Ouse Lower Navigation to contribute towards the maintenance of a certain contemplated Sea Wall and Defences and for other purposes. [1st July 1898.] A.D. 1898.

WHEREAS by the Newhaven Harbour and Ouse Lower Navigation Act 1847 (in this Act called "the Act of 1847") the Trustees of Newhaven Harbour and Ouse Lower Navigation (in this Act called "the Trustees") were incorporated for the purpose of carrying the said Act into effect and were required to maintain the said harbour and navigation and were authorised and empowered to execute the works in the Act of 1847 mentioned:

And whereas by the 78th section of the Act of 1847 it is enacted that the commissioners of sewers for the Lewes and Laughton Levels (in this Act called "the commissioners") for the time being shall be and they are thereby authorised and required to collect and raise for the purposes of the Act of 1847 by virtue of their power and commission as such commissioners of sewers by scots to be made by them on the owners and occupiers of lands within the several districts specified in Schedule (B) to the Act of 1847 annexed the yearly sum of five hundred and eighty-eight pounds to commence on the expiration of the period in the said section mentioned (which has since expired) and to be so collected and raised thenceforth and for ever thereafter And the Act of 1847 contains provisions prescribing the manner and proportion in which the said several annual sums shall be collected and raised on the lands situate within such respective districts as therein aforesaid by

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A.D. 1898. — an annual scot made thereon and for the apportionment of the scots thereby authorised to be collected and raised between the owners and occupiers of the lands in respect whereof the same shall be assessed. And the Trustees were by the Act of 1847 also authorised to borrow from time to time on mortgage of the funds and property which should belong to or be vested in them (other than the said scots thereby authorised to be collected and raised) to the extent therein mentioned and also to borrow on mortgage of the said scots to the extent and for the purposes therein mentioned :

And whereas by the 94th section of the Act of 1847 it is enacted that the said yearly sum of £588 shall be applied by the Trustees as follows (namely) First in paying the interest on the money to be borrowed on the credit of the scots as by the Act of 1847 authorised and next in paying off the principal money so borrowed and that so much of the said yearly sums as shall not for the time being be required for the purposes aforesaid shall be applied in the execution of such works authorised by the Act of 1847 for or in relation to the drainage of the lands on which the said scots thereby authorised shall be collected and raised as the said commissioners of sewers shall from time to time direct and in default of such direction and subject to any such if made the same shall be applied as in the said 94th section directed :

And whereas by the Newhaven Harbour and Ouse Lower Navigation Improvement Act 1863 (herein-after called "the Act of 1863") (which was to be construed with the Act of 1847) the Trustees were authorised to construct and maintain the works therein described and new and more extended powers of borrowing were conferred on the Trustees :

And whereas under the powers conferred by the Acts of 1847 and 1863 and the general Acts incorporated therewith the Trustees borrowed from the Public Works Loan Commissioners upon the security of mortgages of the said scots and other funds and property of the Trustees various sums of money repayable by instalments with interest and part of such sums were from time to time repaid but there was on the 21st February 1878 due under such mortgages a balance of £32,475 for principal money with some interest thereon :

And whereas by the Newhaven Harbour Improvement Act 1878 the Newhaven Harbour Company (therein called "the company") was incorporated for the purpose of improving and maintaining the harbour of Newhaven and by the 7th section of the said Act it was enacted that the Trustees should upon the fifteenth day of August one thousand eight hundred and seventy-eight and upon the conditions therein-after defined transfer to the Newhaven

Harbour Company and the company should accept the transfer of so much of the undertaking of the Trustees as was therein described together with all the rights powers authorities duties and obligations of the Trustees in reference thereto and all the real and personal estate belonging to the Trustees relating to the said harbour (except the sum of £5,000 therein mentioned) and from and after the said transfer (which was to be evidenced by a deed of conveyance as therein provided) and by virtue thereof the said Trustees should be relieved from all duties and obligations with respect to the maintenance and support of the said part of their undertaking and should cease to demand and levy any harbour dues or other payments in respect thereof and the following provisions should apply to the said transfer:—

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“(1) The mortgage debt owing by the Trustees to the Public Works Loan Commissioners and the interest accruing due thereon shall as between the Trustees and the company be assumed by the company and shall be a first charge on the receipts and revenue of the company and repayable by the annual instalments provided by the mortgage but as between the Trustees and the Public Works Loan Commissioners the security of the latter shall be unaffected by this Act;

(2) Towards defraying the expenses attending so much of their undertaking as is not authorised to be transferred by this Act the Trustees shall be paid by the company a perpetual annuity of five hundred pounds payable in half-yearly sums of two hundred and fifty pounds on the first day of October and the first day of April in every year and the said annuity shall be a charge on the receipts and revenue of the company ranking next after the said mortgage debt”:

And whereas on the 15th day of August 1878 there remained owing to the Public Works Loan Commissioners upon the security of the said mortgages upon the said scots and other funds and property of the Trustees a total balance of £32,055 for principal money the last instalment of principal money and interest having fallen due on that date and having been duly paid:

And whereas by a deed of conveyance dated the 15th day of August 1878 and made between the Trustees of the one part and the Newhaven Harbour Company (therein called “the company”) of the other part in pursuance of the powers and provisions in the Newhaven Harbour Improvement Act 1878 the Trustees granted and transferred to the company their successors and assigns so much of the undertaking harbour lands and property of the Trustees as was therein mentioned together with all the rights powers authorities

A.D. 1898. — duties and obligations of the Trustees in reference thereto and all the real and personal estate belonging to the Trustees relating to the said harbour (except a certain sum of stock of the value of 5,000*l.* therein mentioned) to hold unto and to the use of the company their successors and assigns subject to the mortgages for the said sum of £32,055 due to the Public Works Loan Commissioners as herein-before mentioned and to the payment of the said balance of principal money and interest owing and to accrue due thereunder as aforesaid and subject also to the obligation at all times and for ever thereafter of paying to the Trustees an annuity of five hundred pounds by equal half-yearly payments of two hundred and fifty pounds on the first day of October and the first day of April in every year and the said deed of conveyance contained covenants on the part of the company for the payment by the company to the Public Works Loan Commissioners of the said balance of £32,055 principal money and interest thereon pursuant to the provisions of the said mortgages and for the indemnification of the Trustees by the company against the payment of the same and also for the due payment of the said perpetual annuity of five hundred pounds :

And whereas the Newhaven Harbour Company have since the date of the said deed of conveyance duly repaid to the Public Works Loan Commissioners the instalments of the said balance of £32,055 from time to time becoming due under the said mortgages pursuant to the provisions of the Newhaven Harbour Improvement Act 1878 and the said deed of conveyance and there now remains owing to the Public Works Loan Commissioners upon the security of the said mortgages a total balance of £15,765 for principal money with interest thereon from the date of the repayment of the last instalment :

And whereas there are not at the present time any moneys borrowed by the Trustees under either of the Acts of 1847 and 1863 and still remaining unpaid other than the said balance of £15,765 and the interest thereon :

And whereas ever since the passing of the Newhaven Harbour Improvement Act 1878 and the transfer to the company effected by the said deed of conveyance of the 15th August 1878 the annual revenues received by the Trustees have been and still are more than sufficient to provide for the due execution performance and satisfaction of all such powers authorities duties obligations and liabilities of the Trustees under the Acts of 1847 and 1863 or either of them as remain unaffected by the Newhaven Harbour Improvement Act or the transfer to the company pursuant thereto and the Trustees have out of the surplus of the annual revenues received

by them and not required for the purposes aforesaid accumulated the sum of £10,000 $2\frac{3}{4}$ per cent. consolidated stock which is now standing in the names of Reginald Henry Powell Aubrey Hillman John Shiffner and Francis Barry Whitfeld as nominees for the Trustees : A.D. 1898.

And whereas the present annual revenues of the Trustees consist of the interest on the aforesaid sum of £10,000 $2\frac{3}{4}$ per cent. consolidated stock the perpetual annuity of five hundred pounds payable by the Newhaven Harbour Company and the yearly sum of five hundred and eighty-eight pounds to be collected and raised in perpetuity by means of annual scots by the commissioners of sewers in manner provided by the Act of 1847 :

And whereas it is expedient that such powers should be conferred upon the Trustees and the commissioners respectively and such provisions made for the remission or abatement in the events in this Act specified of the said yearly sum of five hundred and eighty-eight pounds and the said annual scots by means of which the same is collected and raised as are herein-after contained :

And whereas the sea has for some years past made serious inroads upon the coast line known as Seaford Bay between Seaford Head and Newhaven Cliff :

And whereas application is being made to Parliament in this present session by the Newhaven Harbour Company for an Act to authorise the construction of a sea wall or sea walls from Newhaven East Pier or some point near thereto to the west end of the existing sea wall at Seaford and the strengthening of the sea wall or sea walls so to be erected and the existing sea wall at Seaford by the erection of groynes and other subsidiary works (all of which works are in this Act referred to as "the proposed sea defences") and to provide for the constitution of an authority board or other body to construct control manage and maintain the proposed sea defences and to authorise the several local authorities and public bodies and companies in the district aforesaid or some of them to make contributions towards the construction and maintenance of the proposed sea defences and the creation of a reserve fund :

And whereas it is expedient that the Trustees should be authorised and required in the events and subject to the restrictions in this Act mentioned and contained to make such contribution as is in this Act mentioned towards the cost of the maintenance of the proposed sea defences and the creation of the said reserve fund :

And whereas the objects of this Act cannot be attained 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

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Lower Navigation Amendment Act, 1898.

A.D. 1898. — 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:—

Short title. 1. This Act may be cited as the Newhaven Harbour and Ouse Lower Navigation Amendment Act 1898.

Remission or abatement of scots in certain circumstances. 2. From and after the passing of this Act the following provisions shall have effect anything in the Acts of 1847 and 1863 contained to the contrary notwithstanding:—

(1) If on the first day of January in any year after the passing of this Act there shall be standing in the names of the Trustees or any nominees for them investments to the value of £10,000 or upwards representing accumulations of the surplus annual revenues received by the Trustees then and in such case the Trustees present at the first quarterly meeting of the Trustees after such first day of January as aforesaid shall at such meeting consider and decide whether the yearly sum of five hundred and eighty-eight pounds payable by the commissioners to the Trustees under the Act of 1847 or any and what part of such yearly sum shall be collected and raised for the current year commencing with such first day of January as aforesaid Any decision of the Trustees under the powers of this subsection shall not be revoked or altered otherwise than at a subsequent meeting of the Trustees called specially to consider such revocation or alteration and held within twenty-one days after the said quarterly meeting and in accordance with the provisions contained in the 31st section of the Act of 1847 for the revocation or alteration of resolutions of the Trustees:

(2) The clerk to the Trustees shall within fourteen days after the said quarterly meeting or in the event of a subsequent special meeting being held pursuant to the provisions in that behalf in the last preceding subsection contained within seven days after such special meeting send notice in writing of the decision arrived at by the Trustees at such quarterly meeting or such subsequent special meeting (if any) as aforesaid to the clerk or other proper officer of the commissioners:

(3) If the Trustees decide that the whole of the said yearly sum of five hundred and eighty-eight pounds shall be collected and raised for the current year then the commissioners shall in due course raise and collect the same in full and shall pay the same to the Trustees in accordance with the provisions of the Act of 1847 in that behalf:

(4) If the Trustees decide that no part of the said yearly sum of five hundred and eighty-eight pounds shall be collected or raised for the current year then the commissioners shall not be authorised or required to collect or raise such yearly sum or any part thereof for the current year nor to make in the current year any scot for the purpose of raising or collecting the same or any part thereof on the owners or occupiers of lands within any of the several districts specified in Schedule (B) to the Act of 1847 nor be required to pay to the Trustees the said annual sum or any part thereof for the current year: A.D. 1898.

(5) If the Trustees decide that a part only of the said sum of five hundred and eighty-eight pounds shall be collected and raised for the current year then the commissioners shall be authorised and required to collect and raise for the current year for the purposes of the Act of 1847 by virtue of their power and commission as such commissioners by scots to be made by them on the owners and occupiers of lands within the several districts specified in Schedule (B) to the Act of 1847 such part only of the said yearly sum and the same shall be collected and raised on the same lands by a scot made thereon in such proportion as the commissioners shall think fit and the commissioners shall pay to the Trustees for the current year such part only as aforesaid of the said yearly sum of five hundred and eighty-eight pounds and the provisions of the seventy-ninth section of the Act of 1847 with respect to the apportionment of scots between owners and occupiers of lands shall apply to the scots to be collected and raised by the commissioners under the provisions of this subsection.

3. Notwithstanding anything in this Act contained in any year in which the Trustees shall decide that the said yearly sum of five hundred and eighty-eight pounds or any part thereof shall be collected and raised by the commissioners such annual sum or the part thereof collected and raised by the commissioners pursuant to the decision of the Trustees shall when received by the Trustees be applied by them for or towards the purposes for which the said yearly sum of £588 is by the 94th section of the Act of 1847 directed to be applied or for or towards such of the said purposes as shall for the time being be subsisting or capable of taking effect. Application of moneys directed by Trustees to be raised.

4. In any year in which the Trustees decide that no part or part only of the said annual sum of five hundred and eighty-eight pounds shall be collected and raised for that year the Trustees shall out of their other annual revenues or any accumulations Saving for powers of commissioners to direct

A.D. 1898. execution of works by Trustees. thereof or other capital moneys whether invested or uninvested belonging to them as such Trustees apply any sum not exceeding the said sum of five hundred and eighty-eight pounds or the part thereof (as the case may be) which the Trustees shall have decided shall not be collected or raised in the execution of such works authorised by the Act of 1847 for or in relation to the drainage of the lands on which the scots authorised by the Act of 1847 are directed to be collected and raised as the commissioners shall from time to time direct.

Trustees in certain events to contribute to maintenance of proposed sea defences.

5. In the event of any Act being passed in this present or any future session of Parliament which shall—

- (1) authorise the construction of the proposed sea defences or of such other scheme of sea defences for the protection of Seaford Bay as may be authorised by Parliament;
- (2) provide for the constitution of an authority board or other body to be charged with the duty of making and constructing the sea defences to be authorised by such Act and of controlling managing and maintaining the same when constructed;
- (3) provide for the representation of the Trustees upon any such authority board or other body; and
- (4) authorise subscriptions or contributions to be made towards the construction and maintenance of the sea defences to be authorised by such Act by the various local authorities and public bodies corporations and companies interested in the protection of Seaford Bay or some of them out of their respective funds property income or revenues;

the Trustees may and shall subscribe or contribute towards the creation of any reserve fund (not exceeding the sum of £6,000) authorised by such Act to be created for the purpose of maintaining the sea defences authorised thereby one thirty-second part of the total authorised amount of such reserve fund and such subscription or contribution shall be paid by the Trustees to the authority board or other body constituted by such Act by four equal yearly payments the first of such instalments to become payable on the first day of January next after the passing of such Act and if and whenever after the expiration of four years from the passing of such Act the said reserve fund be reduced below the sum of £4,000 the Trustees may and shall subscribe or contribute one thirty-second part of the sum required to again make up the said reserve fund to the total authorised amount thereof and shall pay such subscription or contribution by equal yearly instalments extending over not less than four years to the said board authority or other body.

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6. The Trustees may at any time after the passing of this Act but in all respects subject and without prejudice to the provisions of the section of this Act the marginal note whereof is "Trustees in certain events to contribute to maintenance of proposed sea defences" enter into and carry into execution contracts and agreements with any authority board or body constituted by such Act as in the last preceding section mentioned with respect to such subscriptions and contributions by the Trustees as are authorised by the last-mentioned section and any such contract or agreement may contain provisions binding the Trustees to the payment of any such subscriptions or contributions during such period of years as the Trustees shall think fit to contract or agree for.

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Power for Trustees to enter into agreements with respect to contributions.

7. The payment by the Trustees of any subscription or contribution authorised by this Act shall be deemed to be one of the purposes of the Act of 1847.

Contributions to sea defences to be a purpose of the Act of 1847.

8. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and the obtaining and passing of this Act shall be deemed to be general expenses incurred by the Trustees in carrying the purposes of the Act of 1847 into execution and shall be raised and paid by them accordingly.

Expenses of Act.

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