

[61 & 62 Vict.] *Sheringham and Beeston Protection* [Ch. lxxiii.]
Act, 1898.



CHAPTER lxxiii.

An Act to empower the Erpingham Rural District Council to construct a Sea Wall and other works for the protection of the parishes of Sheringham and Beeston Regis. A.D. 1898.
[1st July 1898.]

WHEREAS the parishes of Sheringham and Beeston Regis in the county of Norfolk are situate in the rural district of Erpingham and are under the management and local government of the Erpingham Rural District Council who are in this Act called the Council :

And whereas the inhabitants of the said parishes have suffered great damage by the action of the sea and storm and are exposed to further damage unless a sea wall and other works are constructed for the protection of such parishes and it is therefore expedient that the Council be empowered to make and maintain the sea wall and works in this Act described and to borrow money for the purpose of making the same :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Council for the purchase of the land for and the execution of the works authorised by this Act and the amount of such estimates is fifteen thousand pounds :

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas a plan and section showing the lines and levels of the works authorised by this Act and also a book of reference 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 have been deposited with the clerk of the peace for the county of Norfolk and

[Ch. lxxiii.] *Sheringham and Beeston Protection* [61 & 62 VICT.]
Act, 1898.

A.D. 1898. — are in this Act respectively referred to as the deposited plan section and book of reference :

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) :—

PRELIMINARY.

Short title. 1. This Act may be cited as the *Sheringham and Beeston Protection Act 1898*.

Incorporation of Acts. 2. The *Lands Clauses Acts* (except section 127 of the *Lands Clauses Consolidation Act 1845*) so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the *Public Health Act 1875* have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Execution of Act. 4. This Act shall be carried into execution by the Council.

LANDS AND WORKS.

Power to require lands. 5. Subject to the provisions and for the purposes of this Act the Council may enter on take and use all or any of the lands delineated on the deposited plan and described in the deposited book of reference.

Correction of errors &c. in deposited plan and book of reference. 6. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Council after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Norfolk for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Norfolk and a duplicate thereof shall also be deposited in the case of lands situate in the parish of *Sheringham* with the clerk of the parish council for that parish and

in the case of lands situate in the parish of Beeston Regis with the clerk to the Council and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the parish council or clerk to the Council respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate. A.D. 1898.

7. The powers of the Council for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

8. In addition to the lands which the Council are otherwise by this Act authorised to acquire they may by agreement purchase take on lease or acquire any lands not exceeding in the whole ten acres which they may deem necessary for the purposes of this Act but nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands. Purchase of additional lands by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

10.—(1) The Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

(2) For the purposes of this section the expression "labouring class" means mechanics artificers labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of

[Ch. lxxiii.] *Sheringham and Beeston Protection* [61 & 62 Vict.]
Act, 1898.

A.D. 1898. — thirty shillings a week and the families of any such persons who may be residing with them.

Power to sell lands.

11. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Council may sell lease and dispose of any lands acquired by them under this Act and not for the time being required for the purposes thereof.

Construction of works.

12. The Council may notwithstanding any public rights of way and other rights make and maintain in the lines and according to the levels shown on the deposited plan and section the works following (that is to say):—

A sea wall or embankment to be situate in the parishes of Sheringham and Beeston Regis:

Together with all necessary or proper footways carriage-ways approaches roads communications steps slipways embankments dams walls slopes bridges railings groynes jetties quays culverts sewers drains works appliances and conveniences connected with or ancillary to the said works or any of them.

Power to deviate.

13. In constructing the works by this Act authorised the Council may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plan and may also deviate from the levels shown on the deposited section to any extent not exceeding five feet either upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Period for completion of works.

14. If the works authorised by this Act and shown on the deposited plan 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 Council for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided that the Council may construct such improvements and extensions of and additions to the works constructed under the powers of this Act as may from time to time be necessary for the protection of the parishes of Sheringham and Beeston Regis.

Penalty for obstructing works.

15. Every person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works authorised by this Act or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of such works or defaces or destroys such works or any part thereof shall without prejudice to any other proceeding or penalty

[61 & 62 VICT.] *Sheringham and Beeston Protection* [Ch. lxxiii.]
Act, 1898.

for every such offence be liable to a penalty not exceeding five pounds to be recovered summarily. A.D. 1898.

16. If under the powers of this Act the Council shall take or interfere with the existing slipway of the Admiralty they shall construct to the satisfaction of the Admiralty a slipway in connexion with the sea wall by this Act authorised as suitable for the purposes of the Admiralty as such existing slipway and shall provide over the lands acquired by the Council reasonable and proper access from the lands of the Admiralty to the slipway constructed in pursuance of this section. For the protection of the Admiralty.

17.—(1) The Council shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. Works below high-water mark not to be commenced without consent of Board of Trade.

(2) If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Council and the amount of such cost and charge shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

18. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Council on in over through or across tidal lands or tidal water or of the intended site of any such work the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily. Survey of works by Board of Trade.

19. If a work constructed by the Council 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 Council and the amount of such expense shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily. Abatement of work abandoned or decayed.

[Ch. lxxiii.] *Sheringham and Beeston Protection* [61 & 62 VICT.]
Act, 1898.

A.D. 1893.

Saving rights
of Crown in
the fore-
shore.

20. Nothing contained in this Act shall authorise the Council 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 or enjoyed or exerciseable by the Queen's Majesty.

Saving rights
of Crown
under Crown
Lands Act.

21. 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 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

FINANCE.

Expenses of
execution of
Act.

22. The expenses of the execution of this Act (including all sums payable by the Council for the repayment of and for payment of interest on money borrowed by them under this Act and all sums payable by the Council for the maintenance of the works authorised by this Act) shall be deemed to be special expenses within the meaning of the Public Health Act 1875 incurred in respect of the contributory places of Sheringham and Beeston Regis and such expenses shall be apportioned between such contributory places and payment thereof shall be obtained in the manner provided by that Act.

Power to
borrow.

23.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(a) For the purchase of the lands for and the execution of the works authorised by this Act the sum of fifteen thousand pounds;

(b) For paying the costs charges and expenses of this Act as herein-after provided the sum requisite for that purpose:

And with the consent of the Local Government Board such further moneys not exceeding five thousand pounds as may be necessary for any of the purposes of this Act

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the rates out of which the expenses of carrying this Act into execution are payable.

A.D. 1898.

24. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regulations of Public Health Act as to borrowing not to apply.

25. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Mode of raising money.

26. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Provisions of Public Health Act as to mortgages to apply.

27. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say) :—

Periods for repayment of money borrowed.

As to money borrowed for the purposes (a) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within sixty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (b) in the said section mentioned within ten years from the date or dates of the borrowing of the same;

As to money borrowed with the consent of the Local Government Board within such period as that Board may prescribe.

28. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made not later than the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made.

Mode of payment off of money borrowed.

29.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

Sinking fund.

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys

[Ch. lxxiii.] *Sheringham and Beeston Protection* [61 & 62 Vict.]
Act, 1898.

A.D. 1898.

for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any municipal corporation in Great Britain or by any other local authority as defined by section 34 of the Local Loans Act 1875 (other than the Council) the Council being at liberty to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

[61 & 62 VICT.] *Sheringham and Beeston Protection* [Ch. lxxiii.]
Act, 1898.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act. A.D. 1898.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

30. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provisions of this Act or be bound to see to the application or be Protection of lender from inquiry.

[Ch. lxxiii.] [Sheringham and Beeston Protection [61 & 62 Vict.]
Act, 1898.

A.D. 1898. answerable for any loss, misapplication or non-application of the
money lent or of any part thereof.

Council not
to regard
trusts.

31. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment
of receiver.

32. The mortgagees of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest 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 five hundred pounds in the whole. The application for the appointment of a receiver shall be made to the High Court.

Power to
reborrow.

33. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

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

34.—(1) The clerk to the Council 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 any instalment is required to be paid 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 the same has been invested and also showing the purposes to which any

[61 & 62-VICT.] *Sheringham and Beeston Protection* [Ch. lxxiii.]
Act, 1898.

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 not exceeding twenty pounds to be recoverable by the Local Government Board by action on behalf of the Crown in the High Court. A.D. 1898.

(2) If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Act the Local Government Board may 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. The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

35. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of money borrowed.

36. The proceeds of the sale of any lands of the Council shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such proceeds shall not be reborrowed. Proceeds of sale of surplus lands.

37.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by Local Government Board.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that

[Ch. lxxiii.] *Sheringham and Beeston Protection* [61 & 62 Vict.]
Act, 1898.

A.D. 1898. Board not exceeding three guineas a day for the services of such
inspector.

Costs of Act. **38.** All costs charges and expenses preliminary to and of and
incidental to the preparing applying for obtaining and passing of
this Act as taxed by the taxing officer of the House of Lords or of
the House of Commons shall be paid by the Council and may be
paid in the first instance out of any moneys in their hands but shall
be charged to and recouped by the moneys which the Council are
authorised to borrow under the powers of this Act.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.