



CHAPTER ccxlv.

An Act to make further and better provision for the improvement health and good government of the borough of Eastbourne and for other purposes.

A.D. 1902.

[8th August 1902.]

WHEREAS the borough of Eastbourne in the county of Sussex is a municipal borough under the government of the mayor aldermen and burgesses of the borough of Eastbourne (in this Act called "the Corporation"):

And whereas the Corporation have recently purchased certain lands in the parish of Willingdon on the boundary of the borough subject to certain restrictions including those set out in the Schedule to this Act and the Corporation are laying out the greater part of such lands as recreation ground (now known as Hampden Park) and it is expedient that provision should be made (as in this Act contained) for the regulation and management thereof:

And whereas it is expedient that the further powers in this Act contained should be conferred upon the Corporation:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the eighteenth day of November one thousand nine hundred and one after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Eastbourne Gazette a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the Eastbourne Standard a local newspaper published and circulating in the borough and has received the approval of the Local Government Board:

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And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held on the third day of March one thousand nine hundred and two in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 Eastbourne Corporation Act 1902.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the Public Health Act 1875 have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the borough of Eastbourne ;

“The borough” means the borough of Eastbourne ;

“The council” means the council of the borough ;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund borough rate district fund and general district rate of the borough.

HAMPDEN PARK.

Setting apart and closing Hampden Park for games.

3.—(1) The Corporation may permit the use of so much of Hampden Park as is coloured light green on the plan drawn on the indenture referred to in the Schedule to this Act for cricket football golf lawn tennis and other games and sports for gymnasiums for the drill of any military or police force for concerts and other amusements and for any purpose tending to promote the health amusement and enjoyment of the inhabitants of and visitors to the borough.

(2) The Corporation may when such portion of the park as aforesaid or any part thereof is used or set apart as hereinbefore in this section mentioned close the same against the public and may demand and take or permit to be demanded and taken reasonable sums for the exclusive occupation thereof or for the admission of persons vehicles and things into the part so used or set apart and may exclude therefrom all persons vehicles and things unless payment be made of the reasonable sums demanded.

(3) As regards the portion of Hampden Park coloured dark green on the said plan and the roads coloured red thereon between the points D E and F and E and G marked thereon respectively the provisions of section 44 (Parks and pleasure grounds) of the Public Health Acts Amendment Act 1890 shall apply except that "twenty-four days" shall be substituted for the "twelve days" therein mentioned.

(4) Nothing in this section shall prejudice or affect the rights of the owners for the time being of the Ratton Estate under the indenture mentioned in the Schedule to this Act.

4. The Corporation may provide swings gymnasium apparatus and apparatus for games and recreation for the use of the persons frequenting Hampden Park and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such swings or apparatus on such terms and conditions as they think proper.

Power to provide apparatus for games.

5. The Corporation may (subject to the restrictions set out in the Schedule to this Act) erect maintain furnish and equip and may remove conservatories refreshment rooms and other temporary or permanent buildings erections and conveniences in the park as may be required or convenient for the purpose thereof and for the persons resorting thereto and may let any refreshment rooms or other buildings with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times and under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit.

Power to erect maintain and let conservatories refreshment rooms &c.

6. The justices and police of the borough shall have jurisdiction over all persons in respect of any offence committed in Hampden Park Provided that nothing herein contained shall in any way prejudice or affect the jurisdiction of the justices acting in and for the Hailsham and Eastbourne borough division of the county of East Sussex or of the police force of the said county.

Jurisdiction of borough justices and police.

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Power to sell
lands adjoining
Hampden Park.

7. The Corporation may subject to the restrictions set out in the Schedule to this Act sell or lease for such consideration and on such terms and conditions as they think fit the land adjoining Hampden Park coloured light green on the plan drawn on the indenture referred to in the Schedule to this Act.

FINANCIAL AND RATING PROVISIONS.

Power to
borrow.

8. The Corporation may subject and according to the provisions of the Public Health Act 1875 borrow at interest such sum or sums of money as they may require for any of the purposes of this Act.

Appointment
of collectors
of rates &c.

9.—(1) From and after the twenty-fifth day of March one thousand nine hundred and three the powers of the guardians of the poor of the Eastbourne Union and of any and every other authority to appoint collectors of the poor rates shall cease in respect of the parish of Eastbourne.

(2) The Corporation shall take into their service or employment and shall appoint as assistant overseers the persons who on the first day of November one thousand nine hundred and two held the office of collector of the poor rates of the parish of Eastbourne provided such persons are on the said twenty-fifth day of March in the occupation of that office and shall consent to be so taken over and such collectors if so consenting shall hold office under the Corporation by the same tenure and on the same terms and conditions with respect to salary pension and in every other respect as nearly as may be as if this Act had not been passed subject to the terms of any agreement between such persons and the Corporation nor shall any such collector of the poor rates be liable to be removed from his office by the Corporation without the consent of the Local Government Board.

(3) The provisions of section 120 (with the exception of subsections (4) (6) and (8)) of the Local Government Act 1888 shall with the substitution of the word "Corporation" for the words "county council" and other necessary modifications apply to and in the case of any of the said persons who may decline to be so taken over and who are not on the said twenty-fifth day of March entitled to a pension or superannuation allowance and any compensation payable by the Corporation under this subsection shall be paid out of the borough fund or moneys borrowed under this Act.

(4) The persons or person for the time being holding the office of assistant overseer for the parish of Eastbourne may be required to

collect the general district rate and any other rates or any electricity or other rents and charges, leviable by the Corporation within the borough and each of the collectors of the poor rates taken over by the Corporation shall in respect thereof if so desired by him be paid such further remuneration (if any) as may be agreed between himself and the Corporation or in case of difference may be settled by the Local Government Board or by an arbitrator appointed by them.

(5) The Poor Law Officers Superannuation Act 1896 shall apply to each of the collectors of the poor rates taken over by the Corporation and to the Corporation in relation to him as nearly as may be as if the Corporation were the guardians and the borough fund were the common fund of the union.

(6) The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers of the parish of Eastbourne in the discharge of their duties and the salaries and expenses of such officers shall be determined by the Corporation and paid out of the poor rate. Provided that if such officers are also engaged by the Corporation the salaries and expenses of such officers shall be paid out of the poor rate and other local rates and funds in such proportions as the Corporation shall determine.

10. For the protection of the guardians of the poor of the Eastbourne Union in the county of Sussex (hereinafter called "the guardians") and the assessment committee of the guardians (hereinafter called "the assessment committee") the following provisions shall notwithstanding the provisions contained in the last preceding section apply and have effect (that is to say):—

For protection of guardians of poor of Eastbourne Union.

- (1) The assessment committee shall be entitled to the services of the assistant overseers and collectors of poor rates in the service of the Corporation in making the assessment for poor rates in the parish of Eastbourne to the same extent as they would be but for the passing of this Act:
- (2) The assessment committee shall have access at all reasonable times by themselves their officers or other persons duly authorised by them to all rate books valuations valuation lists or other documents in the custody of or belonging to the Corporation or their officers having reference to the assessment of property for the purposes of the poor rate within the union:
- (3) Except as expressly provided by this Act nothing therein contained shall take away prejudice lessen or affect any of the rights powers and privileges of the guardians or of the assessment committee.

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Local
Government
Board may
prescribe
form of rate
and demand
note.

11. The Local Government Board may prescribe a form of rate to include the poor rate borough rate general district rate or other rate leviable by the Corporation or by the overseers for the parish of Eastbourne and they may in respect of such rates prescribe a form of demand note receipt and other necessary documents and any form so prescribed shall be sufficient in law.

Expenses of
execution
of Act.

12. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the district fund and general district rate and all receipts on revenue account shall be carried to the credit of the district fund.

MISCELLANEOUS PROVISIONS.

As to drains.

13. In and for the purposes of section 19 of the Public Health Acts Amendment Act 1890 the word "drain" shall be deemed to include any sewer or drain whether constructed before or after the passing of this Act with which two or more houses or premises (whether belonging to the same or different owners) are at the date of the passing of this Act or may at any time thereafter be connected or which is used or capable of being or intended to be used for the conveyance of the drainage of such houses or buildings directly or by means of any other sewer or drain to any public sewer situate under a street repairable by the inhabitants at large but shall not include any sewer which has been constructed to the satisfaction of the Corporation under section 152 of the Public Health Act 1875 or any sewer which has been constructed by the Corporation for the effectual drainage of the borough.

Power to
provide and
run motor
omnibuses.

14.—(1) The Corporation may provide and run motor omnibuses within and for a distance of one mile beyond the borough and may demand and take such reasonable fares and charges for the conveyance of passengers therein as may be approved by the Board of Trade:

Provided that the Corporation shall not without the consent of the Board of Trade run motor omnibuses along any route except the following:—

- (i) From the borough boundary along Seaside Seaside Road South Street and Meads Road as far as the foot of Beachy Head;
- (ii) From the Grand Parade down Victoria Place along Terminus Road Upperton Road Willingdon Road to the borough boundary with a branch from Upperton Road along the Goffs High Street and Church Street as far as Victoria Drive

and a branch along The Avenue Upper Avenue Lewes Road
Prideaux Road and the King's Drive as far as Hampden Park. A.D. 1902.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of motor omnibuses.

(3) The Corporation may make byelaws for regulating the travelling in or upon any motor omnibus belonging to them and for the prevention of nuisances provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) In this section the expression "motor omnibus" means any carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

15.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any borough or other urban district or elsewhere than in any borough or urban district in any parish 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) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans 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 thirty shillings a week and the families of any of such persons who may be residing with them.

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As to supply of electrical energy to premises having a separate supply.

16. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply (or if such separate supply shall be provided after such demand he shall not be entitled to a supply) unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person. In case the Corporation and the person demanding such supply of electrical energy shall fail to agree on the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

Byelaws as to hawking.

17.—(1) The Corporation may for the prevention of obstruction or annoyance to persons using the seashore and parades make byelaws for regulating the selling and hawking of any article commodity or thing on the seashore parades and approaches to the seashore within the borough.

(2) The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 except so much thereof as relates exclusively to byelaws of a rural sanitary authority shall apply to the byelaws made by the Corporation under this section provided that in the application of such provisions to the making of byelaws under this section the Secretary of State shall be substituted for the Local Government Board and that no byelaws made under this section affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Compensation how to be determined.

18. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Recovery of penalties.

19. All offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Inquiries by Local

20.—(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.

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Government
Board.

(2) The Corporation 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 Board not exceeding three guineas a day for the services of such inspector.

21. The accounts of the receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

Audit of
accounts.

22. All the 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 Corporation out of the borough fund and borough rate and ultimately out of moneys to be borrowed under this Act.

Costs of Act.

A.D. 1902. The SCHEDULE referred to in the foregoing Act.

RESTRICTIONS contained in an INDENTURE dated the 16th day of August 1901 between FREEMAN FREEMAN-THOMAS of the first part Rear-Admiral the HONOURABLE THOMAS SEYMOUR BRAND and EDWARD JOHN BEAUMONT DOWNING NESBITT of the second part and the CORPORATION of the third part.

1.—(d) That the Corporation shall have full right and liberty to sell or let the whole or any part or parts of the piece of land coloured light green and numbered 303 on the said plan for the erection thereon of not more than four private houses according to plans to be approved by the tenant for life or the trustees for the time being of the said Ratton Estate such approval not to be unreasonably withheld.

2. Save as herein otherwise provided the Corporation shall not erect any building on any part of the land hereby conveyed without the consent in writing of the said Freeman Freeman-Thomas or other the owner or owners for the time being of the said Ratton Estate or of the trustees for the time being of the said estate Provided that this restriction shall not apply to the erection of any pavilion shelter lavatory urinal restaurant conservatory bandstand or other erection or building usually erected in a public park or pleasure ground.

NOTE.—The plan referred to in the foregoing restrictions is the plan drawn on the above-mentioned indenture.

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