



# Hove Borough Council Act 1976

## CHAPTER xv

### ARRANGEMENT OF SECTIONS

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- Schedule 2—Enactments repealed.

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**ELIZABETH II**



**1976 CHAPTER xv**

An Act to make further provision for preserving uniformity in the exterior of buildings in Brunswick Square, Brunswick Terrace and part of Brunswick Place in the borough of Hove; and for purposes incidental thereto. [22nd July 1976]

**W**HEREAS—

(1) By section CXII of the Act 11 George 4 & 1 William 4 cap. xvi intituled "An Act for paving, lighting, watching, cleansing, and otherwise improving Brunswick Square and Brunswick Terrace, and certain Streets and other public Places upon certain Grounds late Part of a Farm called the Wick Farm, in the Parish of Hove in the County of Sussex," provision is

made for preserving uniformity in the exterior of the houses in Brunswick Square, Brunswick Place and Brunswick Terrace in the borough of Hove within the limits described in the said Act:

(2) It is expedient to repeal the said section and to enact corresponding provisions in a modified form to meet the need of the present day:

(3) It is expedient that the other provisions contained in this Act be enacted:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

(5) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

1972 c. 70.

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:—

Short title.

1. This Act may be cited as the Hove Borough Council Act 1976.

Interpretation.

2.—(1) In this Act, unless the subject or context otherwise requires—

1936 c. 49.

“ the Act of 1936 ” means the Public Health Act 1936;

“ approved ” means approved by the Council;

“ the borough ” means the borough of Hove;

“ building ” includes part of a building;

“ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;

“ the Council ” means the Hove Borough Council;

“ front ” in relation to a building includes any elevation of the building fronting on to a street;

“ owner ” has the same meaning as in section 343 of the Act of 1936.

(2) Any reference in this Act to a section of the Act of 1936 shall be construed as a reference to that section as extended, amended, replaced or varied by, or by virtue of, any subsequent enactment.

Preserving uniformity in exterior of buildings in Brunswick Square, etc.

3.—(1) For the purpose of preserving a uniformity of appearance in the fronts of buildings to which this section applies the

following provisions shall (except so far as the Council may otherwise permit) apply in respect thereof and shall be complied with at the expense of the owner or occupier of the building concerned—

(a) the area in front of the building shall be kept enclosed with open iron railings of approved pattern, dimensions and materials;

(b) a balcony shall be maintained in front of each window in the front of the first floor of the building of an approved pattern and dimensions and no other projection shall be erected in the front of the building:

Provided that balconies shall not be required to be so maintained in the front of those parts of Nos. 29 and 30 Brunswick Square which front Brunswick Place;

(c) the front of the building shall be maintained unaltered;

(d) so much of the exterior of the front of the building (including the iron railings and balcony) as the Council may require shall be painted once in 1980 and once in every fifth year thereafter (or such longer period as the Council may determine after consultation with a person appointed for the purpose by the President of the Royal Institute of British Architects) with two coats of approved paint and of approved colour as directed by the Council:

Provided that—

(i) the Council may if they so determine require the use of some other suitable form of treatment instead of painting;

(ii) such paint or other treatment shall be applied with a smooth finish;

(e) in the event of the building being damaged or destroyed it shall be repaired or rebuilt:

Provided that any repair or rebuilding to the front thereof shall be in accordance with the original plan and elevation.

(2) The Council shall pay the reasonable fee and expenses of a person appointed under paragraph (d) of subsection (1) of this section for the purpose of consultation in accordance with the requirements of that paragraph.

(3) (a) If the provisions of subsection (1) of this section are contravened in respect of any building the Council may by notice in writing to the owner or occupier of the building require him to remedy the contravention.

(b) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section:

Provided that subsection (6) of that section as so applied shall have effect as if after the words "so doing" there were inserted the words "as a simple contract debt in any court of competent jurisdiction".

(c) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Council to enforce.

(4) This section applies to any building erected or to be erected to front on to Brunswick Square or Brunswick Terrace in the borough or on to that part of Brunswick Place in the borough which lies to the south of Western Road.

Application  
of provisions  
of Act of  
1936.

4. The sections of the Act of 1936 mentioned in Schedule 1 to this Act shall have effect as if references therein to that Act included a reference to this Act.

Repeal.

5. The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in that Schedule.

**SCHEDULES**

**SCHEDULE 1**

Section 4.

**SECTIONS OF ACT OF 1936 APPLIED**

Section	Marginal note
287	Power to enter premises.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
300	Appeals and applications to courts of summary jurisdiction.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

**SCHEDULE 2**

Section 5.

**ENACTMENTS REPEALED**

Chapter	Title or short title	Extent of repeal
11 Geo. 4 & 1 Will. 4 c. xvi	An Act for paving, lighting, watching, cleansing, and otherwise improving Brunswick Square and Brunswick Terrace, and certain Streets and other public Places upon certain Grounds late Part of a Farm called the Wick Farm, in the Parish of Hove in the County of Sussex.	Section CXII (For preserving Uniformity in the Exterior of the Houses in Brunswick Square, &c.).
36 & 37 Vict. c. xcv	The Hove Commissioners Act 1873.	In section 5 (Repeal of existing enactments) the figure " 112 ".  In Schedule (A) so much of the Schedule as sets forth the said section CXII.
10 & 11 Geo. 6 c. xxx	Hove Corporation Act 1947.	So much of the Schedule as refers to the said section CXII.

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