

ELIZABETH II



1987 CHAPTER vi

An Act to authorise the Brighton Marine Palace and Pier Company to construct works and to confer further powers on the Company; and for other purposes.

[2nd March 1987]

WHEREAS by the Brighton Marine Palace and Pier Acts and Orders 1888 to 1952 the Brighton Marine Palace and Pier Company (hereinafter referred to as "the Company") are incorporated and authorised to maintain a promenade and amusement pier at Brighton with a pier-head or promenade at the seaward end of the pier:

And whereas certain of the works and facilities of the pier are in need of renewal, strengthening and refurbishment and the strengthening of the structure of the head of the pier requires dismantling of the building thereon known as the Theatre:

And whereas for and in connection with the improvement and refurbishment of the pier and its amenities it is expedient that the Company should be empowered to widen part of the pier near its shoreward end and to construct the other works authorised by this Act:

And whereas it is expedient to extend other powers of the Company in several respects and to amend or repeal the enactments relating to the pier, as by this Act provided:

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

And whereas a plan and sections showing the lines or situations and levels of the works by this Act authorised, and the lands which may be used under the powers of this Act for the purposes thereof, and a book of reference to such plan containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons and with the proper officer of the East Sussex County Council, which plan, sections and book of reference are in this Act referred to respectively as the deposited plan, the deposited sections and the deposited 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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Brighton Marine Palace and Pier Act 1987.

(2) The Brighton Marine Palace and Pier Acts and Orders 1888 to 1952 and this Act may be cited together as the Brighton Marine Palace and Pier Acts and Orders 1888 to 1987.

Interpretation.

2. In this Act, unless the context otherwise requires—

“the Company” means the Brighton Marine Palace and Pier Company;

“the pier” means the Brighton Marine Palace and Pier and the land, buildings, works, plant, property and conveniences connected therewith as for the time being existing;

“tidal work” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of mean high-water springs;

“the Trinity House” means the Corporation of Trinity House of Deptford Strond.

3. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this Act and, as so incorporated, shall have effect as if—

Application of
enactment.
1845 c. 20.

- (a) for the words “the period by the special Act limited for the completion of the railway” there were substituted the words “the period of fifteen years from the commencement of the construction of the first of the works authorised by the special Act”; and
- (b) the expression “the railway” meant the works authorised by this Act and “the centre of the railway” meant the centre line of those works.

4.—(1) Subject to the provisions of this Act, the Company may in the borough of Brighton in the county of East Sussex in the lines or situations and upon the lands delineated on the deposited plan and described in the deposited book of reference, and according to the levels shown on the deposited sections, execute, make and maintain the following works together with all necessary works and conveniences connected therewith:—

Power to
make works.

Work No. 1 A widening or extension of the pier on both sides thereof (over a distance of 81 metres or thereabouts seaward from its root at the junction of the shore end of the pier with the Esplanade), and a strengthening of its substructure, all on piles and piers of open construction, commencing at National Grid reference point TQ 31350382 and terminating at a point 35 metres or thereabouts measured in an easterly direction from the point of commencement;

Work No. 2 A multi-purpose building on the deck of the pier as so widened commencing at a point 18 metres or thereabouts from the root of the pier and terminating at a point 42 metres or thereabouts seaward from the point of commencement;

Work No. 3 A dismantling and removal of the landing stage on the east side of the head of the pier, commencing at a point 97 metres or thereabouts measured in a north-north-easterly direction from the centre of the seaward extremity of the pier-head and terminating at a point 75 metres or thereabouts measured in a seaward direction from the point of commencement;

Work No. 4 A multi-purpose hall (to be known as “the New Theatre”) on the deck at the head of the pier, with strengthening of its substructure by piles and piers of open construction, commencing at a point 437 metres or thereabouts from the root of the pier and terminating at a point 54 metres or thereabouts seaward from the point of commencement.

(2) The Company may within the limits of deviation shown on the deposited plan, alter, replace or relay Work No. 1, Work No. 2 or Work No. 4 described in subsection (1) above.

S.I. 1977/289. (3) Any development authorised by this section shall not be deemed for the purposes of the Town and Country Planning General Development Order 1977 to be development authorised by an Act which designates specifically both the nature of the development and the land upon which it may be carried out.

Power to deviate.

5. The Company, in constructing the works authorised by section 4 (Power to make works) of this Act, may deviate laterally from the lines or situations of those works as shown on the deposited plan to any extent not exceeding the limits of deviation shown thereon and may deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards.

Correction of errors in deposited plan and book of reference.

6.—(1) If the deposited plan or the deposited book of reference is inaccurate in its description of any land, or in its statement or description of the ownership or occupation of any land, the Company, after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, they shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office of the House of Commons and with the proper officer of the East Sussex County Council and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Company to use the land and execute the improvements in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Extinction of rights affecting land.

7.—(1) All rights other than rights of passage in navigation over or in any land which may be acquired or appropriated by the Company for the purposes of this Act shall, as from the acquisition or appropriation of the land, be extinguished.

(2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Company compensation to be determined in case of dispute by the Lands Tribunal.

8.—(1) The Company shall pay compensation to the owner or occupier of or other person interested in any land who suffers damage by reason of the construction of Work No. 1 authorised by this Act. Compensation for certain damage.

(2) Any difference arising between the Company and any such owner, occupier or other person as to the amount of the compensation payable under this section shall be referred to and settled by arbitration and shall be so referred to a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party after notice in writing to the other, by the President of the Institute of Chartered Accountants in England and Wales.

9.—(1) A tidal work shall not be constructed, altered, replaced, removed or relaid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun. Tidal works not to be executed without approval of Secretary of State.

(2) If a tidal work is constructed, altered, replaced, removed or relaid in contravention of this section or of any condition or restriction imposed under this section—

(a) the Secretary of State may by notice in writing require the Company at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the Company they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work, or part of it, and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Company.

10.—(1) In case of injury to or destruction or decay of a tidal work, or any part thereof, the Company shall forthwith notify the Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Trinity House shall from time to time direct. Provision against danger to navigation.

(2) If the Company fail to notify the Trinity House as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Abatement of works abandoned or decayed.

11.—(1) Where a tidal work is abandoned or suffered to fall into decay, the Secretary of State may by notice in writing require the Company at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs, is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water springs is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Company, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Company.

Survey of tidal works.

12. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work constructed by the Company, or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Company.

Permanent lights on tidal works.

13.—(1) After the completion of a tidal work, the Company shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct.

(2) If the Company fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

14.—(1) The Company shall at or near a tidal work during the whole time of the construction, alteration, replacement, removal or relaying thereof, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

Lights on tidal works during construction.

(2) If the Company fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

15. Nothing in this Act shall prejudice or derogate from any of the powers, rights or privileges, or the jurisdiction or authority of the Trinity House.

Saving for Trinity House.

16. A person who intentionally obstructs any person acting in the execution of this Act or without reasonable excuse pulls up any peg or stake driven into the ground for the purposes of setting out the line, level or site of any works authorised by this Act, or otherwise interferes with equipment or materials used in the construction of those works, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Obstructing execution of Act.

17. For the protection of the Brighton Borough Council (hereinafter in this section referred to as "the Council") the following provisions shall, unless otherwise agreed in writing between the Company and the Council, apply and have effect:—

For protection of Brighton Borough Council.

- (1) In this section "tidal work" extends to the whole length of the pier and the multi-purpose building (Work No. 2) but does not include any other structure above deck level.
- (2) Where a tidal work is abandoned, or suffered to fall into decay such as to cause danger to members of the public, the Council may by notice in writing (indicating the nature of the works desired and a reasonable time within which they are to be executed) require the Company at their own expense to take such action as is reasonably necessary to abate the danger, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Council think proper.
- (3) If the Company within 30 days following service upon them of a notice under paragraph (2) above do not intimate in writing to the Council objection to the notice, they shall be deemed to have accepted its terms as reasonable.

- (4) If in connection with works required under a notice to be executed by the Company under this section, or determined by arbitration, the Company have failed to execute the same within the time prescribed by the notice or so determined, as the case may be, the Council may execute those works and any expenditure incurred by them in so doing shall be recoverable by the Council.
- (5) Within 7 years following the completion, or the occupation and bringing into use of the whole or any part of the multi-purpose building (Work No. 2) authorised by this Act, to such use as may be authorised under a planning permission granted under Part III of the Town and Country Planning Act 1971, whichever shall first occur, the Company shall complete, and bring into such use as may be so authorised the multi-purpose hall (Work No. 4).
- (6) Any difference which may arise between the Company and the Council under this section shall be referred to and determined by a single arbitrator agreed between the parties or, failing agreement, to be appointed on the application of either party after notice in writing to the other, by the President of the Institution of Civil Engineers.

1971 c. 78.

Charges for entry on pier.

18.—(1) The Company may charge and recover from persons entering and using the pier such sums, and may impose such conditions upon entry, as the Company think fit.

1964 c. 40.

(2) Without prejudice to section 26 of the Harbours Act 1964, this section shall not apply to ship, passenger and goods dues as defined in section 57 (1) of that Act.

(3) A list showing the charges prescribed pursuant to subsection (1) above shall be displayed at or near the entrance to the pier.

(4) The Company may on such terms as they think fit lease the tolls and charges which may be charged and recovered under subsection (1) above or any other enactment; and the lessee shall, subject to the terms of the lease have the like powers of demanding and recovering the same as the Company under this Act.

Power to erect buildings and let, etc.

19.—(1) Notwithstanding anything in any enactment relating to the pier, the Company may erect upon the pier and alter, remove, renew or relocate toll-houses, refreshment, waiting, assembly and other rooms, buildings and places for recreation, business and amusement and may make such

charges for the use thereof and for any of the facilities incidental thereto as they think fit; and the Company may furnish, equip, conduct the business and employ persons at, any such premises.

(2) The Company may let any such premises to such persons and on such terms as they think fit.

20.—(1) The Company may enter into agreements or arrangements with other persons for—

(a) the construction, alteration or renewal of any of the works authorised by this Act or of any other buildings, conveniences or works in, on, over or under the pier and such agreements may include provision for access to the pier for those purposes;

(b) the grant and acceptance of long or building leases of any buildings, conveniences or works in, on, over or under the pier;

Leases,
agreements
with other
persons.

and a lessee pursuant to paragraph (b) above, to the extent authorised by his lease, shall have and may exercise all or any of the powers conferred on the Company under any of the enactments relating to the pier, but subject to the restrictions, liabilities and obligations of those enactments.

(2) The Company and the Brighton Borough Council or other persons may enter into agreements with respect to the use or appropriation of any land of that council or otherwise for the purposes of this Act, and may execute all such deeds, instruments and assurances as the parties may consider necessary for carrying into effect such agreements.

21. Nothing in this Act shall prejudice or derogate from the statutory powers and duties of the Brighton Borough Council.

Saving for
Brighton
Borough
Council.

22.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Company to take, use, enter upon or in any manner interfere with any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

Crown rights.

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or

(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

Repeals. **23.** The enactments mentioned in the Schedule to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

Costs of Act. **24.** The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be defrayed out of revenue.

SCHEDULE

Section 23.

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
51 & 52 Vict. c. clxxii.	Brighton Marine Palace and Pier Act 1888.	<p>Section 28 (Period for compulsory purchase of lands).</p> <p>Section 29 (Power to take easements, &c., by agreement).</p> <p>Section 30 (For protection of the Corporation of Brighton).</p> <p>Section 31 (Provisions respecting houses occupied by labouring class).</p> <p>Section 32 (Period for completion of works).</p> <p>Section 33 (Refreshment rooms, &c.).</p> <p>Section 34 (Power to take rates and charges according to schedule for use of pier).</p> <p>Section 35 (Table of tolls to be set up).</p> <p>Section 38 (Removal of Chain Pier and prevention of danger to navigation).</p> <p>Section 45 (Sale and transfer of undertaking of Pier Company to the Company).</p> <p>Section 46 (Agreement confirmed).</p> <p>Section 47 (Powers as to premises sold to be exercised by the Company).</p> <p>Section 48 (Receipt of Pier Company to be a discharge to the Company).</p> <p>Section 49 (Vesting in Company of premises agreed to be transferred).</p>

Chapter	Short title	Extent of repeal
51 & 52 Vict. c. clxxii. —cont.	Brighton Marine Palace and Pier Act 1888. —cont.	Section 50 (Actions &c. not to abate). Section 51 (Pier Company to wind up their affairs). Section 52 (Payments into court by Pier Company). Section 53 (Dissolution of Pier Company). Section 54 (General saving of rights under Act re- lating to Pier Company). Section 61 (Costs of Act). Schedule 1. Schedule 2.
56 & 57 Vict. c. clv.	Brighton Marine Palace and Pier Act 1893.	Section 2 (Incorporation of general Act). Section 3 (Time for com- pletion of pier and works extended). Section 4 (Provisions of Act of 1888 contracts and notices to take lands not to be affected by exten- sion of time). Section 5 (For protection of Corporation). Section 10 (Costs of Act).
59 & 60 Vict. c. ccii.	Brighton Marine Palace and Pier Act 1896.	The whole Act.
62 & 63 Vict. c. clxi.	Brighton Marine Palace and Pier Act 1899.	Section 3 (Time for com- pletion of pier and works extended). Section 4 (Power to make tramway on pier). Section 5 (Submission of plans &c.). Section 6 (Placards &c.).

Chapter	Short title	Extent of repeal
62 & 63 Vict. c. clxi. —cont.	Brighton Marine Palace and Pier Act 1899. — cont.	Section 13 (If pier and works not completed within extended period powers to cease). Section 14 (Power to lease tolls &c.). Section 16 (Copy of Act to be registered). Section 17 (Company not exempt from provisions of general Acts). Section 18 (Costs of Act).
1 & 2 Geo. 5 c. clviii.	Pier and Harbour Orders Confirmation (No. 2) Act 1911.	In the Brighton Marine Palace and Pier Order 1911— Section 11 (Powers to cease in certain events). Section 12 (Penalty for obstructing works). Section 14 (For protec- tion of Corporation). In subsection (1) of section 18 (Power to close pier on special occasions) the words “not exceeding one shilling for each per- son”. Section 19 (Issue of pas- ses to debenture holders &c.). Section 20 (Annual account to be sent to Board of Trade). Section 30 (Repeal). Section 33 (Costs of Order).
4 & 5 Geo. 5 c. clxxxi.	Pier and Harbour Orders Confirmation (No. 2) Act 1914.	In the Brighton Marine Palace and Pier Order 1914— Section 11 (Powers to cease in certain events).

Chapter	Short title	Extent of repeal
4 & 5 Geo. 5 c. clxxxi. — <i>cont.</i>	Pier and Harbour Orders Confirmation (No. 2) Act 1914.— <i>cont.</i>	Section 12 (Penalty for obstructing works). Section 14 (For protec- tion of Corporation). Section 26 (Costs of Order).
11 & 12 Geo. 5 c. lxxvii.	Pier and Harbour Orders Confirmation (No. 2) Act 1921.	In the Brighton Marine Palace and Pier Order 1921— Section 12 (Penalty for obstructing works). Section 13 (Powers to cease in certain events). Section 15 (For protec- tion of Corporation). Section 41 (Costs of Order).
26 Geo. 5 & 1 Edw. 8 c. xvii.	Brighton Marine Palace and Pier Act 1936.	Section 7 (As to power to lease tolls &c.). Section 9 (Costs of Act).
15 & 16 Geo. 6 & 1 Eliz. 2 c. xxiv.	Pier and Harbour Order (Brighton) Confirmation Act 1952.	In the Brighton Marine Palace and Pier Order 1952— In section 3 (Interpret- ation) the definitions of "authorised rates" and "rates". Section 6 (Increase of rates etc.). Section 7 (Revision of rates). Section 12 (Costs of Order).

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CHAPTER vi

ARRANGEMENT OF SECTIONS

Section

1. Short and collective titles.
2. Interpretation.
3. Application of enactment.
4. Power to make works.
5. Power to deviate.
6. Correction of errors in deposited plan and book of reference.
7. Extinction of rights affecting land.
8. Compensation for certain damage.
9. Tidal works not to be executed without approval of Secretary of State.
10. Provision against danger to navigation.
11. Abatement of works abandoned or decayed.
12. Survey of tidal works.
13. Permanent lights on tidal works.
14. Lights on tidal works during construction.

Section

15. Saving for Trinity House.
16. Obstructing execution of Act.
17. For protection of Brighton Borough Council.
18. Charges for entry on pier.
19. Power to erect buildings and let, etc.
20. Leases, agreements with other persons.
21. Saving for Brighton Borough Council.
22. Crown rights.
23. Repeals.
24. Costs of Act.

SCHEDULE—Enactments repealed.