

Portslade and Southwick Outfall Sewerage Board Act, 1957

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SCHEDULE—The Shoreham agreements.



CHAPTER XXX

An Act to make provision for the terms upon which sewage from the urban district of Shoreham-by-Sea is to be taken and discharged by the Portslade and Southwick Outfall Sewerage Board and for other purposes.

[31st July 1957.]

WHEREAS a united district called the Portslade and Southwick Outfall Sewerage District (hereinafter referred to as "the united district") was formed by the Portslade and Southwick Outfall Sewerage Order 1899 (which Order was confirmed by the Local Government Board's Provisional Order Confirmation (No. 9) Act 1899 and is hereinafter referred to as "the Order of 1899") for the purposes of making and maintaining a system of outfall sewerage and such main sewer or main sewers and works as might be required for the reception and disposal of the sewage from the sewers of the districts forming the united district and of purchasing lands and making erecting maintaining and working such main sewers works machinery and plant as might be required for conveying the sewage of the united district to a suitable outfall or outfalls into the sea or tidal waters:

And whereas the united district now comprises the urban districts of Portslade-by-Sea and Southwick and the governing body of the united district is a joint board consisting of members of the urban district councils of Portslade-by-Sea and Southwick and called the Portslade and Southwick Outfall Sewerage Board (hereinafter called "the Board"):

And whereas certain sewers of the mayor aldermen and burgesses of the borough of Hove (hereinafter called "the Hove Corporation") communicate indirectly with sewers vested in or under the control of the Board in pursuance of certain agreements entered into (pursuant to the Order of 1899) between the Board

the urban district council of Portslade-by-Sea and the rural district council of Steyning East (predecessors of the Hove Corporation):

And whereas certain sewers conveying sewage from parts of the urban district of Shoreham-by-Sea communicate with sewers vested in or under the control of the Board in pursuance of certain agreements entered into pursuant to the Order of 1899 and specified in the schedule to this Act :

And whereas the Shoreham Harbour Trustees (as the harbour authority for Shoreham Harbour) were authorised by the Shoreham Harbour Act 1949 (hereinafter referred to as " the Act of 1949 ") to construct harbour works as in the said Act described which works involved or were likely to involve interference with other works including works of the Board and of the urban district council of Shoreham-by-Sea (hereinafter called " the Shoreham Council ") :

And whereas the Act of 1949 provided that as soon as might be after the passing of that Act the Minister of Health (hereinafter referred to as " the Minister ") should cause a local inquiry to be held for the purpose of ascertaining—

- (a) the works to be carried out or the measures to be undertaken for the purpose of disposing of the sewage from the united district and the urban district of Shoreham-by-Sea (which urban district is in the Act of 1949 and hereinafter referred to as " the Shoreham district ");
- (b) the parties by whom the works should be carried out;
- (c) the conditions subject to which the works should be carried out; and
- (d) the parties to bear the capital cost of the works and the manner in which such cost should be borne as between the parties:

And whereas the Act of 1949 further provided that as soon as might be after such local inquiry the Minister should direct the works which were to be carried out and that in the event of the Minister giving certain directions certain provisions set out in Part I or Part II of the Second Schedule to the Act of 1949 should apply as in the said Act provided:

And whereas the Minister held a local inquiry for the purpose aforesaid and directed that the sewage from the Shoreham district should be discharged through an enlarged outfall of the Board and that the works to be carried out and the measures to be undertaken for the purpose of disposing of the sewage from the united district and the Shoreham district should be—

- (a) the provision and laying of a sufficient sewer to connect the storage tank of the Shoreham Council with the

penstock chamber of the Board on the south side of Albion Street Southwick ;

- (b) the provision and laying of a sufficient sewer in place of that part of the sewer to which paragraph 1 (a) of Part I of the Second Schedule to the Act of 1949 relates;
- (c) the provision and laying of a sufficient outfall pipe from the existing beach manhole of the Board on the south side of the harbour or from a new manhole connected therewith to the present point of discharge:

And whereas the Minister directed that the works mentioned in paragraph (a) of the last foregoing recital should be carried out by the Shoreham Council the works mentioned in paragraph (b) of the said recital should be carried out by the British Electricity Authority (now the Central Electricity Authority) and the works mentioned in paragraph (c) of the said recital should be carried out by the Board:

And whereas the Minister directed how the capital cost of the said works should be borne:

And whereas the Act of 1949 made no provision for any payment to be made by the Shoreham Council to the Board in respect of the reception and discharge by the Board of sewage from the Shoreham district:

And whereas it is expedient that provision be made for such payment:

And whereas the object aforesaid 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 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:—

1. This Act may be cited as the Portslade and Southwick Outfall Short title. Sewerage Board Act 1957.

2.—In this Act unless there be something in the subject or Interpretation. context repugnant to such construction—

“ the Act of 1949 ” means the Shoreham Harbour Act 1949 ;

“ the Board ” means the Portslade and Southwick Outfall Sewerage Board;

“ the directions ” means the Shoreham Harbour (Sewerage Works) Directions 1951 made by the Minister of Health under section 48 of the Act of 1949;

“ the Shoreham agreements ” means the agreements specified in the schedule to this Act;

“ the Shoreham Council ” means the urban district council of Shoreham-by-Sea;

“ the Shoreham district ” means the urban district of Shoreham-by-Sea.

Payment by
Shoreham
Council for
reception and
discharge of
sewage.

3.—(1) Notwithstanding anything in the Act of 1949 or the directions or the Shoreham agreements the Shoreham Council shall as from the date on which the Board commences to receive the sewage from the Shoreham district pursuant to the directions and by means of works carried out thereunder make an annual payment to the Board subject as hereinafter provided of eight hundred pounds.

(2) (a) The payments to be made by the Shoreham Council under subsection (1) of this section shall be made on the first day of October in every year.

(b) The first of such payments shall be made on the first day of October next after the date on which the Board commences to receive sewage from the Shoreham district pursuant to the directions and by means of works carried out thereunder and shall if necessary be apportioned as from the last-mentioned date to the said first day of October.

(3) (a) The amount of the annual payment to be made by the Shoreham Council to the Board shall be reviewed—

(i) at the expiration of the period of ten years from the date on which the Board commences to receive sewage from the Shoreham district pursuant to the directions and by means of works carried out thereunder or earlier if the Board at any time after the said date shall have incurred substantial capital expenditure in purchasing land or carrying out works (not being an extension seaward of the outfall pipe constructed by the Board under the directions from the beach manhole of the Board for the purpose of preventing pollution of the foreshore by sewage discharged from the said outfall pipe by reason of the construction of the harbour works as defined in the Act of 1949) for the purpose of that part of the Board's system which is or will be utilised in connection with the discharge of sewage from the Shoreham district under the directions; and

(ii) at the expiration of each period of ten years after the occasion for the last preceding review or earlier if the Board shall have since the last-mentioned review incurred substantial capital expenditure as above mentioned.

(b) On any such review the amount of the annual payment may be varied to such extent as may be agreed between the Shoreham Council and the Board or as failing agreement may be determined by arbitration as hereinafter provided:

Provided that on any such review no account shall be taken of—

- (i) any payment by the Board of money (a) in respect of interest on or the repayment of loans raised and used for the purpose of defraying the cost of works carried out under the directions or (b) for or in connection with any works being an extension seaward of the said outfall pipe of the Board from the beach manhole of the Board for the purpose of preventing pollution of the foreshore by sewage discharged from the said outfall pipe by reason of the construction of the harbour works as defined in the Act of 1949;
- (ii) any notional interest on moneys used for the purpose of defraying the cost of any works mentioned in paragraph (i) of this proviso.

(c) If on any such review such annual payment is varied the Shoreham Council shall pay to the Board such varied amount annually in lieu of the sum of eight hundred pounds mentioned in subsection (1) of this section such varied amount being paid in the case of a review at the end of a ten-yearly period as from the expiration of the said period and in the case of any other review pursuant to this subsection as from the date of the Board's request for such review such payment if necessary being apportioned to the next ensuing first day of October.

(d) If any difference shall arise between the Shoreham Council and the Board under this section the same shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing agreement appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers.

4. The Board shall allow the Shoreham Council by its duly authorised representatives at all convenient times and after giving reasonable notice to the Board to inspect the accounts of the Board and all account books accounts vouchers time sheets receipts and other documents relating to such accounts and to take copies thereof or extracts therefrom without payment and the Board shall give to the Shoreham Council all such information and explanations in respect thereof as the Shoreham Council may reasonably require. Inspection of accounts.

Amendment of
Shoreham
agreements.

5. The Shoreham agreements in so far as they make provision for the Shoreham Council to make annual or half-yearly payments to the Board and in so far as they contain a right for the Board to terminate the agreements or any part or parts thereof (but not otherwise) shall cease to have effect as from the date on which the Board commences to receive sewage from the Shoreham District pursuant to the directions and by means of works carried out thereunder.

Costs of
Act.

6. The costs charges and expenses of the Board preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Board.

SCHEDULE

THE SHOREHAM AGREEMENTS

Date	Parties
18th May 1903	The Portslade and Southwick Outfall Sewerage Board and Steyning West Rural District Council
14th November 1923 ..	The Portslade and Southwick Outfall Sewerage Board and the Urban District Council of Shoreham-by-Sea
9th December 1936 ..	The Portslade and Southwick Outfall Sewerage Board and the Urban District Council of Shoreham-by-Sea
30th May 1952	Portslade and Southwick Outfall Sewerage Board and the Urban District Council of Shoreham-by-Sea
3rd April 1956	Portslade and Southwick Outfall Sewerage Board and the Urban District Council of Shoreham-by-Sea

Table of Statutes referred to in this Act

Short title	Session and chapter
Local Government Board's Provisional Orders Confirmation (No. 9) Act 1899	62 & 63 Vict. c. cxlvii.
Shoreham Harbour Act 1949	12 13 & 14 Geo. 6. c. lix.
Arbitration Act 1950	14 Geo. 6. c. 27.

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*Portslade and Southwick Outfall
Sewerage Board Act, 1957*

5 & 6 ELIZ. 2

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 9d net

PRINTED IN GREAT BRITAIN