

[1 & 2 GEO. 6.] *Saltburn and Marske-by-the-Sea Urban District Council Act, 1938.* [Ch. xvii.]



CHAPTER xvii.

An Act to provide for the transfer to the urban district council of Saltburn and Marske-by-the-Sea of the Saltburn pier and works in connection therewith to confer other powers upon the Council and for other purposes. A.D. 1938.

[17th May 1938.]

WHEREAS the urban district of Saltburn and Marske-by-the-Sea in the north riding of the county of York (in this Act called "the district") is an urban district under the government of the urban district council of Saltburn and Marske-by-the-Sea (in this Act called "the Council"):

And whereas under the Saltburn-by-the-Sea Pier Order 1868 confirmed by the Pier and Harbour Orders Confirmation Act 1868 (No. 1) a pier and a hoist for the use of passengers were constructed in the district by the Saltburn-by-the-Sea Pier Company: 31 & 32 Vict. c. xlvi.

And whereas the owners of the Middlesbrough Estate Limited in whom the said pier and a lift which was subsequently constructed in lieu of the said hoist (together hereinafter referred to as "the pier undertaking") are now vested have agreed (subject to the approval of Parliament) to sell the same to the Council:

And whereas it is expedient that such agreement be confirmed and the pier undertaking vested in the Council and that powers be conferred upon the Council

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A.D. 1938. with reference to the maintenance and management of the pier undertaking :
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And whereas it is expedient that the other provisions contained in this Act be enacted :

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

23 & 24 Geo. 5. c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed :

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 :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the Saltburn and Marske-by-the-Sea Urban District Council Act 1938.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—
Part I.—Preliminary.
Part II.—Saltburn Pier &c.
Part III.—Finance.
Part IV.—Miscellaneous.

Incorporation of Acts. 3. The following Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

8 & 9 Vict. c. 18. The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands :

10 & 11 Vict. c. 27. The Harbours Docks and Piers Clauses Act 1847 except sections 6 to 13 16 to 19 (unless the Council shall be required by the Board of Trade to provide and maintain a lifeboat and a tide gauge and a barometer) and except sections 25 and 26 and sections 84 to 90 of that Act.

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4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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—cont.
Inter-pretation.

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

“ The district ” means the urban district of Saltburn and Marske-by-the-Sea ;

“ The Council ” means the urban district council of the district ;

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

“ The Harbours Clauses Act 1847 ” means the Harbours Docks and Piers Clauses Act 1847 ;

“ The Order of 1868 ” means the Saltburn-by-the-Sea Pier Order 1868 confirmed by the Pier and Harbour Orders Confirmation Act 1868 (No. 1) ;

“ The Act of 1935 ” means the Saltburn and Marske-by-the-Sea Urban District Council Act 1935 ;

25 & 26
Geo. 5.
c. xxi.

“ The company ” means the owners of the Middlesbrough Estate Limited ;

“ The scheduled agreement ” means the agreement set forth in the First Schedule to this Act ;

“ The pier ” means the pier jetty and landing place works approaches and conveniences the construction of which was authorised by the Order of 1868 and the buildings structures apparatus machinery and conveniences for the time being provided thereon and upon any lands held in connection with and for the purposes of the pier ;

“ The pier undertaking ” means and includes the pier and the existing lift (in the scheduled agreement referred to as “ the incline tramway ”) in connection therewith between Marine Parade or Upper Promenade and the Lower Promenade and all lands property and rights

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held or enjoyed therewith transferred to the Council in pursuance of the scheduled agreement;

“The date of transfer” means the date of completion of the transfer of the pier undertaking in pursuance of the scheduled agreement;

“Vessel” means steamer ship barge trow boat and craft of every class and description however propelled;

41 & 42 Vict.
c. 76.

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“The Minister” means the Minister of Transport;

38 & 39 Vict.
c. 83.

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

PART II.

SALTBURN PIER &C.

Transfer of
pier under-
taking to
Council.

5.—(1) The scheduled agreement is (without prejudice to the provisions of section 32 (Crown rights) of the Act of 1935) hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under their respective common seals.

(2) As from the date of transfer the pier undertaking shall by virtue of this Act be transferred to and vested in the Council freed and discharged from all charges or incumbrances upon or affecting the same but subject to the observance and performance by the

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Council of all statutory duties and obligations in connection with the working management and maintenance of the pier subsisting at the date of transfer. A.D. 1938.
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—cont.

6. Subject to the provisions of this Act nothing in this Act shall be held to prejudice or affect any right or cause of action or suit or remedy which the company have against any person or which any person has against the company but all such rights causes of action suits and remedies shall be prosecuted by or against the company as if this Act had not been passed. Saving rights of action.

7.—(1) Subject to the provisions of this Act the Council— Power to manage maintain and improve pier.

(a) may hold use manage and control the pier and may appoint and pay officers servants and workmen to perform any services in connection therewith and remove such officers servants and workmen ;

(b) may maintain repair alter improve and renew the pier and in connection therewith may from time to time construct erect maintain alter improve and use all necessary piles groynes cofferdams jetties landing stages buildings roads approaches offices engines tramways electric and other apparatus and machinery water pipes and other works and conveniences ;

(c) may erect construct and maintain upon the pier and may furnish stock and equip fishing platforms pavilions or assembly rooms concert lecture waiting reading refreshment and other rooms winter gardens band-stands galleries saloons arcades kiosks shops shelters seats chairs automatic machines bicycle-stands lavatories sanitary and other conveniences bathing places and cabins with all necessary conveniences and appliances and may arrange for such erection construction and maintenance and may make such reasonable charges as they may think fit for the use thereof or for admission thereto as the case may be in addition to the authorised charges for passengers promenaders and others using the pier.

(2) Nothing in this Part of this Act shall extend to authorise any interference with any works of any

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45 & 46 Vict.
c. 56.

undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) A line of rails or tramway constructed under the powers of this Act shall not be used for the public conveyance of passengers unless and until it has been certified by the Minister to be fit for that purpose.

(4) No pavilion room winter garden gallery saloon or arcade provided or maintained by the Council under the powers of this section shall be used by the Council for the purposes of a cinematograph theatre nor shall the Council grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre except on the best terms that can be obtained.

Power to
dredge.

8. The Council may dredge scour and deepen from time to time the bed of the sea at or near any part of the pier and may appropriate any sand mud and any other material so dug or excavated and generally use the same for the support and maintenance of the pier or may sell or otherwise dispose thereof:

Provided that the powers of the Council under this section shall be exerciseable subject to the provisions of section 32 (Crown rights) of the Act of 1935 applied by this Act and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Council to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below low-water mark and sold by the Council under this section as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

Limits of
pier.

9. The limits within which the Council shall have authority and within which the powers of the pier master may be exercised shall comprise the pier and an area below high-water mark within a distance of one hundred

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yards from any part of the pier which limits are in this Act referred to as "the limits of the pier." A.D. 1938.

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10.—(1) The Council may if they think fit close the pier or any part thereof for the whole or any part of the period extending from the first day of October in any year to the first day of March in the following year. Power to close pier.

(2) For the purpose of exercising the powers conferred upon them by the section of this Act of which the marginal note is "Power to manage maintain and improve pier" the Council may close the pier or any part thereof for such periods as may be reasonably necessary for that purpose.

11. The Council may subject and according to the provisions of this Act demand recover and receive for the use of the pier in respect of the persons matters and things mentioned in the Second Schedule to this Act any sums not exceeding the rates or charges specified in that schedule. Power to levy rates.

12. The Council may (so far as the rates or charges specified in the Second Schedule to this Act do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any buildings works and conveniences belonging to or provided by them or in respect of any services rendered by them in connection with the pier. Rates in respect of services &c.

13. The Council may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Act but so that no preference be in any case given to any person over any other person using the pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Act. Power to confer exemptions.

14.—(1) The Council may on any special occasions but not exceeding six days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Council may think fit. Power to close pier on special occasions.

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(2) On all such occasions the Council shall reserve a sufficient passage along the pier from the landing steps to the shore for all persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of the special rate authorised by this section so long as they use the pier as a passage only and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the Second Schedule to this Act and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) The Council shall give notice of their intention to close the pier under this section by exhibiting a notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

Pass and
family
tickets.

15.—(1) The Council may grant to passengers and promenaders or others for the use of the pier (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and conditions and for such periods not exceeding one year as the Council may think fit and may issue books containing any number of pass tickets at a reduced rate and may grant in like manner day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Council shall have power to prescribe the terms and conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket or family ticket shall not be used otherwise than in accordance with the terms and conditions on which it is issued or after the period limited for its use.

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(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

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(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

16.—(1) Notwithstanding anything contained in this Act the Council may charge for every person entering upon and using the pier between the hours of six p.m. and ten p.m. on any day on which a concert dance or other public entertainment (lasting for at least one and a half hours between the said hours of six p.m. and ten p.m.) is held on the pier or in or on any pavilion building enclosure platform or room for the time being on the pier any sum not exceeding sixpence.

Power to charge higher rates at certain times.

(2) Any person who having already paid the ordinary charge for using the pier remains on the pier after six p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) Notwithstanding the progress of any concert dance or other public entertainment the Council shall reserve a sufficient passage along the pier from the landing steps to the shore for all persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of the special rate authorised by this section so long as they use the pier as a passage only and do not remain upon it.

(4) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

17. No pass or family ticket or payment of rates or charges payable under this Act for the use of the pier shall entitle the holder of the pass or family ticket or the person paying the rates or charges to the use

Payment of rates not to confer right to use buildings &c.

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of the buildings and erections on the pier or any of them or of any part of the pier which is set apart for a particular purpose unless the Council otherwise determine.

Lifeboat
crew
exempt
from rates.

18. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the pier without payment.

Officers
exempt
from rates.

19. Officers of the Ministry of Transport Board of Trade and the Corporation of Trinity House of Deptford Strond British sea fishery officers and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment.

Certain
fishing
vessels
under
stress of
weather
exempt
from rates.

20. British fishing vessels and fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the pier and not breaking bulk while making use thereof be exempt from rates or charges leviable under this Act.

Power to
re-sell
pier.

21.—(1) The Council and any company corporation or person in whom the pier may for the time being be vested may with the previous consent in writing of and upon such terms and conditions as may be sanctioned by the Minister sell the pier and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the rights powers privileges authorities and exemptions (including all powers of demanding taking and recovering rates and charges) vested in or had or enjoyed by the Council under this Act and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Act.

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(2) The Council and any company corporation or person in whom the pier may for the time being be vested shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Minister and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

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22.—(1) The Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister lease to any company corporation or person (a) the pier or (b) the right to demand take and recover the rates and charges authorised to be taken by this Part of this Act.

Power to
lease pier
or rates.

(2) As from the commencement of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the rights powers privileges authorities and exemptions (including all powers of demanding taking and recovering rates and charges) vested in or had or enjoyed by the Council under this Part of this Act and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Part of this Act.

(3) No lease made under this section shall be assigned without the previous consent in writing of the Minister and the provisions of this Act with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Council shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Minister and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

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(6) Nothing in this section shall exempt the Council from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Harbours Clauses Act 1847 incorporated with this Act as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Council and all moneys received by the Council under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Part of this Act.

Power to
lease
pavilions
&c.

23. The Council may let for hire or lease for any term not exceeding seven years any pavilions rooms kiosks shops buildings structures or conveniences erected upon the pier separately from any other part of the pier to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Byelaws.

24.—(1) In addition to any other powers for making byelaws conferred on the Council by this Act they may make byelaws in relation to the pier for all or any of the following matters (that is to say):—

For regulating the collection and levying of the rates and charges authorised by this Part of this Act;

For regulating the conditions of the user of any portion of the pier and buildings and other property thereon or attached thereto;

For preventing injury to and protecting the pier and the buildings vehicles and other property thereon or attached thereto;

For preventing refuse of any kind being thrown or suffered to fall into the sea within the limits of the pier;

For regulating the conduct of persons frequenting the pier and preserving order thereon;

For regulating vessels near to the pier or goods on the pier;

For preventing nuisance or annoyance by smoke and noise caused by vessels and the machinery and appliances thereof;

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For regulating the removal and disposal of ballast brought by vessels to the pier and for preventing ballast being thrown overboard from vessels within the limits of the pier or so as to obstruct access to the pier.

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(2) The byelaws which may from time to time be made by the Council in exercise of the power in that behalf conferred on them by this Part of this Act or by section 83 of the Harbours Clauses Act 1847 incorporated with this Act may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3) As respects byelaws made under the powers conferred by this Part of this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister :

Provided that—

(a) in the case of any byelaws which in the opinion of the Minister and the Board of Trade primarily concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the Minister ;

(b) no byelaw affecting any area below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

(4) Confirmation of any such byelaws by the Minister or the Board of Trade shall be sufficient evidence of compliance with the provisions of this section.

25.—(1) The Council shall at the outer extremity of the pier below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

Permanent
lights on
works.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence

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Provision
against
danger to
navigation.

to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

26.—(1) In case of injury to or destruction or decay of the pier or any works in connection therewith by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Lights on
works
during con-
struction.

27.—(1) The Council shall at or near such part of any works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Abatement
of work
abandoned
or decayed.

28.—(1) If the pier or any works in connection therewith by this Act authorised situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall

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into decay the Board of Trade may by notice in writing either require the Council at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

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(2) If during the period of thirty days from the date when the notice is served upon the Council they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice 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 either as a debt due to the Crown or summarily as a civil debt.

29. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of the pier or any works in connection therewith by this Act authorised which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct 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 either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Survey of works by Board of Trade.

30. All penalties recoverable by the Council under this Act shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847 incorporated with this Act.

Recovery of penalties.

31. As from the date of transfer the Order of 1868 shall be and is hereby repealed.

Repeal.

PART III.

FINANCE.

32.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning

Power to borrow.

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authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Council may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For carrying the scheduled agreement into effect.	£12,000	Twenty years from the date or dates of borrowing.
(b) For defraying the costs and expenses of and incident to the purchase by and the transfer of the pier undertaking to the Council (other than the costs charges and expenses of this Act).	The sum requisite	Five years from the passing of this Act.
(c) For the payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

(3) In the application of Part IX of the Local Government Act 1933 to the borrowing of moneys for the purposes of this Act the Minister shall be the sanctioning authority.

Contingency fund.

33.—(1) The Council in any year in which the moneys received by the Council on account of the pier exceed the moneys expended by the Council in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Act of which the marginal note is "Separate accounts in respect of

the pier" may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any one time (inclusive of accumulations of income) two-fifths of the aggregate capital sums for the time being expended by the Council on the pier and in order to meet any deficiency of revenue or any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the pier set apart out of the pier revenue such a sum as they may think fit.

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(2) Every sum set apart under this section shall be invested in statutory securities and the interest thereon shall be accumulated until the fund reaches two-fifths of the aggregate capital sums for the time being expended by the Council on the pier or is required for any of the purposes mentioned in this section.

34.—(1) The Council shall keep separate accounts of the pier so as to distinguish capital from revenue and as regards revenue to show under a separate heading or division on the one side all receipts in respect of the pier (including the interest on any contingency fund which the Council may from time to time be authorised to set up when that fund amounts to the prescribed maximum) and on the other side all payments and expenses in respect of the pier such payments and expenses to be divided so as also to show the amounts expended in respect of each of the following purposes (that is to say) :—

Separate accounts in respect of the pier.

- (a) The working and establishment expenses and costs of maintenance of the pier;
- (b) The interest on money borrowed by the Council for the purposes of or in connection with the pier;
- (c) The requisite appropriations instalments or sinking fund payments in respect of any money so borrowed as aforesaid;
- (d) All other expenses (if any) of the pier properly chargeable to revenue;
- (e) The amount (if any) paid to any contingency fund which the Council may from time to time be authorised to set up.

[Ch. xvii.] *Saltburn and Marske-by-the-Sea Urban District Council Act, 1938.* [1 & 2 GEO. 6.]

A.D. 1938.

PART III.
—cont.

(2) The Council shall also so far as may be reasonably practicable carry to the debit or credit of the accounts of the pier a proper proportion of their general administrative expenses and of any receipts credits payments or liabilities which from time to time ought to be so apportioned and carried.

Accounts to be furnished to Minister.

35. The Council shall within three months of the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the pier.

PART IV.

MISCELLANEOUS.

Power to construct &c. lifts.

36.—(1) The Council may continue maintain repair alter improve and renew the existing lift between Marine Parade or Upper Promenade and the Lower Promenade and may on land belonging to them construct equip and maintain other lifts for the purpose of conveying passengers to and from Marine Parade or Upper Promenade from and to the Lower Promenade and may provide all necessary buildings and apparatus therefor and may let any such lifts on lease for such term at such rent and subject to such covenants and conditions as the Council may think fit or may work such lifts and charge reasonable sums for the use thereof and may make byelaws for regulating such use and charges and for preventing injury or damage to such lifts and for regulating the conduct of persons using the same.

(2) As respects byelaws made under the power conferred by this section the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister.

For protection of Postmaster-General.

37. Any electric apparatus or machinery constructed erected provided or maintained under this Act in connection with the pier and any lifts shall be so constructed erected provided maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

[1 & 2 GEO. 6.] *Saltburn and Marske-by-the-Sea Urban District Council Act, 1938.* [Ch. xvii.]

38. The Council may provide or arrange for the provision of or contribute towards the cost of providing illuminations on Marine Parade or Upper Promenade the Lower Promenade Albion Terrace Glenside and the pier.

39.—(1) The Council may (subject as hereinafter provided) out of the general rate fund or general rate pay or contribute towards the cost of fencing off rolling sweeping and otherwise preparing any part of the sands and foreshore within the district for the purposes of automobile races and may employ and pay officers servants and workmen for that purpose.

(2) The total amount which the Council may expend under the provisions of this section shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister of Health under section 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one half-penny in the pound levied in that year to the general rate.

(3) Nothing in this section shall in any way prejudice or affect the rights of the owner or owners for the time being of the foreshore under any lease agreement or tenancy under or by virtue of which the same is from time to time leased to or used or enjoyed by the Council.

40.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any land or interest in or easement or right in to or over land which in their opinion it is desirable that the Council should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district.

(2) When any land or interest in or easement or right in to or over land purchased or acquired or taken on lease by the Council under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the general rate fund and general rate.

A.D. 1938.

PART IV.
—cont.

Provision of illuminations.

As to automobile races on foreshore.

15 & 16
Geo. 5. c. 90.

Further powers for acquisition of lands by agreement.

[Ch. xvii.] *Saltburn and Marske-by-the-Sea Urban District Council Act, 1938.* [1 & 2 GEO. 6.]

A.D. 1938.

PART IV.
—cont.
Inquiries
by Minister.

41. The Minister may hold such inquiries as he considers necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Application
of provi-
sions of Act
of 1935.

42. The following provisions of the Act of 1935 shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 28 (Power to appoint officers);

Section 31 (Works below high-water mark not to be constructed without consent of Board of Trade);

Section 32 (Crown rights).

Costs of
Act.

43. 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 Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

[1 & 2 GEO. 6.] *Saltburn and Marske-by-the-Sea Urban District Council Act, 1938.* [Ch. xvii.]

The SCHEDULES referred to in the foregoing Act.

A.D. 1938.

THE FIRST SCHEDULE.

AN AGREEMENT made the twenty-third day of November one thousand nine hundred and thirty-seven between THE OWNERS OF THE MIDDLESBROUGH ESTATE LIMITED whose registered offices are situate at Queens Square Middlesbrough in the county of York (hereinafter called "the Owners") by Arthur Brian Leake their secretary and duly authorised agent of the one part and THE SALTburn AND MARSKE-BY-THE-SEA URBAN DISTRICT COUNCIL (hereinafter called "the Council") by John Stanley Brown their clerk and duly authorised agent of the other part.

WITNESSETH as follows :—

1. The Owners agree to sell and the Council agree to purchase for the sum of twelve thousand pounds First all that piece of land situate at Saltburn-by-the-Sea in the said county of York together with the incline tramway thereon and the plant and machinery appurtenant thereto And together also with the water-storage tank and wheelhouse at the top of the said incline tramway and the tramhouse engine-room and lock-up shops at the bottom of the said incline tramway And secondly the Saltburn pier together with the Pier Cafe Little Theatre (Neptune Hall) workshop toll cabin and turnstiles at the entrance to the said pier and the bandstand and shelters at the end thereof And thirdly the surrender to the Council of any restrictive covenant or covenants entered into by the Council with the Owners in the conveyance dated the thirteenth day of August one thousand nine hundred and two of the sea banks to the Council relating to the property thereby conveyed or any land or lands adjacent thereto so far as the Owners have power to release and surrender the same.

The Owners reserve to themselves and their assigns all mines of salt and brine and other mines and minerals of every description in and under the land hereby contracted to be sold with full power to work and get the same but by underground workings only and without entering upon or in any manner affecting or exercising any rights or powers whatsoever over

[Ch. xvii.] *Saltburn and Marske-by-Sea* [1 & 2 GEO. 6.]
the-Sea Urban District Council Act, 1938.

A.D. 1938.

—
1ST SCH.
—cont.

the surface of the said premises the Owners or their assigns paying to the Council and its successors in title or assigns compensation for any damage or injury occasioned by the underground workings of the Owners or their assigns such damage in case of difference to be settled by arbitration in manner provided by the Arbitration Act 1889 or any statutory amendment thereof for the time being in force.

2. The said purchase money amounting to twelve thousand pounds shall be paid within one month of the Council receiving the approval of the High Court of Parliament to the present sale.

3. The property is sold subject to the existing tenancies.

4. The Owners shall deliver to the Council or their solicitors within seven days of their being requested so to do abstract of their title to the said premises commencing with an indenture dated the thirty-first day of August one thousand eight hundred and eighty-six and made between Sir Joseph Whitwell Pease (1) Arthur Pease (2) Henry Fell Pease (3) the said Arthur Pease (4) the said Sir Joseph Whitwell Pease Arthur Pease and Alfred Edward Pease (5) the said Sir Joseph Whitwell Pease and Arthur Pease (6) and the Owners (7).

5. The requisitions on title shall be delivered in writing to the Owners' solicitors within seven days after the delivery of an abstract of title in accordance with clause 4 hereof and all requisitions not so delivered within the time aforesaid shall be deemed to be waived unless and except so far as they could not be taken raised or made on the information contained in the abstract as delivered.

6. The Council shall admit the identity of the said premises with the property comprised in the document of title upon the evidence afforded by a comparison of the descriptions contained herein and in such document respectively.

The Owners shall if required by the Council furnish a statutory declaration to be made at the Council's expense by some person acquainted with the said premises and the facts that the said premises were included in the property comprised in the document of title and have been enjoyed in accordance with the abstracted title for a period of not less than thirty years prior to the date fixed for the completion of this purchase.

7. The property secondly hereinbefore described is sold together with all statutory rights under the Pier and Harbours Act 1861 and the Pier and Harbours Orders Confirmation Act 1868 and any order or orders made thereunder affecting the property secondly hereinbefore described and any licences granted by the Board of Trade in respect of such premises.

[1 & 2 GEO. 6.] *Salisbury and Marske-by-the-Sea Urban District Council Act, 1938.* [Ch. xvii.]

8. This agreement is subject to such alterations as Parliament may think fit to make therein. Provided that if Parliament make any material alterations it shall be competent for either party hereto to withdraw from this agreement.

A.D. 1938.

—
1st Sch.
—cont.

As witness the hands of the parties hereto.

Witness to the signing hereof by the }
said ARTHUR BRIAN LEAKE— } A. B. LEAKE.

J. R. BRADLEY
Belle Vue Grove
Middlesbrough
Accountant.

Witness to the signing hereof by the }
said JOHN STANLEY BROWN— } J. STANLEY BROWN.

ROBERT WOOD
Solicitor
Middlesbrough.

THE SECOND SCHEDULE.

I.—RATES FOR USE OF PIER.

For every passenger or other person who shall land on the pier from or embark from it on board of any vessel for each time any sum not exceeding - -	s. d. 0 6
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each time any sum not exceeding - - -	0 4
For every child (not exceeding the age of 14 years) in the charge of or accompanying an adult using the pier for any of the foregoing purposes for each time	0 2
For every bath chair (including attendant) taken on the pier for each time any sum not exceeding - -	0 8
For every perambulator (including attendant) taken on the pier for each time any sum not exceeding -	0 6
For every master of any vessel using the said pier for the purpose of going to or returning from his own vessel an annual sum not exceeding - - -	20 0

[Ch. xvii.] *Saltburn and Marske-by-* [1 & 2 GEO. 6.]
the-Sea Urban District Council Act, 1938.

A.D. 1938. II.—RATES FOR VESSELS ANCHORING OR MOORING AT THE PIER
OR WITHIN THE LIMITS OF THE PIER.

2ND SCH.
—cont.

	Per registered ton.
	<i>s. d.</i>
For every vessel under 15 tons - - - -	0 4
For every vessel of 15 tons and under 50 tons - -	0 6
For every vessel of 50 tons and under 100 tons - -	0 8
For every vessel of 100 tons and under 150 tons - -	0 10
For every vessel of 150 tons and upwards - - -	1 0

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