

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands authorised by this Act to be acquired compulsorily and also a book of reference containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of those lands have been deposited with the clerk of the county council of the administrative county of West Sussex and are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas the objects 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 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 and
collective
titles.

1.—(1) This Act may be cited as the Shoreham Harbour Act 1949.

(2) The Shoreham Harbour Acts 1926 to 1948 and this Act may be cited together as the Shoreham Harbour Acts 1926 to 1949.

Division of
Act into Parts.

2. This Act is divided into Parts as follows:—

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|------|--|
| Part | I.—Preliminary. |
| Part | II.—Works. |
| Part | III.—Lands. |
| Part | IV.—Financial provisions. |
| Part | V.—Alteration of constitution of Trustees. |
| Part | VI.—Miscellaneous. |
| Part | VII.—Protective provisions. |
| Part | VIII.—General. |

Incorporation
of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act (namely):—

(1) The Lands Clauses Acts with the following exceptions and modifications:—

(a) Sections 92 and 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

8 & 9 Vict.
c. 18.

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Trustees and shall be sufficient without the addition of the sureties mentioned in that section:

PART I
—cont.

- (2) The provisions of the Railways Clauses Consolidation 8 & 9 Vict. Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices the sections of that Act being construed as if the expression "the Trustees" had been inserted therein instead of the expression "the company" and as if a reference to the works authorised by this Act had been inserted therein instead of the expression "the railway" and as if the expression "centre of the railway" meant the limits of the works authorised by this Act: c. 20.
- (3) The Harbours Docks and Piers Clauses Act 1847 (except sections 7 11 to 13 16 to 19 25 26 30 84 85 and 93 and except where expressly varied by this Act) and in construing the said incorporated Act the expression "the harbour dock or pier" shall mean the Shoreham Harbour and the expression "the undertakers" shall mean the Trustees and the expression "the special Act" shall mean this Act. c. 27.

4.—(1) In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Act of 1926 have the same respective meanings And— Interpretation.

"The Act of 1926" means the Shoreham Harbour Act 1926;

"The appointed day" means the first day of January nineteen hundred and fifty;

"The authority" means the British Electricity Authority;

"The Brighton Corporation" and "the Hove Corporation" mean respectively the mayor aldermen and burgesses of the respective boroughs of Brighton and Hove;

"The canal" means the locked waters of the harbour;

"The East Sussex County Council" and "the West Sussex County Council" mean respectively the county councils

PART I
—cont.

of the administrative counties of East and West Sussex ;

“ Enactment ” means any Act of Parliament whether public general local or private or any order or scheme made under an Act of Parliament ;

“ The existing Acts ” means the Shoreham Harbour Acts 1926 to 1948 ;

“ The existing harbour ” means the harbour as existing prior to the construction of the harbour works ;

“ The harbour works ” means the works by this Act authorised ;

“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 the Town and Country Planning Act 1947 and this Act ;

9 & 10 Geo. 5.
c. 57.
10 & 11 Geo. 6.
c. 51.

“ The Minister ” means the Minister of Transport ;

“ The new lock ” means the lock (Work No. 6) and works in connection therewith authorised by this Act ;

“ Seashore ” means the bed and shore of the sea and of every channel creek bay or estuary and any cliff bank barrier dune beach flat or other land adjacent to the shore ;

“ The Shoreham Council ” “ the Southwick Council ” and “ the Portslade Council ” mean respectively the urban district councils of Shoreham-by-Sea Southwick and Portslade-by-Sea.

“ The tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 ;

“ The Trustees ” means the Shoreham Harbour Trustees for the time being constituted.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

(3) This Act is to be read as if the words “ or thereabouts ” were inserted after each distance and length mentioned in Part II (Works) of this Act.

PART II

WORKS

5. Subject to the provisions of this Act the Trustees may Power to make in the lines or situations and within the limits of deviation shown harbour works. on the deposited plans and according to the levels shown on the deposited sections make and maintain the following works in the county of West Sussex (that is to say):—

Work No. 1.—A breakwater in the urban district of Shoreham-by-Sea commencing at a point 50 yards north and 70 yards west of the southern extremity of the existing West Pier and terminating at a point 171 yards south and 22 yards east of the southern extremity of the said West Pier ;

Work No. 2.—A breakwater in the urban district of Shoreham-by-Sea commencing at a point 385 yards west and 34 yards south of the north-western corner of the existing pumping station and terminating at a point 140 yards south and 71 yards east of the southern extremity of the existing East Pier ;

Work No. 3.—A pier in the urban district of Shoreham-by-Sea commencing at a point 85 yards north and 56 yards east of the southern extremity of the existing East Pier and terminating at a point 230 yards north and 140 yards east of the southern extremity of the said East Pier ;

Work No. 4.—A pier in the urban district of Shoreham-by-Sea commencing at a point on the existing Middle Pier 35 yards north-east of the Middle Pier navigation low light and terminating at a point on the said pier 77 yards north-west of the Middle Pier navigation low light ;

Work No. 5.—A wharf commencing at the termination of the pier (Work No. 3) hereinbefore described and terminating in the urban district of Southwick at the north-west corner of the existing pumping station ;

Work No. 6.—A lock (together with lead-in jetties lock-gates sluices operating mechanisms and wharf) in the urban district of Southwick disposed about a centre line commencing at a point 110 yards west and 42 yards south of the western extremity of the south wall of the Prince George Lock and terminating at a point 70 yards east and 20 yards south of the eastern extremity of the south wall of the Prince George Lock ;

PART II
—cont.

Work No. 7.—A wharf in the urban district of Southwick commencing at a point 30 yards east and 56 yards south of the eastern extremity of the south wall of the Prince George Lock and terminating at a point 328 yards east and 21 yards north of that extremity;

Work No. 8.—A wharf in the urban district of Southwick commencing at the termination of the wharf (Work No. 7) hereinbefore referred to and terminating at a point 153 yards west and 38 yards north of the north-west corner of Southwick "A" power station.

Subsidiary
works.

6. Subject to the provisions of this Act the Trustees may make provide and maintain within the limits of deviation shown on the deposited plans all such signalling equipment bridges approaches roads gates sheds buildings yards quays wharves walls embankments protection works pipes wires mains cables conduits sewers drains culverts sluices jetties groynes shipping places landing places stairs stages gridirons gantries cranes dolphins moorings buoys beacons lights and other works buildings machinery and appliances as may be necessary or convenient for or in connection with or subsidiary to the harbour works or any of them:

Provided that any wires mains cables and other electrical works shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

32 & 33 Vict.
c. 73.41 & 42 Vict.
c. 76.Power to
dredge.

7. Subject to the provisions of this Act the Trustees may from time to time in connection with the harbour works within the limits of deviation shown on the deposited plans maintain deepen dredge excavate scour cleanse widen and improve the bed shore and channels and make new channels and remove obstructions for the purpose of improving the facilities for vessels using the harbour and may use appropriate or dispose of the soil and material from time to time dredged or otherwise removed by them in so doing and any materials dredged or otherwise removed by them which they do not use or appropriate as aforesaid may be deposited in any place—

(a) between a point on the coast situate three miles westward of the breakwater (Work No. 1) by this Act authorised and a point where the easterly boundary of the county borough of Brighton crosses the coast; and

(b) between high-water mark of ordinary spring tides and one thousand yards seaward thereof;

but not elsewhere below high-water mark of ordinary spring tides except with the consent of the Minister.

8. Subject to the provisions of this Act the Trustees may stop up and discontinue so much of the towing path in the urban district of Southwick on the south bank of the canal as lies between the western extremity thereof near the Prince George Lock and the point of termination of the wharf (Work No. 8) by this Act authorised and shall as soon as reasonably practicable after the harbour works (other than the breakwater (Work No. 1) and the pier (Work No. 4)) shall have been sufficiently constructed or shall have been discontinued make and thereafter maintain in substitution for such portion so stopped up and discontinued a new towing path abutting on the said wharf and the wharf (Work No. 7).

PART II
—cont.
As to closing
of portion of
towing path.

9. Subject to the provisions of this Act the Trustees may for the purposes of and in connection with the harbour works and within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of or remove any sewer drain gas or water main or pipe or electric line or any other apparatus of a like nature making in case of alterations proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making compensation to any person who suffers damage by any such alteration or removal:

Alteration of
position of
mains &c.

Provided that the Trustees shall not raise sink or otherwise alter or interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

10. Nothing in this Act shall prejudice affect or vary the public rights of way which exist or are exercisable over across and along the gates of the Prince George Lock and the approaches thereto or over and along the towing path in the urban district of Southwick on the south bank of the canal in pursuance of the deed of grant or the conveyance hereinafter referred to except that—

As to rights
of way.

- (a) during the carrying out of the harbour works (other than the breakwater (Work No. 1) and the pier (Work No. 4)) such public rights of way may be stopped or otherwise interfered with in accordance with section 8 (As to closing of portion of towing path) of this Act;
- (b) after the carrying out or discontinuance of the last-mentioned harbour works such public rights of way shall not be exercisable along the line of the portion of the existing towing path stopped up and discontinued in pursuance of the provisions of section 8 (As to closing of portion of towing path) of this Act but such public rights of way may be exercised upon the gates of the Prince George Lock and of the lock (Work

PART II
—CONT.

No. 6) by this Act authorised and upon the approaches to such locks and upon the new towing path referred to in the said section in the same manner and to the same extent as they were before the passing of this Act exercisable upon the said gates and approaches and the said portion of the existing towing path in pursuance of a deed of grant made the nineteenth day of December one thousand nine hundred and thirty-nine between the Trustees of the one part and the Southwick Council of the other part and a conveyance made the twenty-fifth day of April nineteen hundred and forty between the Southwick Council of the one part and the mayor aldermen and burgesses of the borough of Brighton of the other part :

- (c) during the time when the public rights of way over and along the towing path on the south bank of the canal are interrupted by the construction of the harbour works the Trustees and the authority shall provide and maintain access for the public on foot and for the Southwick Council with or without vehicles from the towing path on the south bank of the canal at the north-eastern corner of the lands of the authority along the existing roadway on the east side of those lands to the beach roadway of the authority thence in a westerly direction along such last-mentioned roadway to the public beach vested in the Southwick Council ;
- (d) the obligation upon the Southwick Council under the said deed of grant to make any payments towards the cost of a ferry shall in relation to the exercise of the powers of this Act (i) operate only during the construction of the lock (Work No. 6) and the wharves (Works Nos. 7 and 8) by this Act authorised until the said works shall have been sufficiently completed or discontinued and (ii) cease after the expiration of three years from the establishment of the ferry.

Power to deviate.

11. Subject to the provisions of this Act the Trustees may in constructing any of the harbour works deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards or downwards.

Harbour works to be carried out by authority.

12.—(1) The harbour works (except the wharf (Work No. 8)) shall be carried out by and at the expense of the authority on behalf of the Trustees and shall on completion vest in the Trustees and form part of the harbour undertaking.

(2) The said wharf (Work No. 8) shall be carried out by and at the expense of the authority.

PART II
—cont.

13. The authority may abstract appropriate and use any water within the harbour limits and may discharge water at any place within those limits:

Power of
authority
to abstract
water.

Provided that—

- (a) before discharging any water into the canal the authority shall so far as may be reasonably practicable remove all solid sewage therefrom ;
- (b) the authority shall not abstract or discharge water in such manner as may endanger the use of the waterways for navigation purposes ;
- (c) no water shall be discharged into the canal which shall be contaminated by the operations of the authority or otherwise rendered offensive by those operations or which has been heated to a temperature exceeding 20° fahrenheit above the temperature of the water in the eastern arm of the harbour measured in the vicinity of the pumping station ;
- (d) upon being requested by the Trustees or the harbour-master so to do the authority shall so operate the water circulating system of their electricity generating station as to raise the level of the water in the canal.

14.—(1) During the construction of the harbour works and thereafter during the execution of any works of maintenance of the harbour the Trustees may from time to time and for such periods as may be requisite lower the level of the water in the canal and the harbour-master shall in all cases (except in emergency) where the level of the water is to be lowered below a point 20 feet above the sill of the Prince George Lock give to the person in charge of any vessel which would cease to be waterborne during any such period not less than twenty four hours' notice of the commencement of such lowering.

As to lowering
of water in
canal.

(2) The Trustees shall not be answerable for any injury to any vessel which may result from such lowering where notice as mentioned in subsection (1) of this section shall have been given to the person in charge thereof.

(3) In relation to vessels not used for the carriage of cargo to which heads (a) and (b) of Part III of the First Schedule to the Shoreham Harbour Act 1948 apply the expression "person in charge" in this section includes the person in charge of the wharf berth mooring or other place where any such vessel is lying.

11 & 12 Geo. 6.
c. xi.

PART II
—cont.

(4) Any notice to be given to any person under this section may be given—

- (a) by delivering it to that person ;
- (b) by leaving it or sending it in a prepaid letter addressed to him at his usual or last known residence ; or
- (c) in the event of the address of such person not being known by the harbour-master by affixing it in some prominent position on the vessel.

Berthing
accommo-
dation at
wharves.

15. The wharf (Work No. 5) and the wharf (Work No. 7) by this Act authorised shall at all times be available under the direction of the harbour-master for the berthing of vessels free of charge except so far as space may from time to time be required alongside the said wharves for vessels belonging to the Trustees.

Authority to be
responsible
for coast
protection.

16.—(1) The authority may and shall construct and maintain in or upon the lands forming the seashore between the termination of the breakwater (Work No. 2) by this Act authorised and the boundary between the lands of the authority and the lands of the South Eastern Gas Board situate 1960 yards eastward of the commencement of the said breakwater all or any such works and shall take all such steps as shall in their opinion be necessary or expedient for the purpose of ensuring effective means for the defence of such lands against irruption or encroachment of the sea.

(2) (a) Before the authority execute any works or take any steps pursuant to subsection (1) of this section (other than works or steps for purposes of maintenance or repair or which appear to the authority to be urgently necessary for the protection of any lands belonging to the authority) they shall give to the protected authorities referred to in section 49 (For protection of certain local authorities) of this Act notice of their intention so to do and shall state the date (in this subsection referred to as “the specified date”) on which the authority intend to commence the work or to take the steps to which it relates.

(b) Any notice under paragraph (a) of this subsection shall be given not less than one month before the specified date.

(c) The authority shall in case of works of urgent necessity give notice as soon as practicable.

(d) Any of the said protected authorities may within twenty-eight days from the receipt of any notice under paragraphs (a) or (c) of this subsection serve on the authority notice of objection to the proposal on the ground that the work or steps proposed or undertaken will be detrimental to the protection of any land specified in the notice of objection and any such notice may specify the works or steps which any such protected

authority desire the authority to carry out or take and the authority shall thereupon determine what action if any shall be taken and shall notify the said protected authorities of such determination.

PART II
—cont.

(e) If any of the said protected authorities shall be aggrieved by such determination or by the failure of the authority to notify a determination within a reasonable time or if any other question shall arise under this section any such protected authority may refer the question to the Minister of Health and the question shall be determined in accordance with the provisions so far as applicable of the said section 49 of this Act.

PART III

LANDS

17.—(1) Subject to the provisions of this Act the Trustees may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act or otherwise for the purposes of the harbour undertaking.

(2) The powers of the Trustees for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and forty-nine.

18.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Trustees after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county of West Sussex for the correction thereof.

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

(3) Any such certificate shall be deposited with the clerk of the county council of the administrative county of West Sussex and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited

PART III
—cont.—

book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Trustees to take the land in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

Power to expedite entry.

19. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice in writing of their intention to exercise the powers of this section the Trustees may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Trustees shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Disregard of recent improvements and interests.

20. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the first day of January nineteen hundred and forty-nine; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Power to enter for survey or valuation.

21. Any person acting on behalf of the Trustees and duly authorised in writing by the clerk may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Trustees not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice in writing to the owner and occupier of the land in manner provided by section 285 of the Public Health Act 1936.

26 Geo. 5. &
1 Edw. 8. c. 49.

Extinction of private rights of way.

22.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the

Trustees compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

PART III
—cont.

23. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired under this Act in a case where—

Set off of betterment against compensation.

(a) he has an interest in any other land contiguous with or adjacent to the land so acquired; and

(b) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of the works authorised by this Act or any of them or by reason of any such contiguous land becoming land fronting on any street;

the amount of the enhancement in value shall be set off against the compensation or purchase money:

Provided that any such enhancement in value of an interest in land shall be estimated on the assumption that planning permission in respect of that land would be granted under the Town and Country Planning Act 1947 for the operations or uses specified in the Third Schedule to that Act but for no other development.

24.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Trustees any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

PART IV

FINANCIAL PROVISIONS

25. In this Part of this Act—

Definitions for Part IV.

“the date of commencement” means the first day of April nineteen hundred and fifty;

“the year of apportionment” means the particular financial year in respect of which payments are made by the authority to the Trustees by virtue of this Part of this Act;

“dredging” includes deepening excavating scouring cleansing widening and improving the bed shore and channels of the harbour and making new channels and

PART IV
—cont.

removing obstructions for the purpose of improving the facilities for vessels using the harbour and the disposal of the spoil dredged or otherwise removed in so doing and “dredged” shall be construed accordingly;

“the dredging expenditure of the Trustees” means the whole of the expenditure of the Trustees in respect of dredging except expenditure of a capital nature upon dredging plant;

“the quantity of materials dredged” means the number of cubic yards of materials dredged measured in hopper or in dredger or otherwise after removal;

“the basic quantity” means the sum of the following amounts (namely):—

(a) 70,000 cubic yards but if any channel existing at the date of commencement is abandoned in whole or in part this amount shall be reduced by such amount as may be agreed between the Authority and the Trustees or failing agreement determined by arbitration;

(b) the quantity of materials dredged (if any) in the year of apportionment attributable to any of the following operations carried out after the thirty-first day of March nineteen hundred and forty-nine:—

(i) the construction of any channels or works (other than the channels and works authorised by this Act) or the maintenance of such channels and works;

(ii) the improvement of any channels or works (other than as aforesaid) or the additional maintenance rendered necessary by reason of any such improvement;

(c) the quantity of materials dredged (if any) by the Trustees in the year of apportionment for which payment is recoverable from any person under contract; and

(d) the amount (if any) by which the basic quantity in the year immediately preceding the year of apportionment exceeds the quantity of materials dredged in such preceding year;

“the excess quantity” means the amount by which the quantity of materials dredged in the year of apportionment exceeds the basic quantity in the year of apportionment;

“ the general expenditure of the Trustees ” means the whole of the expenditure of the Trustees so however that no account shall be taken of—

PART IV
—cont.

- (a) the dredging expenditure of the Trustees ;
- (b) expenditure attributable to the recent war ;
- (c) payments by the Trustees of a capital nature ;
- (d) expenditure in connection with investments ;
- (e) sinking fund contributions or provision for depreciation ;
- (f) income tax or other taxes on profits ;
- (g) interest payable ;
- (h) the cost of repairs deferred from the period prior to the first day of April nineteen hundred and forty-six ;
- (i) such part or parts of the expenditure of the Trustees attributable to income of the Trustees other than income derived from rates levied under section 59 (Rates on goods) or section 60 (Rates on vessels) of the Act of 1926 and income receivable from the authority under this Part of this Act.

26.—(1) The authority shall as from the date of commencement pay to the Trustees in respect of each financial year— Payments by authority to Trustees.

- (a) that proportion of the dredging expenditure of the Trustees which the excess quantity bears to the quantity of materials dredged in the year of apportionment ;
- (b) the amount by which the general expenditure of the Trustees in the year of apportionment exceeds the average annual amount of such general expenditure for the three financial years ended on the thirty-first day of March nineteen hundred and forty-nine :

Provided that—

(i) in respect of any item of expenditure or income to be taken into account in calculating the general expenditure of the Trustees for which there is no corresponding item in the said three years there shall be taken into account only the amount which would not have been included in the accounts of the Trustees if the powers conferred by Part II (Works) and Part III (Lands) of this Act or either of those Parts had not been exercised ;

(ii) the said average annual amount shall be adjusted so as to take into account any variation in the prices of materials or labour costs and so as to exclude the cost of maintenance of any part

PART IV
—cont.

or parts of the beach or foreshore east of the groyne situate immediately to the west of the sewer outfall shown on the deposited plans and commonly known as groyne no. 14;

(c) so much of any items of expenditure of a capital nature necessarily incurred by the Trustees as comprises—

(i) expenditure which the Trustees would have had no occasion to incur; or

(ii) a fair proportion (having regard to the date at which it is incurred) of any expenditure incurred by the Trustees earlier than it would have been incurred;

if the powers conferred by Part II (Works) and Part III (Lands) of this Act or either of those Parts had not been exercised;

(d) so much of any items of expenditure of a capital nature reasonably incurred by the Trustees as comprises—

(i) expenditure which the Trustees would have had no occasion to incur; or

(ii) a fair proportion (having regard to the date at which it is incurred) of any expenditure incurred by the Trustees earlier than it would have been incurred;

if the powers conferred by Part II (Works) and Part III (Lands) of this Act or either of those Parts had not been exercised:

Provided that—

(i) the authority shall not be liable by virtue of this paragraph to make payments to the Trustees in respect of any such expenditure from which no benefit will accrue to the authority except as payers of rates levied under section 59 (Rates on goods) or section 60 (Rates on vessels) of the Act of 1926 unless the authority shall within six weeks after the receipt by them of the proposals of the Trustees in regard to any such expenditure serve upon the Trustees notice that they consent to be so liable;

(ii) whenever the Trustees propose any other such expenditure in excess of one thousand pounds the Trustees shall except in cases of emergency give notice thereof in writing and the Authority may within six weeks after the receipt of such notice require that their liability in respect of the proposed expenditure (and if liability be determined to exist or be admitted but the amount

of that liability is not agreed that amount) shall be determined by arbitration.

PART IV
—cont.

(2) The Trustees shall as from the date of commencement place to the credit of the authority in their account with the authority—

(a) amounts received by the Trustees by way of rates levied under section 60 (Rates on vessels) of the Act of 1926 in respect of vessels carrying the excess quantity of coal referred to in section 27 (As to rates payable by authority on coal and ash) of this Act;

(b) such proportion of their receipts of a capital nature as may be directly attributable to payments by the authority under paragraphs (c) or (d) of subsection (1) of this section.

(3) The authority shall repay to the Trustees any expenditure incurred by the Trustees by reason or in consequence of Part VII (Protective provisions) of this Act and any expenditure so repaid shall be deemed not to be part of the general expenditure of the Trustees for the purposes of paragraph (b) of subsection (1) of this section.

27.—(1) The Trustees shall not after the date of commencement levy demand or take any rates in respect of—

As to rates payable by authority on coal and ash.

(a) coal for consumption by the authority unshipped by them within the harbour in any financial year in excess of the maximum quantity of coal unshipped by the authority in any financial year before the date of commencement or 200,000 tons whichever shall be the greater;

(b) ash shipped by the authority within the harbour in any financial year in excess of 30,000 tons nor in respect of vessels carrying such ash in excess of such quantity.

(2) Where any variation is made in the rates levied demanded or taken by the Trustees during the course of a financial year the Trustees shall make such adjustment in their account with the authority as to ensure that the payment made by the authority in respect of coal and ash is at the average rate for that year calculated with reference to the periods during which such varying rates are in force.

28.—(1) If at any time the authority shall determine that they will not thereafter require to import into the harbour in any financial year any coal in excess of 350,000 tons and will not thereafter require the maintenance in the harbour of channels of greater capacity than is requisite for the largest vessels capable

Provision for permanent reduction of coal requirements of authority.

PART IV
—cont.

of using the Prince George Lock and shall notify the Trustees in writing of such determination—

- (a) the payment to be made by the authority under paragraph (a) of subsection (1) of section 26 (Payments by authority to Trustees) of this Act shall cease and in lieu thereof the authority shall pay to the Trustees the amount by which the expenses which the Trustees would have incurred in the year of apportionment in dredging the harbour in that year for the largest vessels capable of using the Prince George Lock exceeds the cost of dredging the basic quantity in that year and in ascertaining the payment to be made under this paragraph credit shall be given for such proportion of the increased revenue (other than revenue under section 60 (Rates on vessels) of the Act of 1926) received by the Trustees as is directly attributable to the construction of the harbour works ;
- (b) the payments by the authority to the Trustees under this Part of this Act other than under paragraph (a) of subsection (1) of section 26 (Payments by authority to Trustees) of this Act shall be reduced by an amount equivalent to the rates levied under section 60 (Rates on vessels) of the Act of 1926 on vessels larger than those capable of using the Prince George Lock to the extent every such vessel is larger ;
- (c) paragraph (a) of subsection (2) of section 26 (Payments by authority to Trustees) and section 27 (As to rates payable by authority on coal and ash) of this Act shall cease to operate.

(2) (a) If—

- (i) at any time after the date of the giving by the authority of a notice under this section any of the local authorities pays any sum to the Trustees pursuant to Part X (Guarantee by local authorities) of the Act of 1926 or section 31 (Power to obtain temporary advances on capital account) of the Shoreham Harbour Act 1930 ; and
- (ii) it is agreed between the authority and the local authority or failing agreement determined by arbitration that that sum or any part thereof would not have become payable by the local authority if the notice had not been given ;

the authority shall repay that sum or that part thereof to the local authority.

(b) In the event of any payment being made by the authority to the local authority under paragraph (a) of this subsection the local authority shall at the request of the authority make a requirement for repayment under section 113 (Repayment of sums paid under guarantee) of the Act of 1926 and any sums so repaid shall be paid to the authority by the local authority to the extent to which the local authority have received payment from the authority under the said paragraph (a).

(c) Section 61 (Arbitration) of this Act shall in its application for the purposes of this subsection have effect as if for the words "the President of the Institution of Civil Engineers" there were substituted the words "the President of the Institute of Chartered Accountants in England and Wales."

(3) If at any time after the receipt by the Trustees of a notice under this section the authority import into the harbour any coal in vessels of such size that they are incapable of using the Prince George Lock or import into the harbour in any financial year any coal in excess of 350,000 tons then—

(a) the obligation of the authority to make the payment mentioned in paragraph (a) of subsection (1) of section 26 (Payments by authority to Trustees) of this Act;

(b) paragraph (a) of subsection (2) of the said section 26;
and

(c) section 27 (As to rates payable by authority on coal and ash) of this Act;

shall thereupon revive and paragraph (b) of subsection (1) of this section shall cease to have effect.

29. Any dispute arising between the Trustees and the authority under this Part of this Act shall be determined by and any other matter or question so arising (not being a matter or question in respect of which other provision is made) may be referred to arbitration.

References to
arbitration
under Part IV.

PART V

ALTERATION OF CONSTITUTION OF TRUSTEES

30. On and after the appointed day the following provisions of the Act of 1926 shall have effect as set out in the First Schedule to this Act:—

Amendment
of provisions
in Part III of
Act of 1926.

Section 12 (Constitution of Trustees);

Section 13 (Appointment election retirement &c. of Trustees);

Section 14 (Qualification of appointed Trustees);

Section 16 (Provision for casual vacancies);

PART V
—cont.

- Section 17 (Evidence of appointment of appointed Trustees);
- Section 18 (Trustees may act notwithstanding any vacancy);
- Section 19 (As to person appointed and elected as Trustee);
- Section 21 (Quorum of Trustees);
- Section 22 (Scale of votes for elected Trustees);
- Section 25 (Revisors of list to be appointed).

As to date of new appointments.

31. The Trustees to be appointed by the British Electricity Authority and the South Eastern Gas Board shall be appointed before the appointed day and shall come into office on that day.

As to continuance of existing Trustees.

32. The appointed Trustees and the elected Trustees respectively holding office as such immediately before the appointed day shall continue to hold their respective offices as Trustees until the date or respective dates on which they would have retired from office under the Act of 1926.

PART VI

MISCELLANEOUS

Extension of harbour and prescribed limits.

33.—(1) Section 38 (Limits of harbour) of the Act of 1926 is hereby amended by the substitution of the words “four hundred” for the words “one hundred and sixty.”

(2) For the better identification of the harbour as extended by this section the limits of the harbour are delineated on the plan of which copies have been signed in quadruplicate by Joseph Gibbins the chairman of the committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited at the office of the Clerk of the Parliaments one in the Private Bill Office of the House of Commons one at the office of the Ministry of Transport and one at the harbour office. In the case of any difference between the said limits as described in the said section 38 as amended by this section and as delineated on the said plan the said plan shall prevail.

(3) Section 50 (Prescribed limits under section 63 of Harbour Act 1847) of the Act of 1926 is hereby amended by the substitution of the word “seven” for “five.”

As to Shoreham and Lancing sea defence district.
3 & 4 Geo. 5.
c. cxxxix.

34.—(1) In this section—

“the Order of 1913” means the East Lancing Sea Defence Order 1913 (confirmed by the Local Government Board’s Provisional Order Confirmation (No. 15) Act 1913);

“ the Order of 1921 ” means the Shoreham and Lancing Sea Defence Order 1921 (confirmed by the Ministry of Health Provisional Orders Confirmation (No. 8) Act 1921);

PART VI
—cont.
11 & 12 Geo. 5.
c. xcvi.

“ the commissioners ” means the Shoreham and Lancing Sea Defence Commissioners;

“ the district ” means the Shoreham and Lancing sea defence district;

“ the excluded area ” means so much of the lands in the urban district of Shoreham-by-Sea numbered 10 and 11 on the deposited plans (other than the parts of those lands which lie to the northward of the breastwork situate on the west side of the northerly end of the West Pier) as shall be acquired by the Trustees pursuant to the powers conferred by section 17 (Power to acquire lands) of this Act.

(2) As from the acquisition thereof by the Trustees the excluded area shall cease to form part of the district and accordingly the commissioners shall cease to exercise any powers or discharge any duties within and the Order of 1913 and the Order of 1921 shall cease to apply to the excluded area:

Provided that—

(a) any rate made by the commissioners prior to the acquisition by the Trustees of the excluded area may be recovered by the commissioners as if this section had not been enacted;

(b) nothing in this section shall affect the operation of Article 18 (As to works &c. in New Shoreham Harbour) of the Order of 1921.

35.—(1) Section 72 (Additional byelaws) of the Shoreham Harbour Act 1926 shall be read and have effect as if the following purpose were included therein (namely):—

Byelaws as to beach and foreshore and enforcement thereof.

“ For preventing nuisance and interference with the management repair and maintenance of the harbour and of the beach and foreshore for the time being belonging to the Trustees and any breakwaters piers groynes or other works constructed thereon.”

(2) For the purpose of enforcing with respect to the beach and foreshore for the time being belonging to the Trustees and any breakwaters piers groynes or other works constructed thereon any byelaws made by the local authority under section 82 of the Public Health Acts Amendment Act 1907 the Trustees shall be deemed to be a party aggrieved within the meaning of section 253 of the Public Health Act 1875.

7 Edw. 7. c. 53.

38 & 39 Vict.
c. 55.

36. The Trustees may let upon hire on such terms as they think fit any cranes hoists machinery or other appliances belonging to or leased to or hired by them.

Power to let appliances on hire.

PART VII

PROTECTIVE PROVISIONS

Crown rights.

37. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

Works below
high-water
mark to be
subject to
approval of
Minister.

38.—(1) Subject to the provisions of this Act the harbour works (which shall for the purposes of this section include any works to be carried out in pursuance of a direction given by the Minister of Health under section 48 (Provisions as to disposal of sewage) of this Act) so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall only be constructed in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Trustees and the amount of such cost shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Survey of
works by
Minister.

39. If at any time the Minister deems it expedient for the purposes of this Act to order a survey and examination of any of the harbour works 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 Trustees shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

40.—(1) Where any of the harbour works 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 into decay the Minister may by notice in writing either require the Trustees 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 Minister may think proper.

PART VII
—cont.
Abatement
of work
abandoned
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Trustees they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Trustees and the amount of such expense shall be a debt due from the Trustees to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

41.—(1) The Trustees shall at or near such part of the harbour works 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 Minister shall from time to time require or approve.

Lights on
works during
construction.

(2) If the Trustees 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.

42.—(1) After the completion of the harbour works the Trustees shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning 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 of Deptford Strond shall from time to time direct.

Permanent
lights on
works.

PART VII
—cont.

(2) If the Trustees 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.

Provision
against danger
to navigation.

43.—(1) In case of injury to or destruction or decay of the harbour works 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 Trustees 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 of Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the Trustees 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.

Saving for
town and
country
planning.

44. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Facilities for
use and
enjoyment by
public of West
Pier lands.

45.—(1) The Trustees shall permit without payment such reasonable use and enjoyment (including fishing) by the public of the lands numbered on the deposited plans 10 and 11 in the urban district of Shoreham-by-Sea including the West Pier and the Hamblin Groyne (hereinafter collectively referred to as "the West Pier lands") as is in the reasonable opinion of the Trustees and the authority consistent with the full and free use by them or either of them of the West Pier lands for the purposes of or in connection with their respective undertakings or of coast protection:

Provided that neither the Trustees nor the authority shall exclude the public from the West Pier lands by reason only of their desiring to remove shingle for purposes of sale when such removal is not requisite for the purposes of their respective undertakings or either of them or of coast protection.

(2) The Trustees shall in the event of their enclosing the West Pier lands by fences provide suitable gates and other means of access at reasonable positions to enable the public to enter on the West Pier lands for the enjoyment of the facilities mentioned in subsection (1) of this section.

(3) The West Sussex County Council shall make a financial contribution towards the purchase price of the West Pier lands and the amount of such contribution shall be such a sum as may be agreed between the West Sussex County Council and the Trustees or determined by arbitration as being a sum equivalent to the difference between the value of the West Pier lands to the Trustees subject to the facilities permitted under subsection (1) of this section and the value of the land not subject to such facilities.

(4) Proceedings to enforce the provisions of this section may be taken by the West Sussex County Council or by the Shoreham Council but nothing in this subsection shall prejudice or affect the right (if any) of any person to take any such proceedings.

(5) Any dispute under this section between the Trustees or the Authority on the one hand and the West Sussex County Council or the Shoreham Council on the other hand shall be referred to and determined by arbitration.

46.—(1) Notwithstanding anything contained in section 17 (Power to acquire lands) of this Act or shown on the deposited plans the Trustees shall not enter upon take or use any part of the enclosures in the urban district of Shoreham-by-Sea numbered 3 and 4 on the deposited plans (which include part of Kingston Beach) except so much of enclosure numbered 4 as is shown coloured pink on the plan (in this section referred to as "the signed plan") signed in duplicate by Alfred Graham Stephenson on behalf of the Trustees and by Reginald Harry Davies on behalf of the Shoreham Council one copy of which plan has been deposited at the offices of the Trustees and the other copy at the offices of the Shoreham Council and for the purposes of section 5 (Power to make harbour works) section 6 (Subsidiary works) section 7 (Power to dredge) section 9 (Alteration of position of mains &c.) and section 11 (Power to deviate) of this Act the limits of deviation shown on the deposited plans shall be deemed to include no part of the said enclosures numbered 3 and 4 except such part of enclosure numbered 4 as is shown coloured pink on the signed plan.

(2) Subject as hereinafter provided and to the general use of Kingston Beach for recreational purposes and to access to and from the sea for bathing and other purposes not being unduly interfered with the Trustees may construct and thereafter shall maintain in or upon so much of the said enclosure numbered 4 as is shown coloured green on the signed plan such works as shall be reasonably necessary for the purpose of ensuring effective means for the defence of Kingston Beach or of the lands immediately to the north thereof against scour or erosion or encroachment of the sea and the Shoreham Council shall afford to the Trustees at all reasonable times reasonable access to and over the said enclosure.

PART VII
—cont.

(3) (a) Not less than one month before commencing any works under the immediately preceding subsection the Trustees shall except in case of emergency deliver to the Shoreham Council plans sections and particulars of such works describing the proposed manner of executing the same.

(b) At any time within one month from the receipt of any such plans sections and particulars the Shoreham Council may by notice in writing to the Trustees intimate their disapproval of the proposed works or of the proposed manner of executing the same or may require any reasonable amendments of such plans sections and particulars.

(c) If the Shoreham Council shall not within the said period of one month give any such notice in writing to the Trustees they shall be deemed to have approved the plans sections and particulars as submitted and if within that period they give such notice the matters in difference shall (if not agreed between the Shoreham Council and the Trustees) be settled by arbitration.

(4) The Trustees shall not except in case of emergency construct any part of such works as aforesaid except in accordance with such plans sections and particulars as so approved or deemed to be approved by the Shoreham Council or settled by arbitration.

Saving for
further part of
Kingston
Beach.

47.—(1) Notwithstanding anything contained in section 17 (Power to acquire lands) of this Act or shown on the deposited plans the Trustees shall not enter upon take or use any part of the enclosure in the urban district of Shoreham-by-Sea numbered 1 on the deposited plans (which includes part of Kingston Beach) and for the purposes of section 5 (Power to make harbour works) section 6 (Subsidiary works) section 7 (Power to dredge) section 9 (Alteration of position of mains &c.) and section 11 (Power to deviate) of this Act the limits of deviation shown on the deposited plans shall be deemed to include no part of the said enclosure numbered 1.

(2) Subject to the general use of the said enclosure numbered 1 for recreational purposes and to access to and from the sea for bathing and other purposes and to access for Milsen Ship Stores Limited to and from the sea for boating and other purposes in connection with the user and enjoyment of the said enclosure numbered 1 not being unduly interfered with the Trustees may construct and thereafter shall maintain in or upon the said enclosure numbered 1 such works as shall be reasonably necessary for the purpose of ensuring effective means for the defence of the said enclosure numbered 1 against scour or erosion or encroachment of the sea and Milsen Ship Stores Limited shall afford to the Trustees at all reasonable times access to and over the said enclosure.

48.—(1) In this section—

“ the agreement of 1898 ” means the agreement dated the fourteenth day of March eighteen hundred and ninety-eight between the Trustees of the one part and the rural district councils of Steyning West and Steyning East of the other part under which the existing outfall of the board was constructed ;

“ the agreement of 1939 ” means the agreement dated the first day of March one thousand nine hundred and thirty-nine between the Trustees of the one part and the Shoreham Council of the other part under which the existing outfall at Middle Pier was constructed and sewage is discharged into the harbour ;

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

“ the Minister ” means the Minister of Health ;

“ the parties ” means the authority the board and the Shoreham Council or any of them as the case may be ;

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

“ the sewerage works ” means the works mentioned in paragraph (a) of subsection (2) of this section ;

“ the united district ” means the urban districts of Portslade-by-Sea and Southwick and such other areas as are at the date of the passing of this Act drained into the sewers of the board.

(2) As soon as may be after the passing of this Act the Minister shall 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 Shoreham district ;

(b) the parties by whom the works shall be carried out ;

(c) the conditions subject to which the works shall be carried out ; and

(d) the parties to bear the capital cost of the works and the manner in which such cost shall be borne as between the parties.

(3) As soon as may be after such local inquiry the Minister shall direct the works which are to be carried out and—

(i) in the event of the Minister directing that the sewage from the united district should continue to be discharged through the existing outfall of the board the provisions set out in Part I of the Second Schedule to this Act shall apply ;

PART VII
—cont.

- (ii) in the event of the Minister directing that the sewage from the Shoreham district should cease to be discharged through the outfall at Middle Pier and should in substitution thereof be discharged through an outfall at or to the south of the end of the breakwater (Work No. 2) by this Act authorised the provisions set out in Part II of the Second Schedule to this Act shall apply ;
- (iii) in the event of the Minister directing that the sewage from the Shoreham district should be discharged through the existing or an enlarged outfall of the board the provisions set out in Part I of the Second Schedule to this Act shall apply and the Minister shall have regard to the limitations on the probable expenditure of the Shoreham Council contained in Part II of the Second Schedule to this Act ;
- (iv) in the event of the Minister directing that the sewage from the united district and the Shoreham district should be discharged through an outfall at or to the south of the end of the said breakwater (Work No. 2) the provisions set out in Part II of the Second Schedule shall apply and the Minister shall have regard to the limitations on the probable expenditure of the board contained in Part I of the Second Schedule to this Act ;
- (v) in the event of the Minister directing that works other than or in addition to those mentioned in subparagraphs (i) (ii) (iii) and (iv) of this subsection shall be carried out he shall at the same time give a direction covering the matters specified in paragraphs (b) to (d) of subsection (2) of this section :

Provided that before issuing any direction as to the apportionment of cost other than in respect of works mentioned in the Second Schedule to this Act the Minister shall have regard to the limitations on the probable expenditure of the authority on the works referred to in Parts I and II of the Second Schedule to this Act.

(4) In the event of the harbour works being carried out the parties specified in the direction shall comply therewith so far as they may be affected by the direction or any conditions contained therein.

(5) No compensation monetary or otherwise shall be payable to the Trustees or to the authority as the case may be in respect of the construction maintenance inspection repair cleansing and use of any part of the sewerage works situate within the harbour limits or on land belonging to the authority except in so far as such construction maintenance inspection repair or cleansing shall injure or interfere with the harbour works.

(6) Upon the completion of the sewerage works in so far as they supersede or render unnecessary the whole or any part or parts of the works constructed under the agreement of 1898 or under the agreement of 1939—

- (a) The Trustees or the authority may and shall if required by the board or the Shoreham Council as the case may be remove such part or parts of the last-mentioned works as are so superseded ; and
- (b) the said agreements shall be determined in whole or in part as the case may be :

Provided that the board and the Shoreham Council shall be entitled first to remove any machinery or other apparatus forming part of their respective works which are so superseded.

(7) Subject to the provisions of the Second Schedule to this Act the works required to be carried out by the authority shall on completion vest in the board or the Shoreham Council as the Minister may determine in the direction.

(8) The board and the Shoreham Council may independently of any other borrowing power borrow at interest the amount of (a) any contribution or other sum required to be made or expended by them in pursuance of the provisions of the Second Schedule to this Act or of any direction of the Minister and (b) the costs charges and expenses of the board and the Shoreham Council preliminary to and of and incidental to the local inquiry and in connection with the construction of the sewerage works and they shall pay off the money so borrowed within such period or periods as the Minister may determine not exceeding sixty years.

(9) Section 290 of the Local Government Act 1933 shall apply to any inquiry which the Minister shall hold under this section.

23 & 24 Geo. 5.
c. 51.

(10) If any question or dispute shall arise between the parties under this section or in connection with anything to be done thereunder the same shall be determined by the Minister on the application of any one or more of the parties.

49. For the protection of the East Sussex County Council the West Sussex County Council the Brighton Corporation the Hove Corporation the Portslade Council the Southwick Council and the Shoreham Council (in this section collectively referred to as "the protected authorities") the following provisions shall unless otherwise agreed between the Trustees the authority and the protected authorities apply and have effect with respect to the exercise of the powers of this Act:—

For protection
of certain local
authorities.

- (1) If any of the protected authorities shall consider that the coast in their area or district is being or will be injuriously affected by or in consequence of the harbour

PART VII
—cont.

works or any of them or any work constructed or steps taken under section 16 (Authority to be responsible for coast protection) of this Act or by the deposit by the Trustees or the authority of mud clay or lignite they may make application to the Trustees and the authority to make good the damage or to prevent further damage and the Trustees and the authority shall thereupon determine what action if any shall be taken and shall notify such protected authority of such determination:

- (2) If such protected authority shall be aggrieved by such determination or by the failure of the Trustees or the authority to notify a determination within a reasonable time the protected authority may refer the question to the Minister:
- (3) Upon such a reference the Minister shall unless the reference is withdrawn cause a local inquiry to be held and after such inquiry if the Minister shall find that the coast in the area or district of the aggrieved protected authority has been or will be injuriously affected as aforesaid he shall direct the remedial measures to be undertaken by the Trustees or the authority:
- (4) (a) The Minister may in making such direction impose conditions as to apportionment of the costs of the said remedial measures and the Trustees or the authority as the case may be shall subject to any such conditions comply with such direction;
(b) If any direction of the Minister shall include works to be constructed or repaired on the coast of any of the protected authorities such works shall be carried out by the protected authority at the expense so far as the Minister shall direct of the Trustees or the authority:
- (5) (a) The Trustees shall at all times keep records of—
 - (i) the quantities of shingle removed used sold or disposed of under sub-paragraph (a) of paragraph (7) of this section;
 - (ii) the quantities of shingle deposited by the Trustees or the authority on the sea frontage east of the breakwater (Work No. 2) by this Act authorised;
(b) The last-mentioned records shall be subdivided so as to show particulars of—
 - (i) shingle excavated from the site of the harbour works during construction;

(ii) shingle excavated during the dredging of the harbour ;

(iii) shingle excavated from the West Beach ;

(c) The Trustees shall at the request of any of the protected authorities produce the records kept pursuant to this paragraph to that protected authority and permit them to take copies thereof or extracts therefrom :

(6) (a) The Trustees shall make such survey as may be necessary to enable an estimate to be made of the amount of shingle then accumulated on the West Beach. Such survey shall be made immediately before the commencement of the construction of the breakwater (Work No. 1) by this Act authorised and shall be carried out under the supervision and to the reasonable satisfaction of an engineer appointed by the protected authorities and the results thereof shall be furnished by the Trustees to the protected authorities ;

(b) The protected authorities or any of them may enter on the West Beach and any neighbouring lands of the Trustees and may make such further surveys of the West Beach as they may from time to time think fit and shall furnish to the Trustees the results of any such surveys :

(7) (a) The Trustees shall acquire all interests in the West Beach and after such acquisition they may remove, use, sell or dispose of any shingle thereon but not so as to deplete such reserve of shingle as is reasonably sufficient to enable the Trustees to comply with any directions given or which may be given by the Minister under paragraph (3) of this section ;

(b) If any of the protected authorities shall consider that the Trustees are unreasonably depleting or have unreasonably depleted the reserve of shingle the protected authority may refer the question to the Minister who may give such direction as he thinks fit :

(8) Any shingle excavated or dredged by the Trustees or by the authority (as the case may be) during the course of the construction of the harbour works or at any time hereafter during the dredging of the harbour and not required by the Trustees or by the authority for use in connection with the construction of the harbour works or the maintenance of the harbour shall be deposited between high and low water marks (or as close to those limits of deposit as practical considerations will allow) east of the harbour entrance on the sea frontage within the harbour limits :

PART VII
—cont.

(9) Section 290 of the Local Government Act 1933 shall apply to any inquiry which the Minister shall hold under this section:

(10) for the purpose of this section—

(a) “the coast in their area or district” in relation to the East Sussex County Council means the coast in the borough of Hove and in the urban district of Portslade-by-Sea and in relation to the Shoreham Council means so much of the coast in the urban district of Shoreham-by-Sea as extends eastwards of the breakwater (Work No. 2) by this Act authorised and in relation to the West Sussex County Council means the said portion of the coast in the urban district of Shoreham-by-Sea and the coast in the urban district of Southwick;

(b) “shingle” means sand shingle or similar material;

(c) “the West Beach” means so much of the lands in the urban district of Shoreham-by-Sea numbered 10 and 11 on the deposited plans as lies to the south of the breast work situated on the west side of the northerly end of the existing West Pier at the entrance of the harbour and any lands accreting thereto; and

(d) “the Minister” means the Minister of Health.

For protection
of West Sussex
County
Council and
Southwick
Council.

50. For the protection of the West Sussex County Council and the Southwick Council (each of whom is hereinafter referred to as “the protected body”) the following provisions shall unless otherwise agreed in writing between the Trustees and the protected body apply and have effect with respect to the powers of this Act:—

(1) In this section “the signed plan” means the plan signed in triplicate by Alfred Graham Stephenson on behalf of the Trustees and by Tom Christopher Hayward clerk of the West Sussex County Council on behalf of the West Sussex County Council and by Edward Yates on behalf of the Southwick Council one copy of which plan has been deposited with the Trustees one copy with the West Sussex County Council and one copy with the Southwick Council:

(2) The Trustees shall not dredge any part of so much of the canal as is coloured red on the signed plan to a depth exceeding 15.12 feet below ordnance datum (Newlyn):

(3) The Trustees shall not dredge excavate or grade the part of the bed of the canal between the northern boundary of the said portion coloured red on the signed plan

and the blue broken line shown on the signed plan and marked "limit of dredged slope" below an evenly graded slope between the said northern boundary and the respective levels of the said blue broken line as existing at the passing of this Act:

- (4) The Trustees shall not deepen dredge grade excavate widen or improve any part of the canal northward of the said blue broken line:
- (5) If the Trustees deepen dredge grade excavate or alter the bed of the canal in contravention of the provisions of this section the Trustees shall make good any damage or subsidence whatsoever which may be caused to or occur within a period of two years after the carrying out of any such deepening dredging grading excavating widening or improving as aforesaid in any part of—
 - (a) so much of Albion Street as is coloured purple on the signed plan; or
 - (b) so much of the northern bank of the canal as is coloured orange on the signed plan;

and shall effectively indemnify and hold harmless the protected body against all costs expenses claims actions and demands which the protected body may incur or which may be made or taken against them by reason or in consequence of any such damage or subsidence:

Provided that the Trustees shall not be liable under this subsection to make good any subsidence or damage due to normal wear or tear or to the act of a third party:

- (6) Neither the Trustees nor the authority shall use the wharf (Work No. 5) by this Act authorised for the purpose of loading or unloading vessels in such manner as to cause a nuisance to the occupiers or owners of any residential property on the north bank of the harbour or to the public using the beach vested in the Southwick Council:
- (7) Subject to the erection and maintenance by the Southwick Council to the reasonable satisfaction of the Trustees of a suitable fence northward of the lands coloured brown on the signed plan along the dotted red line marked XYZ on the signed plan with two suitable gates at reasonable positions along the fence the Trustees and the authority shall permit without payment such reasonable use and enjoyment (including fishing) by the public of the said lands coloured brown as is in the reasonable opinion of the Trustees and the

PART VII
—cont.

authority consistent with the full and free use by them or either of them of the said lands for the purposes of their respective undertakings or of coast protection:

- (8) The Trustees shall grant a licence for the public to use the two breakwaters (Works Nos. 1 and 2) and the pier (Work No. 3) by this Act authorised so far as such use is consistent with the public safety and the full and free use thereof by the Trustees for the purposes of their undertaking and the Trustees shall have the right to determine or suspend such licence if or to such extent as it may in their reasonable opinion be necessary so to do in their interests as a harbour authority or for the safety of the public:
- (9) If any dispute shall arise under this section between the Trustees or the authority on the one hand and the protected body on the other hand such dispute shall be referred to and determined by arbitration.

For further
protection of
West Sussex
County
Council.

51. For the further protection of the West Sussex County Council the following provisions shall unless otherwise agreed in writing between the Trustees and the West Sussex County Council apply and have effect with respect to the exercise of the powers of this Act:—

- (1) In this section “the signed plan” means the signed plan referred to in section 50 (For protection of West Sussex County Council and Southwick Council) of this Act:
- (2) The Trustees shall take such measures as may be agreed between the Trustees and the West Sussex County Council or in default of agreement determined by arbitration as being necessary to make good any damage which may occur to the road marked yellow on the signed plan in so far as and to the extent to which such damage is the result of the carrying out of any operations under section 7 (Power to dredge) of this Act or of the construction of the harbour works or of the movement in the harbour of larger vessels than those capable of using the Prince George Lock:
- (3) If any dispute shall arise under this section between the Trustees and the West Sussex County Council such dispute shall be referred to and determined by arbitration.

For further
protection of
Southwick
Council.

52. For the further protection of the Southwick Council the following provisions shall unless otherwise agreed in writing between the Southwick Council on the one hand and the Trustees and the authority on the other hand have effect with respect to the exercise of the powers of this Act:—

- (1) In this section “the signed plan” means the signed plan referred to in section 50 (For protection of West

Sussex County Council and Southwick Council) of
this Act:

PART VII
—cont.

- (2) Notwithstanding anything contained in section 17 (Power to acquire lands) of this Act or shown on the deposited plans the Trustees shall not enter upon take or use (a) so much of the enclosure in the urban district of Southwick numbered 1 on the deposited plans as is situate to the north of the red line drawn on the signed plan and thereon marked A-B (b) any part of the enclosures in the said urban district numbered 4 5 and 6 on the deposited plans and (c) so much of the enclosures in the said urban district numbered 9 and 11 on the deposited plans as is situate north of the red line drawn on the signed plan and thereon marked C-D and for the purpose of section 5 (Power to make harbour works) section 6 (Subsidiary works) section 7 (Power to dredge) section 9 (Alteration of position of mains &c.) and section 11 (Power to deviate) of this Act the limits of deviation shown on the deposited plans shall be deemed to exclude the said enclosures numbered 4 5 and 6 and so much of the said enclosures numbered 1 9 and 11 as lies to the north or north-east of the said red lines marked A-B and C-D on the signed plan:
- (3) Notwithstanding anything contained in paragraph (2) of this section the Trustees may subject to the provisions of section 50 (For protection of West Sussex County Council and Southwick Council) of this Act deepen dredge excavate cleanse and improve the bed of so much of the canal as comprises (a) the land coloured green and hatched black on the signed plan until the Southwick Council commence to construct a wharf on such land and (b) the land coloured green on the signed plan:
- (4) Notwithstanding anything contained in section 17 (Power to acquire lands) of this Act or shown on the deposited plans the Trustees shall not take but the Trustees and the authority may without payment enter upon and use so much of the enclosure in the urban district of Southwick numbered 13 on the deposited plans as is coloured blue on the signed plan and on the enclosure in the said district numbered 14 on the deposited plans for the purpose of the harbour works and they may and shall construct and thereafter maintain and have right of passage over and along a roadway thirty feet wide on such enclosures in a position to be approved by and to the reasonable satisfaction of the Southwick Council:

PART VII
—cont.

Provided that—

(a) no permanent works other than the said roadway shall be constructed on such enclosures; and

(b) the Trustees and the authority shall provide reasonable access for the Southwick Council and the public over such enclosures to and from the beach and foreshore:

(5) The Trustees and the authority shall effectually indemnify and hold harmless the Southwick Council against all costs expenses claims demands and actions which the Southwick Council may incur or which may be made demanded or brought against them by reason or in consequence of the exercise by the Trustees or the authority of the rights conferred by paragraph (4) of this section:

(6) The Southwick Council may and shall construct and thereafter maintain to the reasonable satisfaction of the Trustees an unclimbable fence between the points X-Y-Z and along the dotted red line shown on the signed plan with two suitable gates at reasonable positions:

(7) Before constructing any sewer or drain in the urban district of Southwick under section 6 (Subsidiary works) of this Act the Trustees or the authority (as the case may be) shall submit plans to the Southwick Council subject to and in accordance with the Public Health Act 1936 and shall not construct any sewer or drain except in accordance with the provisions of that Act:

Provided that this paragraph shall not apply to the sewers of the Portslade and Southwick Outfall Sewerage Board:

(8) If any question or dispute shall arise between the Southwick Council on the one hand and the Trustees or the authority on the other hand under this section (including any question or dispute as to the reasonableness of the access for the public mentioned in proviso (b) of paragraph (4) of this section) such question or dispute shall be referred to and determined by arbitration.

For protection of Portslade and Southwick Outfall Sewerage Board:

53. For the protection of the Portslade and Southwick Outfall Sewerage Board (in this section called "the board") the following provisions shall unless otherwise agreed between the board on the one hand and the Trustees and the authority on

PART VII
—cont.
For protection
of Shoreham
and Lancing
Sea Defence
Commissioners.

54. The following provisions for the protection of the commissioners shall unless otherwise agreed in writing between the Trustees and the commissioners apply and have effect:—

- (1) In this section the expressions to which meanings are assigned by section 34 (As to Shoreham and Lancing sea defence district) of this Act have the same respective meanings:
- (2) The Trustees shall as from the acquisition by them of the excluded area be subject in relation to that area to the obligations with respect to the construction reconstruction restoration repair and maintenance of defences against encroachment by the sea and by the river Adur to which the commissioners were subject in relation to that area immediately prior to the passing of this Act but nothing in this paragraph shall impose upon the Trustees any obligation to do anything which would not have been required to be done by the commissioners if the excluded area had continued to form part of the district:
- (3) If at any time a representation is made to the Minister of Health pursuant to paragraph (b) of article XIII (Construction &c. of sea defences by commissioners) of the Order of 1913 and the commissioners are of opinion that the matter complained of in the representation would not have arisen if the Trustees had performed the obligations imposed upon them by the last preceding paragraph the commissioners may give notice of that opinion to the said Minister who may if satisfied of the truth of the representation and that the opinion is well founded by order require the Trustees to perform the said obligations in such manner as he may by the order direct and any such order shall be enforceable on the application of the said Minister by mandamus:

Provided that the said Minister shall not make an order under this paragraph unless and then only to the extent that he is satisfied that if the excluded area had continued to form part of the district it would have been necessary in order to remedy the matter complained of in the representation for the commissioners to execute any work or do any thing in the excluded area:

- (4) The commissioners shall continue to have the same rights to remove shingle from the excluded area and shall be subject to the same obligations and restrictions with respect to such removal as they had and were subject to immediately prior to the passing of this Act.

55. The provisions of section 49 (For protection of certain local authorities) of this Act shall unless otherwise agreed between the Trustees the authority and the South Eastern Gas Board (in this section referred to as "the board") mutatis mutandis extend and apply for the protection of the board as if—

PART VII
—cont.
For protection
of South
Eastern Gas
Board.

- (a) the board were one of the protected authorities ;
- (b) in relation to the board the expression "the coast in their area or district" or any like expression meant the portion of the foreshore adjacent to the Portslade gas-works of the board which portion is coloured red on the plan signed in duplicate by Raymond Prince on behalf of the board and by Alfred Graham Stephenson on behalf of the Trustees ; and
- (c) the following subsection were inserted after subsection (9) :—

"(9A) Any action taken or remedial measures undertaken by the Trustees or by the authority or by the board for the purpose of preventing any injurious affection of the coast in the area or district of the board or of remedying any such injurious affection which has taken place shall for the purpose of any Act passed in the present session of Parliament for the purpose of amending the law relating to the protection of the coast of Great Britain against erosion and encroachment by the sea be deemed to be work of maintenance and repair."

56. For the protection of Beves and Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Trustees apply and have effect :—

For protection
of Beves and
Company
Limited.

- (1) If during the construction of the harbour works or any of them or during a period of five years after (a) the completion of Works Nos. 1 and 2 or (b) the carrying out of any dredging operations under the powers of this Act it shall be established by the company that consequent upon the construction of such works or any of them or the carrying out of such dredging operations the berthing conditions at the Kingston wharf of the company have become less favourable than such conditions were before the construction of such works or any of them or such dredging operations were commenced the Trustees shall at their own expense at the request of the company take such measures and carry out such works as may be agreed upon between the Trustees and the company or as may be determined by arbitration and as shall be requisite to secure that

PART VII
—cont.

berthing conditions at the Kingston wharf shall be not less favourable than such conditions were before the commencement of the construction of the harbour works or any of them or the carrying out of any dredging operations as aforesaid :

- (2) In the event of the Trustees being unable through any cause whatsoever to take any measures and carry out any works agreed upon between the Trustees and the company in pursuance of paragraph (1) of this section or determined by arbitration the Trustees shall make compensation in money to the company in respect of the loss and injury falling upon them consequent upon the construction of the harbour works or any of them or the carrying out of any dredging operations under the powers of this Act and the amount of such compensation shall be settled in case of difference by arbitration :
- (3) Any question which may arise between the Trustees and the company under the provisions of this section shall be referred to arbitration.

For protection
of J. T.
Mackley and
Company
Limited.

57. For the protection of J. T. Mackley and Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Trustees apply and have effect with respect to the exercise of the powers of this Act :—

In carrying out dredging or scouring operations the Trustees shall not make any excavation so that—

(a) the northern limit of the slope of any channel dredged or scoured opposite the half-tide quay of the company shall be nearer at any point to the face of the said quay than a line drawn parallel to and seventy feet southward therefrom measured at a level of 10.62 feet below ordnance datum (Newlyn) ;

(b) the gradient of the said slope shall be steeper than one foot vertically in every five feet horizontally.

For protection
of Southern
Wharves
Limited.

58. For the protection of Southern Wharves Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Trustees apply and have effect with respect to the exercise of the powers of this Act :—

In carrying out dredging or scouring operations the Trustees shall not make any excavation so that—

(a) the northern limit of the slope of any channel dredged or scoured opposite the Turberville wharf of the company shall be nearer at any point to the face

PART VII
—cont.

between the company and the Trustees apply and have effect with respect to the exercise of the powers of this Act:—

In carrying out dredging or scouring operations the Trustees shall not make any excavation so that—

(a) the northern limit of the slope of any channel dredged or scoured opposite the aforesaid property of the company shall be nearer at any point to a line drawn between the south-eastern corner of the wharf known as half-tide quay and the south-western corner of the wharf known as Turberville wharf than a line drawn parallel to and seventy feet southward from the first-mentioned line measured at a level of 10.62 feet below ordnance datum (Newlyn);

(b) the gradient of the said slope shall be steeper than one foot vertically in every five feet horizontally.

PART VIII

GENERAL

Arbitration.

61. When under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

Repeal.

62.—(1) The following enactments shall be and are hereby repealed:—

Shoreham Harbour Act 1930.

Section 26 (Additional rates on goods passing through new lock.)

21 & 22 Geo. 5.
c. cix.*Brighton Corporation Act 1931.*

Section 172 (Power to abstract water.)

Paragraph (4) of section 176 (For protection of Shoreham Harbour Trustees.)

The Act of 1926.

Section 49 (Flag to be hoisted by day when water at a certain depth and lights to be kept burning at night) except so far as it relates to the West Pier.

of the said wharf than a line drawn parallel to and seventy feet southward therefrom measured at a level of 10.62 feet below ordnance datum (Newlyn);

(b) the gradient of the said slope shall be steeper than one foot vertically in every five feet horizontally.

PART VII
—cont.

59. The following provisions for the protection of Arthur George Wallis Penney and Robert Rickman Penney or other the owners for the time being of the wharf known as "Penney's wharf" (in this section referred to as "the owners" and "the wharf" respectively) shall unless otherwise agreed in writing between the Trustees and the owners apply and have effect with respect to the exercise of the powers of this Act:—

For protection
of owners of
Penney's
wharf.

(1) The Trustees shall not—

(a) enter upon take or use any part of the land belonging to the owners delineated on the deposited plans and thereon numbered 2 in the urban district of Southwick;

(b) enter upon take or use any part of the land delineated on the deposited plans and thereon numbered 1 in the urban district of Southwick which lies between the wharf and a line drawn parallel thereto in continuation eastward of the line on the deposited plans showing the northern limits of deviation opposite the wharf known as the "Turberville wharf":

(2) In carrying out dredging or scouring operations under the powers of this Act the Trustees shall not make any excavation so that—

(a) the northern limit of the slope of any channel dredged or scoured opposite the wharf shall be nearer at any point to the face of the wharf than a line drawn parallel to and seventy feet southward therefrom measured at a level of 10.62 feet below ordnance datum (Newlyn);

(b) the gradient of the said slope shall be steeper than one foot vertically in every five feet horizontally.

60. For the protection of Andrews Garage (Southwick) Limited or other the owner for the time being of the Half-tide Quay Garage Albion Street Shoreham and adjoining beach and foreshore now belonging to the said Andrews Garage (Southwick) Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing

For protection
of Andrews
Garage
(Southwick)
Limited.

SCHEDULES

FIRST SCHEDULE

PROVISIONS OF SHOREHAM HARBOUR ACT 1926 SET FORTH AS AMENDED
BY THIS ACTConstitution
of Trustees.

12.—(1) The Trustees shall consist of twenty-five members of whom twenty shall be appointed members and five shall be elected members as follows:—

(a) Appointed—

By the Brighton Corporation	...	...	...	6
By the Hove Corporation	...	...	...	3
By the Shoreham Council	...	...	...	1
By the Southwick Council	...	...	...	1
By the Portslade Council	...	...	...	1
By the British Transport Commission	...	...	...	1
By the Chamber of Shipping	...	...	...	1
By the British Electricity Authority	4
By the South Eastern Gas Board	2

(b) Elected—

By traders	5
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(2) The local authorities and bodies entitled to appoint Trustees may be referred to as "appointing bodies."

Appointment
election
retirement &c.
of Trustees.

13.—(1) On or before the thirtieth day of April one thousand nine hundred and fifty and on or before the same day in every third year thereafter the appointing bodies shall each appoint the Trustees to be appointed by them and the traders shall elect the elected Trustees.

(2) The appointment and election of Trustees shall if the appointments are made in the year one thousand nine hundred and fifty or any subsequent third year take effect as from the commencement of the annual meeting held in such year and at the commencement of each such annual meeting as aforesaid the Trustees then in office shall go out of office and their place shall be filled by the Trustees then last appointed or elected.

(3) Every person retiring from office as aforesaid shall if qualified as required by this Act be eligible for appointment or re-election.

Qualification
of appointed
Trustees.

14.—(1) Each Trustee appointed by the local authorities shall either be a member or official of the local authority by which he is appointed or be possessed of the requisite qualification to be such a member.

Each Trustee appointed by the other appointing bodies except the Chamber of Shipping shall be a member or an officer in the service of the body by which he is appointed or (in the case of the British Transport Commission) of an executive constituted under section 5 of the Transport Act 1947.

(2) If any appointed Trustee who at the date of his appointment is a member or official of the local authority by which he is appointed ceases to be a member or official of such authority or if any Trustee appointed by the other appointing bodies shall cease to be a member or an officer in the service of the body by which he is appointed such Trustee shall forthwith vacate his office as Trustee.

1ST SCH.
—cont.

16. On a casual vacancy occurring in the office of a Trustee by reason of the death resignation disqualification or absence of a Trustee or otherwise the vacancy shall be filled—

Provision for
casual
vacancies.

(a) in the case of an elected Trustee by a Trustee co-opted by the remaining elected Trustees at a meeting of those Trustees specially summoned for the purpose ;

(b) in the case of an appointed Trustee by a Trustee appointed by the appointing body by whom the vacating Trustee was appointed ;

and the person so co-opted or appointed shall hold office until the time when the person in whose place he is co-opted or appointed would have regularly gone out of office and shall then go out of office.

17. Whenever any Trustee is appointed by any of the appointing bodies the town clerk or clerk or secretary as the case may be of the appointing body shall give notice in writing to the clerk of the appointment stating the name residence and occupation of the Trustee so appointed and every such notice shall be conclusive evidence of every appointment made by the appointing bodies under this Part of this Act No appointed Trustee shall act until notice of his appointment shall have been received by the clerk.

Evidence of
appointment
of appointed
Trustees.

18. The Trustees may act notwithstanding any vacancy in their body and notwithstanding the refusal of any of the appointing bodies to appoint or of the traders to elect a Trustee or Trustees in accordance with the provisions of this Part of this Act.

Trustees
may act
notwithstanding
any vacancy.

19. If any person is appointed a Trustee by one of the appointing bodies and is also elected a Trustee by the traders the appointment shall be null and void and such appointing body shall appoint another Trustee in his place.

As to person
appointed and
elected as
Trustee.

21. The quorum at a meeting of the Trustees shall be eight.

Quorum of
Trustees.

22. Any person of full age who by himself or by any person on his behalf has and every company incorporated by Act of Parliament or registered under the Companies Act 1948 or any Act amending or extending that Act who has paid tolls rates or dues in respect of animals or goods shipped unshipped or transhipped in the harbour to the amount of twenty-five pounds or upwards during the year ending the thirty-first January in the year of election shall be qualified to vote for the election of an elected Trustee and be entitled respectively to one vote and to one additional vote in respect of every additional twenty-five pounds of tolls rates or dues so paid but no person shall be entitled to more than one hundred votes:

Scale of votes
for elected
Trustees.

Provided that in the case of several persons being traders in partnership they respectively shall with respect to the scale of votes

1ST SCH.
—cont.

be deemed one person. Provided also that none of the appointing bodies shall be entitled to vote in the election of elected Trustees.

Revisors of
list to be
appointed.

25.—(1) On or before the fifteenth day of March in every year of election the Trustees shall appoint two of the appointed Trustees to be two of the revisors of the list of the electors and the two persons so appointed shall on or before the twentieth day of March in every year of election appoint a third person (not being an elected Trustee or a trader) to be the third of those revisors.

(2) In the case of the death or neglect or failure to act of any of the revisors the others or other of them may make or complete the revision.

SECOND SCHEDULE

PART I

PROVISIONS FOR THE PROTECTION OF THE PORTSLADE AND SOUTHWICK OUTFALL SEWERAGE BOARD IN THE EVENT OF THE EXISTING OUTFALL OF THE BOARD BEING CONTINUED IN OPERATION

1. (a) The Trustees or the authority shall at the expense of the authority carry out in a proper substantial and workmanlike manner and to the reasonable satisfaction of the engineer of the Portslade and Southwick Outfall Sewerage Board (hereinafter called "the board") the proper fees of which engineer shall be reimbursed by the Trustees or the authority such works of alteration or relaying of the outfall sewer of the board (hereinafter called "the sewer") between and including the penstock chamber on the south side of Albion Street Southwick and the existing beach manhole on the south side of the harbour as may be reasonably necessary for the purposes of or in connection with the harbour works and in accordance with plans sections and particulars reasonably approved by the board and such works shall on completion vest in the board and form part of their undertaking.

(b) The provisions of the agreement dated the fourteenth day of March eighteen hundred and ninety-eight between the Shoreham Harbour Trustees of the one part and the rural district councils of Steyning West and Steyning East of the other part shall apply to the sewer as altered as if the said works had been carried out in pursuance thereof except that—

- (i) the cost of any subsequent alteration change or deepening of the sewer or any part thereof which may be reasonably necessary for the purposes of or in connection with the harbour works and which may be required by the Trustees pursuant to clause 12 of the said agreement shall subject to the provisions of paragraph (2) of this Part of this schedule be paid by them; and
- (ii) clause 13 of the said agreement shall not apply in any case where the provisions of paragraph (2) of this Part of this schedule apply.

2. If at any time—

2ND SCH.
—cont.

- (a) by reason of the construction of the harbour works the foreshore is being or will be polluted by sewage discharged from the end of the sewer ; and
- (b) it shall be necessary in order to prevent such pollution to make provision for the maceration of the sewage or to extend the sewer ;

such provision or extension shall be undertaken by the board and the authority shall repay to the board a sum equivalent to three-fifths of the cost (including the proper fees of the board's engineer) reasonably incurred by the board in so doing.

3. Any question or dispute arising under this Part of this schedule as to—

- (a) the works which are reasonably necessary under paragraph 1 of the said Part ; or
- (b) whether the said works have been carried out in the manner mentioned in paragraph 1 of the said Part ; or
- (c) whether any alteration change or deepening of the sewer or any part thereof is reasonably necessary under paragraph 1 (b) (i) of this Part of this schedule ; or
- (d) whether the foreshore is being or will be polluted as mentioned in paragraph 2 of the said Part ; or
- (e) whether in order to prevent such pollution provision for maceration or extension of the sewer is necessary and if so the nature and extent thereof ; or
- (f) whether the amount of the cost incurred by the board in pursuance of paragraph 2 of the said Part is reasonable ;

shall be determined by the Minister of Health on the application of the Trustees the authority or the board or in the case of sub-paragraphs (d) and (e) of this paragraph the East Sussex County Council the Hove Corporation the Portslade Council or the Southwick Council.

PART II

PROVISIONS FOR THE PROTECTION OF THE SHOREHAM COUNCIL IN THE EVENT OF AN OUTFALL SEWER BEING CONSTRUCTED ALONG THE BREAKWATER (WORK NO. 2)

1. In this Part of this schedule—

“ the agreement of 1939 ” means the agreement made the first day of March one thousand nine hundred and thirty-nine between the Trustees of the one part and the Shoreham Council of the other part under which the existing outfall at Middle Pier was constructed and sewage is discharged into the harbour ;

“ the sewerage works ” means the works described in paragraph 2 hereof.

2ND SCH.
—cont.

2. Prior to the completion of the breakwaters (Works Nos. 1 and 2) by this Act authorised or before the expiration of five years from the commencement of the construction of either of such works which ever shall first occur the authority shall construct to the reasonable satisfaction of the Shoreham Council and in accordance with plans sections and particulars (previously submitted to and reasonably approved by the Shoreham Council) of the works hereinafter mentioned describing the proposed manner of executing the same—

(a) an outfall sewer with all necessary inspection and penstock chambers and other ancillary works commencing by a junction with the existing outfall sewer of the Shoreham Council at or near Middle Pier thence laid across the eastern arm of the harbour and along the said breakwater (Work No. 2) following approximately the line coloured red on the signed plan which is described in section 46 (Saving for part of Kingston Beach) of this Act and terminating at the southern extremity of the said breakwater at a sewage outfall into the sea ; and

(b) a maceration plant to be situate in a position to be agreed between the Shoreham Council and the authority:

Provided that the sewerage works shall be so designed as to permit the discharge by gravitation within a period of one and a half hours commencing two hours after high water of the contents of the existing storage tank provided under the agreement of 1939 and any other tank constructed by the Shoreham Council in accordance with clause 10 of that agreement.

3. During the construction of the sewerage works the authority shall submit to the Shoreham Council monthly progress reports and shall afford to the consulting engineers for the time being of the Shoreham Council all reasonable facilities for inspection of the sewerage works.

4. Upon the completion of the sewerage works to the reasonable satisfaction of the Shoreham Council the following provisions shall apply namely:—

(a) the Shoreham Council shall pay to the authority the sum of ten thousand pounds ;

(b) the Shoreham Council shall cease to use the existing outfall at Middle Pier ;

(c) the authority shall stop up or remove the existing outfall at Middle Pier and if necessary the existing penstock chamber ;

(d) the Shoreham Council shall take over and thereafter maintain the sewerage works as part of their sewage disposal system ;

(e) in clause 9 of the agreement of 1939 the words “ any penstock chamber or valve forming part of the sewerage works ” shall be substituted for the penstock or valve therein mentioned.

5. (a) If after the construction of the sewerage works sewage discharged from such works or any alterations or additions thereto is washed into the harbour or on to the beaches in the urban districts of Shoreham-by-Sea Southwick or Portslade-by-Sea or in the borough of Hove the authority shall (on receiving notice in writing from the Shoreham Council the Portslade Council the Southwick Council the East Sussex County Council or the Hove Corporation) execute from time to time with all reasonable dispatch and at their own expense any alterations or additions to the sewerage works (including if necessary an extension seawards of the outfall pipe) as may be reasonably necessary for the purpose of ensuring that the sewage from such works alterations or additions is carried out to sea and is not washed into the harbour or on to the said beaches.

2ND SCH.
—cont.

(b) Any such alterations or additions to the sewerage works shall be carried out in accordance with plans sections and particulars previously submitted to and reasonably approved by the Shoreham Council.

6. Any question or dispute arising under this Part of this schedule shall be determined by the Minister of Health on the application of the Trustees the authority or the Shoreham Council or in the case of paragraph 5 of the said Part the Southwick Council the Portslade Council the East Sussex County Council or the Hove Corporation.

Ch. lix

***Shoreham Harbour
Act, 1949***

12, 13 & 14 GEO. 6

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