



CHAPTER xii.

An Act to authorise the construction of additional Works and to extend the time for completing certain authorised Works at Newhaven Harbour. A.D. 1888.
—
[16th May 1888.]

WHEREAS under powers contained in the Newhaven Harbour Improvement Act 1878 (herein-after called "the Act of 1878") the Newhaven Harbour Company (thereby incorporated and herein-after called "the Company") were empowered to construct considerable harbour works at Newhaven in the county of Sussex described in and authorised by the Act of 1878 and the Company have constructed a large part of the said works and are proceeding with other portions thereof: 41 & 42 Vict.
c. lxxi.

And whereas it is expedient that the Company should be empowered to make an extension of the new eastern entrance pier to the harbour authorised by the said Act:

And whereas the time limited for the completion of the works authorised by the Act of 1878 was as regards part of the works thereby authorised extended by the Newhaven Harbour Amendment Act 1882 and as regards all the said works will expire on the 17th day of June 1888 and it is expedient that such period should be further extended:

And whereas plans and sections showing the situation and levels of the works authorised by this Act and a book of reference to such plans have been deposited with the clerk of the peace for the county of Sussex and those plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference respectively:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

A.D. 1888. Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. **1.** This Act may be cited for all purposes as the Newhaven Harbour Act 1888.

Incorporation of Part II. of Railways Clauses Act 1863. **2.** Part II. of the Railways Clauses Act 1863 (relating to extension of time) is incorporated with and forms part of this Act and for the purposes of this Act shall be read and have effect as if the expression "the railway" where used therein meant the works the time for completing which is extended by this Act.

Extension of time. **3.** The time limited by the Act of 1878 and the Newhaven Harbour Amendment Act 1882 for the completion of the breakwater therein described as commencing on the foreshore at Newhaven at a distance of about four hundred yards westward of the extremity of the then existing westward entrance pier to the harbour and thence extending about nine hundred yards in a south-easterly direction into the sea (so far as the same work is still unfinished) and for the completion of the dock therein described as a dock on the eastern side of the River Ouse which works are described in and authorised by section 9 of the Act of 1878 is hereby extended until the following periods namely for the completion of the said breakwater until the seventeenth day of June one thousand eight hundred and ninety-three and for the completion of the said dock until the seventeenth day of June one thousand eight hundred and ninety-five and the powers conferred on the Company by the Act of 1878 and the said Act of 1882 for the purpose of completing the said works may be exercised at any time before the expiration of the said periods respectively as extended by this Act.

Additional works. **4.** Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections an alteration and extension of the eastern entrance pier No. 2 at Newhaven Harbour authorised by section 9 of the Act of 1878 The extension to commence at the termination of the said eastern entrance pier as already constructed and to continue in the same line as the said existing pier for a distance of two hundred and fifty yards or thereabouts into the sea And they may also make and maintain all incidental and subsidiary works and conveniences which they may find needful in connexion with the said pier.

Period for completion of works. **5.** If the alteration and extension of the entrance pier by this Act authorised is not completed within five years from the passing of this Act then on the expiration of that period the powers by this

Act granted to the Company for making and completing the said work shall cease to be exercised except as to so much thereof as is then completed. A.D. 1888.

6. The Company may also so far as they find necessary from time to time within the limits of Newhaven Harbour as defined by the Act of 1878 and with the consent in writing of the Board of Trade but not otherwise dredge deepen and improve the River Ouse and the creeks and inlets thereof and all other parts of the said harbour and may strengthen and improve the banks of the said river and exercise with respect to the same and to the harbour all the powers conferred upon the trustees mentioned in the Act of 1878 by the Acts of 1847 and 1863 therein also mentioned and now subsisting and in force. As to dredging &c.

7. The Company in the execution of the works by this Act authorised may with the consent in writing of the Board of Trade (but not otherwise) deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels shown on the deposited sections to any extent not exceeding five feet. Power as to deviations.

8. The Company shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs. As to works on tidal lands.

9. The Company shall on or near the works below high water mark hereby authorised during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve. Lights on works.

A.D. 1888.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to
exhibit
lights.

10. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of the Trinity House of Deptford Strond shall from time to time direct.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of
works by
Board of
Trade.

11. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement
of work
abandoned
or decayed.

12. If any work constructed by the Company on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Provision
against
danger to
navigation.

13. In case of injury to or destruction or decay of the pier or works or any part thereof the Company 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 the Trinity House of Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Savingrights
of the Crown
in the fore-
shore.

14. Nothing contained in this Act shall authorise the Company 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 right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the

Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. A.D. 1858.

15. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors. Saving rights of the Crown under Crown Lands Act.

16. For the purposes of rates duties and all other purposes the pier extension by this Act authorised shall be deemed to form part of the new eastern entrance pier to the harbour authorised by the Act of 1878. As to tolls.

17. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any other Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable. Company may apply funds to purposes of Act.

18. Nothing in this Act contained shall exempt the harbour or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to harbours or docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates or duties leviable at the said harbour. Provision as to general Acts.

19. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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