



### CHAPTER clxxi.

An Act to authorise and provide for certain Sea-Defence Works and Improvements at and near Walton-on-the-Naze in the county of Essex to reconstitute the Walton Improvement Commissioners and make provision for their Election and to enlarge their powers and for other purposes. A.D. 1890.  
[4th August 1890.]

WHEREAS an Act (hereinafter called "the Act of 1841") was passed in the fourth and fifth years of the reign of Her present Majesty Queen Victoria intituled "An Act to authorise and provide for certain improvements in the town and parish of Walton-le-Soken otherwise Walton-on-the-Naze in the county of Essex" and for the purpose of carrying out the provisions of the Act of 1841 Commissioners (hereinafter called "the Commissioners") were thereby appointed by the name and style of the Commissioners for improving the town and parish of Walton in the county of Essex: 4 & 5 Vict. c. lxx.

And whereas the Commissioners are the urban sanitary authority for the district of the said town and parish and exercise the powers conferred by the Public Health Act 1875 on urban sanitary authorities and it is expedient that provision be made for their periodical election:

And whereas in the Act of 1841 it is recited that the sea has for many years and especially of late greatly encroached on the lands houses and other erections on the coast adjoining the town of Walton-le-Soken otherwise Walton-on-the-Naze in the county of Essex and large sums of money have been expended from time to time by the owners of property adjoining the said sea-coast in defending and protecting their respective houses and other erections and the land there from the encroachments of the sea:

And whereas in the same Act it is also recited that it is requisite powers should be granted for erecting and maintaining proper

A.D. 1890. — groynes walls defences and other works for the better protection of the said town and land within the said parish from the further encroachments of the sea and that such defences between the two present terraces should be forthwith formed and be for ever after maintained at the general expense out of the rates :

And whereas the Commissioners afterwards carried out certain works which afford partial protection between the aforesaid terraces and adjoining properties from inroads of the sea but from want of funds other works equally requisite in front of the said town and parish have not been proceeded with and serious damage has from time to time been occasioned by storms and extraordinarily high tides and further sea-defence works are urgently required to prevent as far as practicable any further destruction of property :

And whereas by the Walton-on-the-Naze and Frinton Improvement Act 1879 (hereinafter called "the Act of 1879") a company was incorporated and authorised to carry out certain sea-defence and other works affording partial protection to the said town and parish with a short tramway in the parish of Walton-le-Soken and the adjoining parish of Frinton and the time limited by the Act of 1879 for the purchase of land and construction of works was extended by a subsequent Act passed in 1884 but the time so extended has expired and only a small portion of the works authorised by the Act of 1879 has been carried out as the Company were without powers of assessment unable to raise capital to construct the remainder including the short tramway before mentioned :

And whereas it has become necessary in order to prevent further encroachments in the future and the consequent injury to the adjacent lands and property that the Commissioners be authorised to construct the sea-defence and other works in this Act mentioned and to acquire by agreement the pier at Walton-on-the-Naze and to fill up strengthen extend alter and utilise the same as a groyne or breakwater and for landing and embarking passengers and goods :

And whereas the inhabitants of the adjoining parish of Frinton and the owners of and other persons interested in property in that parish will be greatly benefited by such sea-defence and other works as are described in this Act and it is expedient that they should have power to unite with the owners and ratepayers of Walton-on-the-Naze for the construction of such works as will protect property in those parishes from encroachments of the sea and for sanitary and other purposes :

And whereas for the purpose of providing the funds required for constructing maintaining and keeping in repair the works authorised by this Act and also for maintaining and repairing any existing works in the nature of sea-defence works it is expedient that such provision be made as is hereinafter contained :

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And whereas by reason of the short tramway authorised by the Act of 1879 not having been constructed the deposit fund mentioned in that Act has become forfeited or liable to forfeiture and it is expedient that provision should be made for the repayment thereof :

And whereas it is expedient to authorise the Commissioners and the Great Eastern Railway Company to enter into and carry into effect such agreements for the protection of the railway station and property of that company as are hereinafter mentioned :

And whereas it is also expedient to authorise the Commissioners to acquire and maintain the greens and other open spaces along the sea frontage within the limits of deviation shown on the deposited plans for the general improvement of the town of Walton on-the-Naze and to place such greens and open spaces under the control of the Commissioners :

And whereas estimates have been prepared by the Commissioners showing the expense of the sea-defence and other works at Walton-on-the-Naze by this Act authorised to amount to the sum of thirteen thousand pounds and the expense of the sea-defence works at Frinton to amount to the sum of seven thousand pounds :

And whereas an absolute majority of the whole number of the Commissioners at a meeting held on the nineteenth day of December one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the Essex Standard a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas that resolution was published twice in the said Essex Standard and the Walton and Clacton Gazette newspapers and has received the approval of the Secretary of State and the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Commissioners at a further special meeting held in pursuance of a similar notice on the twenty-third day of January one thousand

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And whereas the owners and ratepayers of the district by resolution passed in the manner prescribed by section 4 of the Municipal Corporations (Borough Funds) Act 1872 have consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the situation lines and levels of the sea-defence and other works authorised by this Act with books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Essex which plans sections and books of reference are hereinafter referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act 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 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 Walton-on-the-Naze Improvement Act 1890.

Incorporation of general Acts. 2. The Lands Clauses Acts the provisions of the Commissioners Clauses Act 1847 with respect to the election and rotation of the Commissioners with respect to the contracts to be entered into and the deeds to be executed by the Commissioners and with respect to the liabilities of the Commissioners and to legal proceedings by or against the Commissioners and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction The word "owner" has the same meaning as in the Public Health Act 1875 The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or in any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute and for the purposes of this Act the expression "the railway" in the provisions herewith incorporated of the Railways Clauses Consolidation Act 1845 shall mean the works by this Act authorised and every or any part thereof.

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4. The limits of this Act for the purposes of rates or assessments shall be the district of Walton-on-the-Naze but the Commissioners may by agreement with the rural sanitary authority of Tendring Union or other the local authority for the parish of Frinton in the county of Essex and with the consent of the owners of two-thirds in value of the property in that parish assessed to the poor rate and of the occupiers of two-thirds in value of the property as aforesaid and with the approval of the Local Government Board extend the limits so as to include therein the said parish of Frinton and to exercise within such parish all or any of the powers and authorities conferred by this Act on the Commissioners with respect to the parish of Walton-on-the-Naze.

Limits of Act.

5. Section 1 of the Act of 1841 is hereby repealed but notwithstanding such repeal the Commissioners who shall be acting or be entitled to act as such at the passing of this Act shall unless they die resign or become disqualified continue in office until the fifteenth day of April one thousand eight hundred and ninety-one.

Commissioners in office on passing of Act to continue until 15th April 1891.

6. On the fifteenth day of April one thousand eight hundred and ninety-one all ex-officio Commissioners acting or entitled to act in pursuance of the Act of 1841 shall cease to be Commissioners and the district of Walton-on-the-Naze shall thenceforth be governed by a body of fifteen Commissioners constituted and qualified as hereinafter provided who shall be the urban sanitary authority for the purposes of the Public Health Act 1875 and the Commissioners for the purpose of constructing and maintaining sea-defence works and other purposes of this Act and shall be called "the Walton-on-the-Naze Improvement Commissioners."

Ex-officio Commissioners to retire on 15th April 1891.

7. On the fifteenth day of April one thousand eight hundred and ninety-one so many of the Commissioners (in addition to the ex-officio members) shall retire from office as will reduce the number of the remaining Commissioners to ten the retiring members being ascertained by ballot and thereupon five new Commissioners

Rotation and election of Commissioners.

A.D. 1890. shall be elected by the owners and ratepayers in place of those retiring :

On the fifteenth day of April one thousand eight hundred and ninety-two five of the aforesaid ten Commissioners shall retire and five new Commissioners shall be elected by the owners and ratepayers in place of those retiring :

And on the fifteenth day of April one thousand eight hundred and ninety-three the remaining five original Commissioners shall retire and five new Commissioners shall be elected by the owners and ratepayers in place of those retiring :

On the fifteenth day of April one thousand eight hundred and ninety-four and on the fifteenth day of April in each succeeding year one-third of the fifteen Commissioners who have been longest in office shall retire by rotation.

Number of  
each class  
of Commis-  
sioners.

8. In order that the district may be represented by six owners and nine ratepayers the five Commissioners to be elected on the fifteenth day of April one thousand eight hundred and ninety-one and on the fifteenth day of April in every subsequent year shall consist of two owners and three ratepayers qualified as hereinafter provided and elected in the manner prescribed by the Commissioners Clauses Act 1847.

Qualification  
of Commis-  
sioners.

9.—(1.) No owner shall be elected a Commissioner on or after the fifteenth day of April one thousand eight hundred and ninety-one unless he is at the time of his election and so long as he continues in office by virtue of such election the legal or equitable owner in fee simple or for life or for a term of years determinable on life or for a term of years granted for a period of not less than forty years of lands or houses within the limits of this Act assessed to the relief of the poor upon a gross estimated rental of not less than fifty pounds a year whether the assessment in respect thereof shall appear to be that of the owner tenant or occupier.

(2.) No ratepayer shall be elected a Commissioner unless he is at the time of his election and so long as he continues in office by virtue of such election assessed within the limits of this Act to the relief of the poor on a gross estimated rental of not less than twenty-five pounds a year and shall have paid all arrears of rates theretofore made upon him by the Commissioners.

Qualification  
of electors.

10. The following owners and ratepayers shall be entitled to vote in the election of Commissioners namely :—

The legal or equitable owners in fee simple or for life or for a term of years determinable on life or granted for a term of

forty years and upwards of lands or houses within the limits of this Act ; A.D. 1890.

All persons assessed to the relief of the poor within the limits of this Act :

Each voter may give one vote for as many candidates as there are vacancies or for any less number of candidates but he may not cumulate his votes.

11. Any railway or other company possessing the qualification as an owner prescribed by this Act may by writing under their common seal from time to time appoint some person for the purpose of election as a Commissioner and any person so appointed shall be eligible to be elected a Commissioner in the same manner as if he were an owner possessing the qualification prescribed by this Act and any such railway or other company as aforesaid may also by writing under their common seal appoint some person to vote in respect of their property in the election of Commissioners and the person so appointed shall be entitled to vote as if he were assessed in his own name in respect of such property.

Railway and other companies may appoint persons for election as Commissioner and to vote in the election.

12. The owner or owners to be deemed to be elected Commissioners in the place of the owner or owners going out of office shall be the person or persons possessing or representing a railway or other company possessing the owners qualification before prescribed and the largest number of votes and the ratepayer or ratepayers to be deemed to be elected Commissioners in the place of the ratepayer or ratepayers going out of office shall be the person or persons having the ratepayers qualification before prescribed and the largest number of votes.

Persons having the largest number of votes to be deemed to be elected.

13. The meetings and proceedings of the Commissioners shall be regulated in all respects by the Public Health Act 1875 and such of the enactments of the Act of 1841 as relate to meetings and proceedings of the Commissioners are hereby repealed.

Meetings of Commissioners.

14. If and when the parish of Frinton shall be joined to the district of Walton-on-the-Naze under the provisions of this Act the parishes of Walton and Frinton shall for all purposes form one district but for the election of Commissioners such district shall be divided into two wards which shall be termed respectively the Walton Ward and the Frinton Ward :

If parish of Frinton added to district same to be divided into two wards.

The Walton Ward shall consist of the present district of Walton-on-the-Naze in the county of Essex ; and Walton Ward.

The Frinton Ward shall consist of the adjoining parish of Frinton in the same county : Frinton Ward.

A.D. 1890. The Frinton Ward shall be represented by six Commissioners three of whom shall be owners and three ratepayers within that ward and such Commissioners shall possess the like qualification and be elected in the same manner and by the same class of electors and shall retire in the same order or rotation as is hereinbefore provided and thereafter the number of the Commissioners shall be increased from fifteen to twenty-one :

No expenditure shall be made in respect of the parish of Frinton under this Act until after the election of Commissioners for such parish as hereinbefore provided but the cost of the breakwater or groyne (1) hereinafter described shall not be deemed expenditure in respect of that parish.

Power to  
execute  
works and  
take lands.

**15.** Subject to the provisions of this Act the Commissioners may make and maintain and from time to time improve alter or renew in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described in the county of Essex and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose and the other purposes of this Act (that is to say) :—

- (1.) A breakwater or groyne commencing at the base of the cliff at or near the boundary of the parishes of Walton-on-the-Naze and Frinton thence extending seaward four hundred feet or thereabouts from the point of commencement ;
- (2.) A breakwater or groyne commencing at or near the cliff in front of Burnt House Farm buildings at Walton-on-the-Naze and thence extending seaward for a distance of three hundred feet or thereabouts from the point of commencement ;
- (3.) A breakwater or groyne on or near to or forming part of the existing pier opposite to the Clifton Hotel at Walton-on-the-Naze commencing at or near to the entrance to the pier and extending seaward for a distance of three hundred and fifty feet or thereabouts and to such further distance as may from time to time be sanctioned by the Board of Trade ;
- (4.) A sea-wall or wharfing with groynes footings slopes and embankment in front of near to and immediately seaward of the railway station and approaches at Walton-on-the-Naze (which works are in this Act referred to as the railway sea-wall) also breastworks or wharfing with footings slopes and embankments between the pier and the existing stone breakwater near to the Albion Hotel there joining the Commissioners' present sea-defence;

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- (5.) A roadway or promenade extending along the sea-wall or wharfing before described or parts thereof and to be situated partly on the said sea-wall wharfing or embankment and partly on the adjacent land between the same and the present roadways and buildings and to widen and improve the existing roadways or some of them ;
- (6.) All necessary groynes embankments piers buttresses culverts intercepting and other drains approaches and other works and conveniences in connexion with or in addition to or in substitution for the aforesaid works ;
- (7.) To take over improve and maintain the existing breastworks and cut down lower straighten level drain and protect the cliff adjoining the sea-shore and to improve the face of the cliff and make footings thereto and footpaths and stairs thereon with convenient approaches for the whole length to and at Frinton as the Commissioners may deem needful and by agreement to take over improve and maintain the existing breastworks and other sea-defence works extending in a north-easterly direction from the Albion Hotel at Walton-on-the-Naze ;
- (8.) All necessary groynes embankments piers buttresses culverts intercepting and other drains approaches and other works and conveniences in connexion with or in addition to any such works as aforesaid as may be required for the protection of the cliff and sea frontage in the parish of Frinton after that parish is included within the limits of this Act :

All which works shall be under the sole control and management of the Commissioners freed from the jurisdiction or control of any other commissioners guardians or local authorities.

**16.** If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands described in the deposited plans or books of reference it shall be lawful for the Commissioners after giving ten days' notice to the owners lessees and occupiers of the lands affected by such proposed correction to apply to two justices for the correction thereof and if it shall appear to such justices that such omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission mis-statement or erroneous description and in what respect any such matter shall have been omitted mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Essex and shall be kept by such clerk of the peace along with the documents to which it relates and thereupon the said plans

Errors and omissions in plans &c. to be corrected.

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A.D. 1890. and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to make the works by this Act authorised in accordance with such certificate.

Copies of plans &c. to be evidence.

17. Copies of the deposited plans and books of reference or of any alteration or correction thereof or extracts therefrom certified by the clerk of the peace (which certificate such clerk of the peace shall give to all parties interested when required) shall be received in all courts of justice or elsewhere as *prima facie* evidence of the contents of such plans and books or of any alteration or correction thereof.

Power to purchase additional lands by agreement.

18. In addition to the lands which the Commissioners are hereinbefore authorised to purchase or acquire they may from time to time purchase by agreement for the purposes of public walks promenades or gardens and other purposes of this Act and hold any other lands not exceeding ten acres within the limits of this Act but the Commissioners shall not create or permit any nuisance upon any lands so purchased.

Power to take easements &c. by agreement.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit (subject to the provisions of those Acts and this Act) grant to the Commissioners any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Commissioners may acquire and improve greens and open spaces.

20. Subject to the provisions of this Act the Commissioners may enter upon take and use maintain and improve such of the greens and open spaces with the promenades and roadways abutting thereon along the sea frontage in the parish of Walton-on-the-Naze as are shown on the deposited plans and described in the deposited books of reference and may also by agreement acquire maintain and improve the greens and open spaces along the sea frontage in the parish of Frinton when that parish is included within the limits of this Act.

Power to make agreements as to certain existing and new works.

21. The Commissioners may from time to time make and carry into effect contracts agreements and arrangements with any person or persons by whom or for whose benefit any sea-defence works have been or shall be constructed or with any owner of land adjoining the works by this Act authorised or with any owner

whose lands will be affected by the exercise of the powers vested in the Commissioners by this Act with respect to the construction maintenance and cost of such existing and new works or any of them Provided always that no contract agreement or arrangement under this section shall be valid unless it directly or indirectly concerns the protection of lands or works from encroachments of the sea. A.D. 1890.

**22.** The Commissioners may in the construction of the works by this Act authorised deviate from the lines thereof to the extent shown on the deposited plans and may deviate from the levels thereof as marked on the deposited sections to the extent of five feet either upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. Deviations.

**23.** The Commissioners may for the purpose of making and maintaining the works by this Act authorised cross divert alter or stop up temporarily such roads highways footpaths pipes sewers drains streams and watercourses within the limits of this Act as it may be necessary or convenient to cross divert alter or stop up for that purpose and in the exercise of such powers the Commissioners shall do as little damage as can be and shall make full compensation to all parties interested for all damage by them sustained by reason of the exercise of such powers Provided that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply. Power to cross roads &c.

**24.** The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

**25.** If the works by this Act authorised are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

**26.** The Commissioners may from time to time borrow at interest on mortgage of the rates which they are hereinafter authorised to make such sum or sums of money as they may from time to time require for carrying the purposes of this Act into execution not Power to borrow amounts included in estimates.

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A.D. 1890.     exceeding in respect of the parish of Walton-on-the-Naze the sum of thirteen thousand pounds and not exceeding in respect of the parish of Frinton the sum of seven thousand pounds and such further sums as may hereafter be found necessary and the Local Government Board may sanction.

Application  
of provisions  
of Public  
Health Act  
as to  
mortgages.

**27.** The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236.—Form of mortgage ;

Section 237.—Register of mortgages ;

Section 238.—Transfer of mortgages ;

Section 239.—Receiver may be appointed in certain cases.

Power to  
reborrow.

**28.** The Commissioners may from time to time reborrow any amount from time to time paid off by them of the moneys borrowed by them under this Act unless the same shall have been paid off by instalments or by means of the sinking fund or out of the proceeds of land sold or other receipts on capital account except money borrowed in which case and to the extent of the amount so paid off their powers under this Act of borrowing and reborrowing shall cease :

Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing shall have been made and any amounts from time to time reborrowed shall be deemed to form the same loan as the moneys in lieu of which such reborrowing shall have been made and the obligations of the Commissioners with respect to the repayment of such moneys shall not be in any way affected by such reborrowing.

Discharge of  
borrowed  
moneys.

**29.** The Commissioners at and after the expiration of one year after they borrow any money under this Act shall out of the rates tolls and revenue arising under this Act discharge or make provision by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other for the discharge or redemption of the moneys borrowed by the Commissioners for the purposes of this Act within the following periods viz. :—

As to moneys borrowed under this Act without the sanction of the Local Government Board within forty years from the respective dates of borrowing ;

As to moneys borrowed under this Act with the sanction of the Local Government Board within such periods as the Board may prescribe :

And such respective periods are hereinafter referred to as “the prescribed period.” A.D. 1890.

**30.** The following regulations shall be observed by the Commissioners in relation to any sinking fund formed under this Act :— Regulations  
as to sinking  
fund.

- (1.) Such equal yearly or half-yearly sums shall be paid by the Commissioners out of the rates tolls and revenue aforesaid into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off and redeem the moneys for the discharge and redemption of which the fund is created within such period not exceeding the prescribed period as the Commissioners may in each case determine with power for the Commissioners from time to time to increase such payments into the sinking fund so as to accelerate the payment off and redemption and discharge of such moneys ;
- (2.) All sums paid into the sinking fund shall be as soon as may be invested by the Commissioners in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Commissioners and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and invested by the Commissioners in like manner ;
- (3.) Whenever any principal moneys have been so paid off or redeemed the Commissioners shall thenceforward until the whole of such principal moneys have been paid off or redeemed pay into the sinking fund every year in addition to the other sums hereinbefore required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based ;
- (4.) Whenever and so long as the amount in the sinking fund is equal to the amount of debt outstanding the Commissioners may in lieu of investing the yearly income thereof apply the same in payment of the interest on the debt and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

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Annual  
return to  
Local  
Government  
Board with  
respect to  
sinking fund.

**31.** The clerk to the Commissioners shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid off by instalments under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which any investment has been made and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the said clerk shall be liable to a penalty of not exceeding twenty pounds which shall be payable to the Local Government Board and be recoverable by that Board in a summary manner. If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to set apart the sum required by this Act for the sinking fund or to pay any instalment or have applied any portion of the money set apart for that fund or any interest thereon to any purposes other than those authorised by this Act the Local Government Board may if they think fit by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Application  
of borrowed  
money.

**32.** All moneys to be borrowed by the Commissioners under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

Power to  
make and  
levy sea-  
defence  
rates.

**33.** In order to provide for the payment of the annual interest upon any moneys to be borrowed by the Commissioners as aforesaid and of the annual or other instalments and payments into the sinking fund and for the annual expenses of the Commissioners in carrying this Act into execution the Commissioners may from time to time as occasion may require make rates or assessments (to be called "sea-defence rates") to be made and levied as hereinafter provided upon the owners or occupiers of all kinds of property for the time being by law assessable to any rate for the relief of the poor within the limits of this Act (other than the property by this Act exempted from rates leviable under this Act) and such rates and assessments and the money arising therefrom shall be kept

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separate and distinct from the rates which the Commissioners may make or levy in pursuance of the Act of 1841 or the Public Health Act 1875. A.D. 1890.

**34.** Separate accounts of the receipts and expenditure of the Commissioners under the provisions of this Act shall be kept by the Commissioners and sections 245 247 (except so much thereof as is repealed by the District Auditors' Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors' Act 1879 so far as the same are applicable shall apply to the accounts of the Commissioners and to the audit of such accounts. Audit of accounts.

**35.** The properties in the parish of Walton-on-the-Naze at the date of the passing of this Act respectively belonging to Richard Blanshard of Fairfield Lymington in the county of Southampton Sir John Henry Johnson of the Priory Saint Osyth in the county of Essex Jackson Hunt of 23 Montagu Square in the county of London and the owners lessees and occupiers thereof respectively for the time being are hereby exempted from all rates or assessments to be made or levied under or for the purposes of this Act. Certain properties exempted from Act.

**36.** With respect to the assessment and levying of sea-defence rates under this Act and of appeals against the same the provisions of sections two hundred and eleven and two hundred and sixty-nine (as amended by the Summary Jurisdiction Act 1884) of the Public Health Act 1875 shall subject to the provisions of this Act apply and have effect as if the sea-defence rates were general district rates leviable within the limits of this Act by the Commissioners in their capacity as an urban sanitary authority Provided always that so much of sub-section 2 of the said section two hundred and eleven as provides that the rate shall not be charged on any person in respect of any unoccupied premises shall not apply to sea-defence rates but in every such case the same may be recovered from the person who would be entitled to the rent thereof if the same were occupied Tithes belonging to any lay impropriator shall in respect of sea-defence works be rateable as lands under sub-section 1 (b) of the said section two hundred and eleven. Applying portions of section 211 and section 269 of Public Health Act 1875.

**37.** For the purposes of assessing any rate under this Act the clerk to the Commissioners or any person authorised in writing by him for that purpose may inspect and take copies of or make extracts from the valuation list for the time being in force or if there is none from the rate for the relief of the poor made next before the making of the rate or assessment under this Act within Power to inspect &c. rate books.

A.D. 1890. — the parishes of Walton-on-the-Naze and Frinton or any book relating to the same without fee or reward and every officer having the custody of any such rate or book shall permit the said clerk or the person so authorised by him to inspect the same and take copies of or make extracts therefrom accordingly.

Rates &c.  
open to  
inspection.

**38.** An person interested in or assessed to any rate made under this Act may inspect the same and any estimate made previously thereto and may take copies of or extracts therefrom without fee or reward and any person who having the custody of such rate or estimate refuses to allow or does not permit such inspection of such copies or extracts to be taken shall be liable to a penalty not exceeding five pounds.

Description  
of owner or  
occupier in  
rates.

**39.** Where the name of any owner or occupier liable to be rated under this Act is not known to the Commissioners it shall be sufficient to assess and designate him on the rate as "the owner" or "the occupier" of the premises in respect of which the assessment is made without further description.

Rates may  
be amended.

**40.** The Commissioners may from time to time amend any rate made in pursuance of this Act by inserting therein the name of any person claiming and entitled to have his name inserted or by inserting the name of any person who ought to have been assessed or by striking out the name of any person who ought not to have been assessed or by raising or reducing the sum at which any person has been assessed if it appears to the Commissioners that he has been underrated or overrated or by making any other alteration which will make the rate conformable to the provisions of this Act and no such amendment shall be held to avoid the rate Provided that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment and an amended rate shall not be payable by any person the amount of whose rate is increased by the amendment or whose name is thereby newly inserted until seven days after such notice has been given to him but subject to such appeal the Commissioners shall finally decide and determine the extent of frontage protection direct or lateral chargeable to each owner and upon what property and in what proportions the cost shall be charged.

Publication  
and collec-  
tion of rates.

**41.** All rates made under this Act shall be published in the same manner as poor rates and shall be made in such manner and

form and shall commence and be payable at such time or times as the Commissioners may from time to time appoint. A.D. 1890.

**42.** The production of the books purporting to contain any rate or assessment made under the seal of the Commissioners in pursuance of this Act shall without any other evidence whatever be received as *prima facie* evidence of the making and validity of the rates mentioned therein. Evidence of rates.

**43.** Except as hereinbefore provided the sea-defence rates shall be made and levied as follows :— Proportions in which property to be rated.

(A.) Upon the owners of property fronting the sea or fronting any green or open space promenade or roadway intervening between such property and the sea within the limit of deviation and rating as hereinafter defined in the district of Walton-on-the-Naze and upon the owners of property fronting any green open space promenade or roadway next the sea in the parish of Frinton to the extent of frontage determined by the Commissioners to have been protected in front of any such owner's property by sea-wall wharfing breastwork or embankment for the repayment of three-fifths of the actual cost of such works by equal yearly or half-yearly instalments to be levied as a rate extending over a period not exceeding forty years ;

(B.) Upon the owners of all other property in the said parishes for the repayment of the remaining two-fifths of the actual cost of the aforesaid works to be levied as a rate extending over a like period ;

(C.) Upon all owners and occupiers within the said district and parish in respect of the works and improvements authorised by this Act (other than the special works of sea-wall wharfing breastwork and embankment at Walton-on-the-Naze hereinbefore provided for) and the expenses attending the same and in respect of the maintenance of all works executed under this Act and the interest on moneys to be borrowed and the repayment of such moneys as hereinbefore provided and all other charges and expenses under this Act shall be borne by a rate to be levied upon all property in the proportion of three-fifths on the frontage owners and occupiers and two-fifths on the other owners and occupiers within the said parishes :

Provided that until the parish of Frinton shall have been included within the limits of this Act no works shall be executed expenditure made or sea-defence rates levied in that parish under this Act:

[Ch. clxxi.] *Walton-on-the-Naze Improvement* [53 & 54 VICT.]  
*Act, 1890.*

A.D. 1890.

In this section the expression "limit of deviation and rating" means the dotted line shown on the deposited plans as extending from a point in the parish of Frinton near the boundary at Polebarn Lane on the south-west to the Shore Road at the eastern end of the town of Walton-on-the-Naze on the north-east and marked on the said plans "Limit of deviation and for sea-frontage rating."

Occupiers  
may deduct  
rate from  
rent paid.

44. Every lessee or occupier of any house or land not being a lessee for a greater period than twenty-one years unexpired at the time of any rate under this Act becoming payable may deduct the amount of any rate made under this Act and actually paid by him from the then next or any subsequent rent which may become payable by him in respect of the house or land for which such rate may have been paid by him.

Saving  
existing  
leases &c.

45. Nothing in this Act shall alter or affect any lease contract or agreement made or entered into before the passing of this Act between the landlord and tenant of any premises.

Byelaws.

46. The Commissioners may from time to time make byelaws for the better protection of the works authorised by this Act and for the better protection of and enjoyment and use by the public of the roadways or promenades and the regulation of the greens and open spaces vested in or under the control of the Commissioners and may thereby impose reasonable penalties upon all persons offending against such byelaws not exceeding five pounds for any one offence or in the case of a continuing offence to a daily penalty not exceeding forty shillings and the provisions with respect to byelaws contained in sections 182 to 186 (both inclusive) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority shall apply to all byelaws or regulations from time to time made by the Commissioners under the powers of this Act Provided that no byelaw which shall limit the military user of any such green or open space shall have effect until it shall have received the sanction of Her Majesty's Principal Secretary of State for the War Department.

Providing  
for release  
of deposit  
fund under  
Act of 1879.

47. Subject to the provisions of section forty-four of the Act of 1879 relating to compensation to landowners and other persons injured and road authorities and for the protection of creditors the High Court may at any time after the passing of this Act on application by the depositors referred to in that Act or by the Commissioners order that the sum of two hundred and sixty-one pounds sixteen shillings paid as in section 43 of the said Act mentioned or the stock in which the said sum may be at the time invested and the interest or dividends thereon shall be paid or

transferred to the person or persons by whom or in whose names the said sum was deposited or the survivors or survivor of them or the executors or administrators of such survivor or the assigns of such person or persons or of such survivor or as he or they may direct and upon such order being made the said sum or stock and the interest or dividends thereon shall be paid or transferred accordingly.

A.D. 1890.

48. If the Commissioners desire to get possession of the existing pier at Walton-on-the-Naze in order to utilise and adapt the same as a breakwater or other sea-defence work and give notice in writing thereof to the owner or owners of the pier such owner or owners shall transfer to the Commissioners the pier undertaking and the Commissioners shall accept such transfer of the pier with all the existing rights powers and privileges and such other rights powers and privileges as are conferred by this Act for maintaining and repairing the same including the power of demanding and recovering tolls rates and dues upon such terms as may be mutually agreed upon between the Commissioners and such owner or owners or in default of agreement settled by an arbitrator to be appointed by the Board of Trade on the application of either party.

Provision  
for transfer  
of pier to  
Commis-  
sioners.

49. The following provisions shall be obligatory on the Commissioners and the Great Eastern Railway Company (in this section called "the Railway Company") respectively and may and shall be carried into effect according:—

Arrange-  
ments with  
and advance  
by Great  
Eastern  
Railway  
Company.

1. Notwithstanding anything in this Act the Commissioners shall not enter upon take use or interfere with the lands and property numbered on the deposited plans 8 26 27 28 and 29 in the parish of Walton-le-Soken unless with the consent in writing of the Railway Company under their common seal first had and obtained;
2. Before commencing the construction of any works by this Act authorised (other than the breakwaters or groynes herein-after mentioned) the Commissioners shall commence the construction of the railway sea-wall by this Act authorised and continuously proceed with the same until completed and upon the due completion thereof and upon the engineer to the Railway Company certifying to that effect the Railway Company shall pay to the Commissioners towards the cost incurred by them in constructing such railway sea-wall a sum not exceeding two thousand pounds;
3. Contemporaneously with the construction of the railway sea-wall hereinbefore mentioned the Commissioners shall

A.D. 1890.

construct and complete the breakwaters or groynes described in sub-sections 1 and 2 of the section of this Act of which the marginal note is "Power to execute works and take lands" or such of them as may be requisite for the protection of the said railway sea-wall;

4. From and after the completion of the said railway sea-wall and breakwaters or groynes the Commissioners shall maintain the same in proper order and condition in all things;

5. No rates for sea-defence works shall be made or levied under sub-sections (A) and (B) of the section of this Act whereof the marginal note is "Proportions in which property to be rated" upon any lands or property belonging to the Railway Company;

6. The Railway Company may agree to advance and lend to the Commissioners on the security of the rates by this Act authorised to be levied and any other rates which the Commissioners are for the time being authorised to levy either in pursuance of the Act of 1841 or the Public Health Act 1875 any sum not exceeding the sum of five thousand pounds at a rate of interest not exceeding three pounds five shillings per centum per annum And such sum shall be deemed to be included in the amount by this Act authorised to be borrowed and shall be repaid to the Railway Company with interest at the rate aforesaid by equal half-yearly instalments within a period not exceeding thirty years from the date of the loan being made;

7. The Railway Company may for the purpose of paying the contribution towards the cost of constructing the railway sea-wall as hereinbefore provided and for advancing any sum which under the powers of this section they may advance to the Commissioners apply any funds for the time being in their hands or any capital which they have for the time being power to raise and which is not made applicable to any special purpose or which being so made applicable is not required for that purpose.

Restriction  
on taking  
houses of  
labouring  
class.

50. The Commissioners shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers:

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them. A.D. 1890.

**51.** 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 twenty twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors. Saving rights of Crown under Crown Lands Act.

**52.** The Commissioners shall out of the rates tolls and revenue arising under this Act pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this Act including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector. Expenses of Local Government Board.

**53.** Nothing contained in this Act shall authorise the Commissioners 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. Saving rights of the Crown in the fore-shore.

**54.** Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or Saving rights of the Crown.

A.D. 1890. — authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

As to works  
below high-  
water mark.

**55.** The Commissioners shall not construct any works on any part of the shore or bed of the sea where the tide flows and reflows without the previous consent of the Board of Trade to be signified in writing and then only according to such plan and under such restrictions and regulations as the said Board approve of such approval being signified as last aforesaid and where any such work shall have been constructed with such consent as aforesaid the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval and if any such work shall be commenced or completed without such consent and approval the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due to the Crown and recoverable against the Commissioners accordingly.

Abatement  
of work  
abandoned  
or decayed.

**56.** If a work constructed by the Commissioners on in over through or across tidal lands or 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 Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Survey of  
works by  
Board of  
Trade.

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

Provision  
against  
danger to  
navigation.

**58.** In case of injury to or destruction or decay of the pier or works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to the said Corporation for directions as to the means to be taken and the Commissioners 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. A.D. 1890. —

**59.** The Commissioners shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same 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.

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

**60.** The Commissioners 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 Trinity House Deptford Strond shall from time to time direct. Commis-sioners to exhibit lights.

If the Commissioners 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.

**61.** All costs charges and expenses of and incidental to the applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or House of Commons shall be paid by the Commissioners and repaid to them out of the moneys to be borrowed or otherwise received by them under the powers of this Act. Costs of Act.

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