



## CHAPTER cxii.

An Act to revive extend and vary some of the powers of the Hastings Harbour Commissioners to confer further borrowing and other powers upon them and for other purposes. A.D. 1897.  
[15th July 1897.]

**W**HEREAS by the Hastings Harbour Act 1890 (herein-after called "the Act of 1890") a body of Commissioners (in the said Act and herein-after called "the Commissioners") was incorporated for the making and maintaining the harbour and works thereby authorised and was empowered to borrow money for the said purposes :

And whereas the Commissioners have already raised a large portion of the moneys which they were authorised to borrow and have made considerable progress with the construction of the works authorised by the Act of 1890 :

And whereas the period for the compulsory purchase of lands for the said harbour and works has expired and the period for the completion of the works would if not extended expire on the fourth day of August one thousand eight hundred and ninety-seven and it is expedient that such periods should be revived and extended :

And whereas it is expedient that certain works authorised by the Act of 1890 should be abandoned and that the position of certain other works should be altered as herein-after described and that powers for the reclamation of certain lands should be conferred upon the Commissioners and that they should for the purposes of this Act and the Act of 1890 and the general purposes of their undertaking be authorised to borrow additional money as herein-after provided :

And whereas it is expedient that section 8 of the Act of 1890 relating to vacancies in the office of Commissioner should be amended and that sections 10 11 and 12 of the said Act relating to the retirement of Commissioners the election of other Commissioners to supply the place of those retiring and the choice of a

A.D. 1897. — Commissioner to represent persons paying harbour dues after the opening of the harbour should be varied and amended and that the date for the said election of Commissioners as fixed by the said section 11 of the said Act should be altered as in this Act provided :

And whereas it is expedient that the Commissioners should be empowered to levy tolls so soon as the western arm of the harbour is completed and a certificate of the Board of Trade to that effect shall have been obtained and that section 25 of the Harbours Docks and Piers Clauses Act 1847 should be to that extent varied :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference 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 were duly deposited with the clerk of the peace for the county of Sussex and are in this Act respectively referred to as the deposited plans sections and book 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 as the Hastings Harbour Act 1897.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the Act of 1890 or the Acts wholly or partially incorporated therewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction but the expression "the harbour" shall include the works authorised by the Act of 1890 and this Act and the lands which the Commissioners are herein-after empowered to reclaim.

Incorporation of Acts.

3. The provisions of the Acts herein-after specified are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts :

The Harbours Docks and Piers Clauses Act 1847 (except sections 16 and 17 unless the Board of Trade shall otherwise direct) and the expression "the undertakers" in that Act means the Commissioners as herein-before defined :

The Commissioners Clauses Act 1847 except the clauses with respect to the election and rotation of the Commissioners

where the Commissioners are to be elected by the ratepayers or other like class of electors: A.D. 1897.

Provided that for the purposes of such incorporation the word "Commissioners" in the said Act means the Commissioners incorporated by the Act of 1890.

4. The Commissioners shall abandon the construction of the jetty landing-place and wharf authorised by sub-section 2 of section 22 of the Act of 1890 and also of the sea-wall authorised by sub-section 3 of the same section. Abandonment of portion of works authorised by Act of 1890.

5. Subject to the provisions of this Act the Commissioners at or after the expiration of twelve months after the construction of the eastern and western arms of the harbour as authorised by the Act of 1890 and the dredging of the harbour to such depth as may be directed by the Board of Trade not exceeding five feet below low water of ordinary spring tides shall if called upon by the corporation so to do and with the consent of the Board of Trade make and maintain in the situation and according to the lines and levels shown upon the deposited plans and sections the works herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose Provided always that the Commissioners shall not make any works nor enter upon take or use any lands outside or beyond the limits of lateral deviation shown on the plan which has been signed by the respective engineers to the corporation and Commissioners herein-after referred to as the agreed plan a copy whereof has been deposited at the Office of the Clerk of the Parliaments and at the Private Bill Office of the House of Commons: Power to make works.

The works hereby authorised are as follow:—

- (1) Sea-walls respectively eight hundred and fifty feet and three hundred feet in length proceeding in an easterly and westerly direction from points taken three hundred and forty feet south from the south-east corner of the Fishermen's Church and two hundred and eighty-seven feet from the south-east corner of the Harbour Commissioners' offices with an opening of one hundred feet in width commencing three hundred feet to the east of the eastern face of the western breakwater and two walls each one hundred and forty feet in length proceeding in a northerly direction on the eastern and western sides of such opening.

Provided that the method of construction of the sea-walls and their slope as well as the position and extent of the opening referred to shall be subject to the directions of the Board of Trade:



A.D. 1897.

Provided always that the corporation and their lessees and tenants and their agents and workmen and others duly authorised by the corporation shall have at all times direct and uninterrupted full and free access ingress egress and regress to from and over the sea-walls in the above sub-section mentioned.

Reclamation  
of lands.

6. The Commissioners may simultaneously with the construction of the sea-walls authorised by the preceding section take reclaim and use for the erection and construction of quays and warehouses and other buildings or works and for other purposes connected with their harbour the lands shown upon the deposited plans situate to the north of the sea-wall by this Act authorised and may expend such sums as may in their opinion be advisable and necessary for such reclamation and works.

Limits of  
lateral and  
vertical  
deviation.

7. In constructing the works authorised by this Act the Commissioners may deviate laterally within but not beyond the limits of lateral deviation shown on the agreed plan and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet above or below the levels so shown 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.

Period for  
compulsory  
purchase of  
lands.

8. The powers of the Commissioners for the compulsory purchase of lands for the purposes of the works authorised by this Act shall not be exercised after the expiration of three years after the passing of this Act nor outside the limits of lateral deviation shown on the agreed plan.

Period for  
completion  
of works.

9. If the works authorised by this Act are 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 Commissioners for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Extension of  
jurisdiction  
of Commis-  
sioners to  
new works.

10. The jurisdiction and authority of the Commissioners and their officers shall extend to and include the new works and the lands reclaimed under the authority of this Act.

Reviving  
and extend-  
ing time for  
purchase of  
lands under  
Act of 1890.

11. The powers of the Commissioners for the compulsory purchase and taking of lands for the purposes of the works authorised by the Act of 1890 (except the lands required for such works as are by this Act authorised to be abandoned) are by this Act revived and may be exercised for and during a period of two years from and after the fourth day of August one thousand eight hundred and

ninety-seven but so that no land is acquired by the Commissioners outside or beyond the limits of lateral deviation shown on the agreed plan. A.D. 1897.

12. The time limited by the Act of 1890 for the completion of the works by that Act authorised (except such works as are by this Act authorised to be abandoned) is hereby extended for a period of five years from and after the fourth day of August one thousand eight hundred and ninety-seven. Extending time for completing works authorised by Act of 1890.

13. The Commissioners shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

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.

14. From and after the passing of this Act the Commissioners may in lieu of the rates leviable under the Act of 1890 and set forth in the Fourth Schedule thereto in respect of the goods and animals set forth in the schedule to this Act demand and levy the rates set forth in the schedule to this Act in respect thereof and the Fourth Schedule to the Act of 1890 shall be deemed to be amended accordingly. Amendment of Fourth Schedule of Act of 1890 as to tolls.

15. From and after the passing of this Act the following alterations and amendments of the Act of 1890 shall have effect namely:— Alterations and amendments of Act of 1890.

- (1) The words "one year" in section 8 (Vacancies in office of Commissioner) of the said Act shall be read and have effect as if the words "six months" had been used therein instead of the words "one year":
- (2) The provisions of section 9 (How vacancies in office of Commissioner to be filled up) of the said Act relating to vacancies occurring after the first Monday in November one thousand eight hundred and ninety-three shall apply not only to the vacancies to which the said provisions are by the said

A.D. 1897.

Act or by this Act made applicable but also to any vacancies in the office of Commissioner caused by the retirement of Commissioners by rotation which shall not have been filled up by persons chosen in the manner and at the times provided for by section 11 (Commissioners to be elected to supply places of those retiring) and section 12 (After opening of harbour persons paying harbour dues &c. to choose Commissioner instead of Hastings and St. Leonards Borough Association) of the said Act as amended by this section and such vacancies shall be filled up accordingly :

- (3) The words "first Monday in November" in section 10 (Retirement of Commissioners from office) and in section 11 (Commissioners to be elected to supply places of those retiring) and in section 12 (After opening of harbour persons paying harbour dues &c. to choose Commissioner instead of Hastings and St. Leonards Borough Association) of the said Act shall wherever occurring in the said sections be read and have effect as if the words "first Friday in November" had been used in the said sections instead of the words "first Monday in November."

Maintenance and improvement of harbour and removal of obstructions.

**16.** The Commissioners may from time to time maintain dredge scour deepen widen enlarge alter and improve the harbour with the approaches entrances channels and waterways thereof and may remove shoals rocks or other obstructions therein.

Power to levy rates on completion of western arm of harbour.

**17.** Upon the completion of the western arm of the harbour the Commissioners may notwithstanding anything in section 25 of the Harbours Docks and Piers Clauses Act 1847 demand and take the rates and dues which they are authorised by the Act of 1890 or this Act to demand and take and for the purposes of this section the term "western arm of the harbour" shall mean and include the western pier referred to in section 22 of the Act of 1890 Provided always that nothing in this Act or the Act of 1890 contained shall authorise the Commissioners to demand or take from the owners or masters of fishing boats any rates or dues excepting only such rates or dues as may under the Act of 1890 or this Act be properly chargeable by the Commissioners in respect of the actual landing of fish by such owner or master on the piers or quays of the Commissioners.

Saving rights of corporation.

**18.** Nothing in this Act contained shall authorise the Commissioners to take or interfere with any buildings belonging to the corporation at the time of the passing of this Act erected upon lands authorised to be taken under the powers of the Act of 1890 or this Act.



**19.** Notwithstanding anything in this Act or the Act of 1890 contained the corporation and their lessees and their officers servants collectors or other persons duly authorised by them may at all times without let or hindrance by the Commissioners and free of all payment or charge enter upon the harbour or any part thereof and any lands buildings or other property of the Commissioners and in or upon any waggon cart carriage or other conveyance ship vessel or boat in or on the harbour or any part thereof for the purpose of carrying into effect and enforcing the provisions of the Hastings Paving Act of 1832 which are contained in the 147th 149th and subsequent sections of that Act relating to the collection of certain rates or duty on coals culm or coke imported landed or brought into the town or port of Hastings and for the purpose of exercising all or any of the powers and privileges in the said sections or some of them contained.

A.D. 1897.  
Saving for  
the Hastings  
Paving Act.

**20.** Nothing in this Act contained 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.

Saving  
rights of  
the Crown in  
foreshore.

**21.** 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 or which may become vested in Her Majesty Her heirs or successors under the provisions of a grant from the Crown to the corporation of Hastings dated the fifth day of September one thousand eight hundred and ninety-three 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 authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving  
rights of  
the Crown.

**22.** The Commissioners shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea

Works below  
high-water  
mark not to

A.D. 1897.  
 be com-  
 menced  
 without con-  
 sent of  
 Board of  
 Trade.

or navigable river communicating therewith where and so far up the same as the tide flows and reflows 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 Commissioners 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 costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly with costs.

Additional  
 borrowing  
 powers.

**23.** The Commissioners may in addition to the moneys which they are authorised to borrow by the Act of 1890 from time to time for the purposes of the said Act of 1890 and this Act borrow on mortgage upon the security of their undertaking and works or either or both thereof and of the rents rates dues tolls and charges by the said Acts authorised and the other revenues of the harbour any further sums not exceeding in the whole one hundred thousand pounds and the financial provisions contained in sections 53 to 61 (both inclusive) of the Act of 1890 shall mutatis mutandis be and the same are hereby made applicable and shall apply to the additional moneys borrowed by the Commissioners under the powers of this Act but all mortgages granted by the Commissioners in pursuance of the powers of any Act before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Commissioners.

The provisions of section 53 of the Act of 1890 as to the payment of interest during the construction of works is hereby extended and shall apply to the works and additional borrowing powers by this Act authorised as well as to the borrowing powers and works authorised by the Act of 1890 during the construction of such works respectively except that the rate of interest to be paid upon



the additional moneys borrowed under the powers of this Act shall be limited to three per centum during the period of construction. A.D. 1897. —

24. Nothing in this Act contained shall exempt the harbour or the Commissioners from the provisions of the Merchant Shipping Act 1894 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 authorised to be taken by the Commissioners. Provision  
for Merchant  
Shipping  
Acts

25. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid and discharged out of the funds of the Commissioners. Expenses  
of Act.

A.D. 1897.

SCHEDULE referred to in the foregoing Act.TOLLS IN SUBSTITUTION FOR THOSE IN THE FOURTH SCHEDULE TO  
ACT OF 1890.Hastings Harbour  
Act 1890. !

- Page 26. Butter to be reduced to 1*d.* per cwt.  
 „ „ Cattle viz. Sheep to be increased to 2*d.* each.  
 „ „ Cinders and coke to be increased to 1*s.* per ton.  
 „ 27. Corn viz. Barley rye oats and wheat to be raised to 3*d.* per  
 quarter.  
 „ „ Coals of every description culm and clinkers (except coals  
 intended for the purpose of being shipped in the harbour for  
 consumption on board any steam vessel and so actually  
 shipped) 8*d.* per ton.  
 „ 28. Iron viz. Railway bars and chairs to be increased to 1*s.* 8*d.* per  
 ton inwards and reduced to 10*d.* outwards.  
 „ 30. Rags linen other rags and old leather to be increased to 1*s.* 8*d.*  
 per ton.  
 „ „ Rice to be reduced to 1*s.* per ton inwards.  
 „ 31. Soda crystals reduced to 1*s.* per ton.  
 „ „ Stones viz. :—  
 Rubble freestone hewn Ashlar freestone rough Ashlar freestone  
 rubble causeway causeway stones dressed pavement rough  
 and sawn and kerb to be increased to 6*d.* per ton.  
 „ „ Tea to be reduced to 2*d.* per cwt.  
 „ 32. Turnips to be increased to 8*d.* per ton.

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