



CHAPTER civ.

An Act to incorporate a Company for the purpose of acquiring the existing Great Yarmouth Britannia Pier and of constructing a new and improved Pier in lieu thereof and for other purposes. [13th July 1899.]

A.D. 1899.

WHEREAS by the Great Yarmouth Britannia Pier Act 1857 a company was incorporated by the name of the Great Yarmouth Britannia Pier Company and was authorised to construct the pier and works therein described near the Regent Road at Great Yarmouth :

20 & 21 Vict.
c. xxviii.

And whereas the Company proceeded to construct and completed the said pier then and since called the Britannia Pier and in this Act called the existing pier :

And whereas in or about the year 1861 the Company borrowed from the Reverend R. W. Cory the sum of one thousand pounds on mortgage of their undertaking and tolls :

And whereas the pier on two or more occasions before or during the year 1868 sustained considerable damage through vessels colliding with it and the resources of the Company were unequal to meet the expenditure necessary for repairs :

And whereas owing to the difficulties of the Company a meeting of the shareholders was called in or about the month of December 1868 at which they resolved to transfer all their interest in the pier to John Joseph Isaac on his undertaking to repair and restore the same and a document was prepared by which the shareholders for a nominal consideration transferred their shares to John Joseph Isaac subject to the conditions on which they held the same :

And whereas that document was signed in the year 1869 by the holders of five hundred and twelve shares out of a total of nine hundred and fifty-four shares issued and no claim or question as to any right or interest in the pier has since the signing of the said document ever been raised by any other shareholder or person :

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— And whereas by an agreement dated the twenty-sixth day of January 1869 and made between John Joseph Isaac and the said Reverend R. W. Cory after reciting (among other things) that the said mortgage was still outstanding and that the above-mentioned arrangement had been made between the shareholders and the said John Joseph Isaac it was agreed that the said John Joseph Isaac should reconstruct the pier and pay off the said mortgage debt by annual instalments of fifty pounds :

And whereas John Joseph Isaac reconstructed the pier and remained in undisputed possession thereof up to the time of his death having also long before his death paid off the said mortgage debt :

And whereas in the year 1896 John Joseph Isaac obtained from the Crown a conveyance of strips of land below high-water mark which had been required for widening the pier and about the same time the mayor aldermen and burgesses of the borough of Great Yarmouth (herein-after called "the Corporation") resolved to grant to him a lease of portions of the beach for the like purpose :

And whereas a pavilion refreshment and cloak rooms and other conveniences have been provided by John Joseph Isaac on or in connexion with the pier and the undertaking which was for many years unremunerative is now becoming remunerative and is capable of yet further development :

And whereas John Joseph Isaac died on or about the 26th day of December 1898 and his will dated the 22nd day of October 1897 has been duly proved by William Harrison John Henry Skinner and Samuel Boughton the executors named therein :

And whereas it would be of local and public advantage especially with a view to the convenience of the residents at and numerous visitors to Great Yarmouth to remove the existing pier and to substitute for it an improved pier on a larger scale :

And whereas the persons in this Act named with others are willing to construct such pier and it is expedient that they should be incorporated into a company and that powers should be conferred on such company for the purpose and that such company should be authorised also to acquire all the interest of the said John Joseph Isaac in the existing pier :

And whereas the existing Great Yarmouth Britannia Pier Company has long been practically defunct and it is expedient that it should be dissolved :

And whereas it is expedient to provide for the acquisition by the Corporation in certain events of the pier undertaking by this Act authorised :

And whereas plans and sections showing the lines and levels of the pier and 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 Norfolk and the town clerk of the county borough of Great Yarmouth and are herein-after referred to as the deposited plans and sections and book of reference : A.D. 1899.

And whereas the objects of this Act cannot be obtained 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 :—

1. This Act may be cited as the Great Yarmouth New Britannia Pier Act 1899. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts and the Harbours Docks and Piers Clauses Act 1847 (except sections 16 to 19 thereof which shall not be in force for the purposes of this Act save so far as from time to time the same may be required by the Board of Trade) are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of Acts.

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

4. John Henry Skinner Samuel Boughton and Harold Chamberlin and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the pier by this Act authorised and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Great Yarmouth New Britannia Pier Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase Company incorporated.

A.D. 1899 — take hold and dispose of lands and other property for the purposes of this Act.

Capital. 5. The capital of the Company shall be one hundred thousand pounds in twenty thousand shares of five pounds each.

Shares not to be issued until one-fourth paid. 6. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fourth of the amount of such share is paid in respect thereof.

Calls. 7. One-fourth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris. 8. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow. 9. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-five thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred thousand pounds is issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fourth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver. 10. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise

the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. A.D. 1899.

11. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

12. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable. Application of moneys.

13. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September or in such other months as the directors may appoint. First and subsequent ordinary meetings.

14. The number of directors shall be five but the Company may vary the number provided that the number be not less than three or more than seven. Number of directors.

15. The qualification of a director shall be the possession in his own right of not less than one hundred shares. Qualification of directors.

16. The quorum of a meeting of directors shall be three. Quorum.

17. John Henry Skinner Samuel Boughton and Harold Chamberlin and two other persons to be nominated by them or the majority of them shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible First directors.

A.D. 1899. for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Confirmation of scheduled agreement.

18. The agreement set forth in the First Schedule to this Act is hereby confirmed and made binding on the parties thereto.

Dissolution of old company and repeal of Act of 1857.

19. From and after the transfer to and vesting in the Company of the existing pier which is proposed to be effected in pursuance of the said scheduled agreement the Great Yarmouth Britannia Pier Company shall be by virtue of this Act dissolved and subject to the provisions of this Act the Great Yarmouth Britannia Pier Act 1857 shall be repealed.

Power to remove existing Britannia Pier.

20. At any time after the acquisition by the Company of the said Britannia Pier works and property it shall be lawful for the Company to pull down and remove the same and the buildings connected therewith or any of them for the purpose of constructing on or near the site thereof the new pier by this Act authorised Provided that the Company shall entirely remove the existing pier upon or prior to the completion of the pier authorised by this Act and shall be liable to a penalty not exceeding ten pounds for every day upon which they shall (without the consent of the Corporation) allow the existing pier or any part thereof to remain after the pier authorised by this Act shall have been opened for public use.

Power to make pier and to take lands.

21. 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 the pier herein-after described with all proper works and conveniences connected therewith namely:—

A pier in length 270 yards or thereabouts wholly situate in the borough and parish of Great Yarmouth commencing at the gates of the existing Britannia Pier and extending thence seawards for a distance of 270 yards or thereabouts and there terminating and to be constructed of open work:

And the Company may for the purposes of this Act enter on take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference.

22. The Company 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.

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Restriction on taking houses of labouring class.

If the Company acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if they think fit reduce such penalty.

For the purpose of this section the expression "labouring class" means mechanics artisans 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 of such persons who may be residing with them.

23. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

24. In constructing the pier the Company may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding 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.

Limits of deviation.

25. If the 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided that if the pier shall be constructed by the Corporation in pursuance of the provisions of this Act the period of seven years shall in this section be substituted for the period of five years.

Period for completion of pier.

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Power to
dredge &c.

26. The Company may dredge scour and deepen the bed and shore of the sea at or near to any part of the pier.

Limits of
pier.

27. The limits within which the powers of the pier-master for the regulation of the pier may be exercised shall comprise the pier and the whole area covered by the sea within one hundred yards from any part of the pier.

Power to
provide
landing
stages &c.

28. The Company may construct maintain provide and manage on or in connection with the pier sea-walls jetties landing and shipping places toll-houses toll-gates weighing houses weighing machines cranes sheds wharves roads approaches tramways sewers drains groynes mooring posts and other works and conveniences.

Power to
erect
pavilions &c.

29. The Company may erect and construct upon the pier or within the limits of deviation of the pier as shown on the deposited plans pavilions swimming and other baths assembly rooms waiting reading refreshment and dining rooms rooms for public entertainment and other rooms shops stalls buildings works and conveniences and may make such charges for the use thereof or for admission thereto as they may think fit and they may furnish stock and equip such pavilions rooms and buildings.

Works below
high-water
mark not to
be com-
menced
without
consent of
Board of
Trade.

30. The Company shall not under the powers of this Act 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 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 Company 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. 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 Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Lights on
works during
construction.

31. The Company shall on or near the works below high-water mark hereby authorised during the whole time of 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. A.D. 1899.

If the Company 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.

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

If the Company 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.

33. The Company shall during the progress of their works at their own expense maintain in its present state and position the building in which the said Corporation of Trinity House at present exhibit a light known as the Caister Low Light and shall on completion of their works at the like expense and to the satisfaction of the said Corporation of Trinity House erect and for ever thereafter maintain in a position on the said pier to be approved by the said Corporation of Trinity House and for their exclusive use either the said building or a new building of a suitable character from which the said light can be exhibited and shall in case they shall elect to remove and re-erect the present building at the like expense and to the like satisfaction make such temporary arrangements that the said light may not cease to be exhibited in a proper and suitable manner. Maintenance of building exhibiting Caister Low Light during construction and afterwards.

So long as the said building shall be maintained as above mentioned and the said Corporation of Trinity House shall continue to exhibit the said light therefrom the said Corporation will continue to pay to the person entitled thereto the rent or sum of five pounds per annum now paid for the use of the present building.

So long as the said light shall be exhibited the said Corporation and their servants shall at all times by day and by night have free right of ingress and egress to and from the building in which the same shall be exhibited.

34. 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 Trinity House of Deptford Strond and shall apply to that Corporation for directions as to the means Provision against danger to navigation.

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to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every 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.

Abatement
of works
abandoned
or decayed.

35. If any of the works constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them 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 as a Crown debt or summarily.

Survey of
works by
Board of
Trade.

36. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work constructed or in course of construction by the Company on in over through or across tidal lands or tidal waters 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 as a Crown debt or summarily.

Approval of
works and
buildings by
Corporation.

37. The Company shall not under the powers of this Act construct any works on land above high-water mark of ordinary spring tides nor any buildings or structures upon any portion of the pier hereby authorised until they have submitted to the Corporation complete plans elevations and sections of such works buildings and structures drawn to a scale of not less than one inch to every eight feet and showing the position elevation form and dimensions of the several parts of such buildings or structures together with a description in writing of the materials of which it is intended that such works buildings and structures shall be constructed and of the intended mode of drainage and means of water supply and the Corporation have given their written approval of the same nor shall the Company at any time alter enlarge or extend the same without previously obtaining the like approval and the said works buildings and structures shall be constructed strictly in accordance with such plans elevations sections and description and to the approval in all things of the Corporation :

Provided that if the Corporation neglect or refuse to approve the said plans elevations and sections or any part thereof on grounds other than those of public health or safety for the space of one month after a written application so to do then and in such case the plans shall be submitted to and approved by two arbitrators who

shall be architects one to be appointed by each party under and subject to the provisions of the Arbitration Act 1889 with power to appoint an umpire and it shall be a direction to any such arbitrator or umpire to satisfy himself that a sum of not less than forty thousand pounds will be expended upon the construction of the said works buildings and structures and that the same are upon the same lines as regards position design structure nature and character as those depicted upon a plan signed by Harold Chamberlin solicitor for the Company and Arnold Henry Miller town clerk of the county borough of Great Yarmouth.

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38. The Company shall maintain the whole of the undertaking in good substantial and ornamental repair and to the reasonable approval of the Corporation and no bills or advertisements shall without the consent in writing of the Corporation under the hand of their town clerk be placed thereon so as to be visible from the shore except announcements relating to the undertaking of the Company and statutory announcements and lists of tolls which may be exhibited at the entrance gates provided that they do not extend above the level of the top of those gates and that the total area of those announcements exclusive of statutory announcements and lists of tolls does not exceed one hundred and fifty superficial feet In the event of the Company acting in contravention of this or the preceding section it shall be lawful for the Corporation by their officers servants and workmen to enter upon the said premises and to execute such works and do such things at the expense of the Company as may be necessary to comply with such sections and the amount of such expense shall be a debt due from the Company to the Corporation.

Maintenance
of works.

39. The Company may to the exclusion of all other bodies and persons demand receive and recover for the use of the pier by this Act authorised in respect of the persons vessels matters and things specified in the Second Schedule to this Act any sums not exceeding the rates in that schedule mentioned Provided that so long as the existing pier remains open and available for use the Company may demand and take the like rates tolls and sums as could or might have been demanded or taken before the passing of this Act under the powers of the Great Yarmouth Britannia Pier Act 1857 or otherwise.

Power to
levy rates.

40.—(1) In addition to the rates which the Company are by this Act authorised to levy there shall be paid to the Company the rates for the time being prescribed by the Great Yarmouth Port and Haven Commissioners in this Act referred to as the commis-

Collection of
rates payable
to com-
missioners.

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(2) The Company shall pay to the said commissioners all moneys received by the Company under subsection 1 of this section after deducting therefrom a sum equal to 5 per cent. thereon. Such payments to be made quarterly upon or within fourteen days after the last days of March June September or December in each year respectively.

Annual
account to be
sent to Board
of Trade
and Com-
missioners.

41. The Company within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up at the end of the day on the 25th day of March in each year) shall send a copy of the same to the Board of Trade and to the Great Yarmouth Port and Haven Commissioners and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding ten pounds.

Rates may
be levied
though
works not
completed.

42. So soon as it shall be certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Company that the works authorised by this Act have been so far completed as to afford accommodation either for persons walking on the pier or for the landing or embarking or shipping of passengers by means of such works the Company may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Act shall not then have been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the Second Schedule to this Act as shall in the opinion of the Board of Trade be commensurate to the accommodation afforded.

Charges for
sundry
conveniences
and services.

43. The Company may charge for the use of any buildings works tramways and conveniences provided by them or in respect of

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any services rendered by them other than those specified in the Second Schedule to this Act such sums as they may think fit or as may be agreed between the Company and the person desiring to avail himself of such buildings works tramways or conveniences or services.

44. The Company may grant family tickets and tickets to passengers and promenaders or others for the use of the pier on such terms and for such periods not exceeding one year as may be agreed but so that no preference be given to any person. A family ticket or a pass ticket shall not be transferable and shall not be used except by the person or by members of the family to whom or in whose favour it is granted. If any person wilfully and with intent to defraud act in any way in contravention of this provision or use or attempt to use any false or counterfeit or expired ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings to be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Company
may grant
family and
pass tickets.

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

Certain
fishing
vessels under
stress of
weather
exempt from
rates.

46. Officers of the Corporation of the commissioners and of the police being in the execution of their duty and licensed pilots shall at all times have free ingress passage and egress to or along and from the pier by land and with their vessels or otherwise without payment.

Police
Corporation
officers and
pilots exempt
from rates.

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

Lifeboat
crew exempt
from rates.

48. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily

Life-saving
apparatus
may be
attached to
pier.

A.D. 1899. and from time to time without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier The Company shall at all times keep at the outer extremity of the pier a sufficient number of efficient life buoys and lines in good order and fit and ready for use.

Company may lease undertaking.

49. The Company may lease for any term not exceeding seven years the rates and other charges authorised to be taken in respect of their pier undertaking and may let for hire or lease for any term not exceeding seven years any refreshment and other rooms saloons pavilions and other buildings or accommodation to any company body or person upon such terms and conditions as they think fit and the lessee of the said rates and charges during the continuance of his lease and to the extent provided in such lease shall have and may exercise all or any of the powers conferred upon the Company by this Act of levying and recovering rates and charges and shall be subject to the same provisions in respect thereto as the Company are under this Act.

Power to agree for sale of undertaking to Corporation.

50. With the consent of the Local Government Board the Corporation and the Company may enter into and carry into effect an agreement or agreements for the purchase by the Corporation from the Company of their pier undertaking and of all the works property powers rights and privileges of the Company.

Purchase of undertaking by Corporation in certain events.

51.—(1) If the pier by this Act authorised shall not have been substantially commenced within three years from the passing of this Act or within such extended time as the Corporation may by writing under the hand of their town clerk allow the Corporation may with the consent of the Local Government Board by notice require the Company to sell their undertaking works property powers rights and privileges including the existing pier and the works and property connected therewith if they shall have been acquired by the Company (all of which are in this Act included in the expression "the Company's undertaking") and thereupon the Company shall sell the Company's undertaking to the Corporation for such consideration (being a sum in gross) and on such terms as may be agreed or in default of agreement determined by arbitration in the manner provided by the Lands Clauses Acts for settling cases of disputed compensation.

(2) Provided that if at the time of the service of the notice by the Corporation upon the Company under this section the Company shall not have acquired the existing pier the said consideration (if

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determined by arbitration) shall not exceed the amount of the costs charges and expenses paid or owing by the Company under the section of this Act whereof the marginal note is "Costs of Act" and the Corporation may by notice require the executors of the said John Joseph Isaac or their assigns (in this section called "the owner") to sell the existing pier and the works and property connected therewith and thereupon the owner shall sell the said pier works and property to the Corporation for such consideration (being a sum in gross) and on such terms as may be agreed or in default of agreement determined by arbitration in the manner aforesaid.

(3) Subject to the provisions of this Act the Lands Clauses Acts so far as they are applicable and with the necessary modifications shall apply to the purchases by this section authorised as if such purchases were the purchase and taking of lands and in the construction of the provisions of those Acts the expression "the promoters of the undertaking" shall mean the Corporation and the expression "lands" shall mean the Company's undertaking or the existing pier and the works and property connected therewith (as the case may be).

(4) If there shall be any dispute between the Corporation and the Company as to whether the pier by this Act authorised shall have been substantially commenced within the period aforesaid the same shall be referred to the arbitration of an engineer to be appointed by the President for the time being of the Institution of Civil Engineers upon the application of either party and the decision of such engineer shall be final and conclusive between the parties.

52.—(1) The Corporation may with the consent of the Local Government Board within six months after the expiration of a period of thirty years from the passing of this Act and within six months after the expiration of every subsequent period of ten years by notice in writing require the Company to sell and thereupon the Company shall sell to them the Company's undertaking upon terms of paying the then value thereof as a going concern such value to be in case of difference determined by arbitration.

Purchase of undertaking by Corporation after thirty years.

(2) The arbitrator may determine any other questions which may arise in relation to such purchase and may fix the date from which such purchase is to take effect and from and after the date so fixed or such other date as may be agreed upon between the parties the Company's undertaking shall vest in the Corporation freed from any debts mortgages or similar obligations of the Company or attaching to the undertaking.

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Company's
undertaking
to be held by
Corporation
freed from
debts and
liabilities.

53. On the conveyance to or vesting in the Corporation of the Company's undertaking or of the existing pier and the works and property connected therewith (in this Act called "the transfer") the Corporation shall as between the Company and the Corporation hold such undertaking or such pier works and property (as the case may be) freed and discharged from all debts contracts obligations engagements and liabilities of the Company then subsisting except rents and charges properly payable out of revenue and accruing at or after the transfer and from and after the transfer the Corporation and the Company's undertaking shall not be or continue in any way liable to any claims or demands whatsoever on the part of any creditor of the Company or of any other person in respect of any such debts contracts obligations engagements or liabilities of the Company except as aforesaid.

Applicat on
of purchase-
money.

54. The Company shall hold the purchase money paid to them by the Corporation under this Act in trust to pay their debts and to pay apply and distribute the residue (if any) of such purchase money amongst the shareholders in the Company according to the amount of their shares and for the purpose of such distribution the several persons whose names shall appear in the books of the Company at the date of the transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the Company.

Winding up
and dissolu-
tion of
Company.

55. So soon as conveniently may be after the transfer the affairs of the Company shall be wound up and for that purpose the directors of the Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the application of the purchase money and for winding up the affairs of the Company and when and so soon as such moneys have been distributed and their affairs have been wound up the Company shall be by virtue of this Act dissolved.

Vesting of
powers
under Act in
Corporation
after
transfer.

56. From and after the transfer all the powers authorities rights privileges obligations and liabilities of the Company under this Act shall be transferred to and vested in the Corporation and this Act shall be read and have effect as if the Corporation had been therein named instead of the Company Provided that the provisions of this Act relating to capital constitution and management shall not apply to the Corporation.

Power to
Corporation
to borrow.

57.—(1). The Corporation may independently of any borrowing power borrow at interest such sum or sums as may be necessary for and in connexion with the purchase of the Company's undertaking or of the existing pier and the works and property connected

A.D. 1899.

therewith Provided that if the said undertaking or the said pier works and property is or are purchased by agreement such sum or sums shall not be borrowed except with the approval of the Local Government Board and with the approval of that Board the Corporation may borrow at interest such further money as they may require for the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge the revenue of their pier undertaking and the borough fund and borough rates.

(3) The Corporation shall pay off all money borrowed by them under this Act with the approval of the Local Government Board within such period as that Board shall sanction and all other money borrowed by them under this Act within forty years from the date or dates of the borrowing of the same.

(4) The provisions of sections 101 to 103 and 105 to 115 and 129 (all inclusive) of the Great Yarmouth Corporation Act 1897 so far as the same are applicable shall be incorporated with and form part of this Act.

58. Any byelaws to be made by the Company under the provisions of the Harbours Docks and Piers Clauses Act 1847 shall not be valid unless confirmed by the Board of Trade and shall not require confirmation or allowance by any other authority Provided that the draft of all such byelaws shall be submitted to the Corporation before they are submitted to the Board of Trade.

Byelaws to be confirmed by Board of Trade.

59. Offences under this Act or under any byelaws under this Act may be prosecuted and penalties may be recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Prosecution of offences &c.

60. Sections twenty-eight and ninety-nine of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Act shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of any Government Departments specially named in those sections.

Extension of 10 & 11 Vict. c. 27. (ss. 23 & 99) as to exemption of Government Department Officers &c.

61. 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

Saving rights of Crown in foreshore.

A.D. 1899.

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 Crown
under Crown
Lands Act.

62. 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-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Provision for
Merchant
Shipping
Act and
general
Acts.

63. Nothing in this Act contained shall exempt the pier or the Company from the provisions of the Merchant Shipping Act 1894 or any general Acts relating to piers 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 dues by this Act authorised.

Costs of Act.

64. The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act shall be paid by the Company.

SCHEDULES.

A.D. 1899.

THE FIRST SCHEDULE.

AN AGREEMENT made the 16th day of March 1899 between WILLIAM HARRISON of Great Yarmouth in the County of Norfolk Provision Merchant JOHN HENRY SKINNER of East Dereham in the said County of Norfolk Timber Merchant and SAMUEL BOUGHTON of Great Yarmouth aforesaid Agent executors of the will dated the twenty-second day of October 1897 of John Joseph Isaac (in this Agreement referred to as "the executors") of the one part and the said JOHN HENRY SKINNER and SAMUEL BOUGHTON two of the promoters of the Great Yarmouth New Britannia Pier Company Bill of the other part.

WHEREAS a Bill is pending in Parliament with the short title of the Great Yarmouth New Britannia Pier Act 1899 whereby it is proposed to incorporate a company (in this Agreement referred to as "the Company") for the purpose of acquiring the existing Great Yarmouth Britannia Pier and of constructing a new and improved pier in lieu thereof and for other purposes :

And whereas the said Bill contains recitals showing that the late John Joseph Isaac was at the time of his death in undisputed possession of the said pier and that all his estate and interest therein is now vested in the executors of his will which has been duly proved by them :

And whereas it has been arranged that the executors shall sell and that the said Company shall purchase the said pier and works and property connected therewith and all the estate and interest therein of the late John Joseph Isaac :

Now these presents witness and it is hereby mutually agreed as follows :—

1. Subject to the passing of the said Bill the executors shall sell and the Company shall purchase all the estate and interest of the late John Joseph Isaac in the existing Britannia Pier at Great Yarmouth and the works and property connected therewith including the benefit of all conveyances and leases of or in connexion with the said pier undertaking subject to all liabilities contracts and obligations (if any) affecting the said undertaking at the date of the transfer and vesting herein-after mentioned.

2. The consideration for the said purchase and site shall be the payment of the sum of 26,000*l.* by the Company to the executors.

A.D. 1899. 3. The purchase and sale shall be effected by a conveyance to be executed on payment or tender of the purchase money to the executors and on the execution of the conveyance all the estate and interest of the late John Joseph Isaac in the said pier and other premises comprised in such conveyance shall be transferred to and vested in the Company.

4. The executors shall continue to carry on the pier undertaking in all respects as at present until the transfer and vesting aforesaid but shall not incur any expenses or liabilities other than such as shall be proper and usual in the ordinary course of business.

5. The Company shall take over and satisfy all debts and liabilities properly incurred and existing at the date of the transfer and vesting aforesaid.

6. This Agreement is in all things subject to and conditional upon the passing of the said Bill into law and in case of the failure of the said Bill from any cause this Agreement shall be void and of no effect and in no event shall the promoters parties hereto incur or be deemed to incur any personal liability under this Agreement.

7. The promoters parties hereto shall use their best endeavours to pass the said Bill into law so far as it relates to this Agreement and the executors shall so far as they can do so without prejudicing their own rights and interests co-operate with the promoters in their endeavours to pass the same.

8. This Agreement is subject to such alterations (if any) as Parliament may think fit to make therein but if any material alteration is so made either party shall be at liberty to withdraw from this Agreement before the passing of the said Bill.

As witness the hands of the parties hereto this 16th day of March 1899.

Witness to the signatures of the said William
Harrison and Samuel Boughton

FREDK. THOS. CALVER

Clerk to Mr. Harold Chamberlin
Solicitor

Great Yarmouth.

WM. HARRISON.

J. H. SKINNER.

SAMUEL BOUGHTON.

J. H. SKINNER.

SAMUEL BOUGHTON.

Witness to the signature of John Henry
Skinner

CHAS. J. S. HARPER

1 New Court Lincoln's Inn
W.C.

Solicitor.

THE SECOND SCHEDULE.

A.D. 1899.

I.—RATES FOR USE OF PIER.

	£	s.	d.
For every passenger or other person who shall land on the pier from or embark from it on board of any ship vessel packet or passage boat for each and every time any sum not exceeding -	0	0	4
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except of embarking or disembarking for each and every time any sum not exceeding	0	0	2
For every bath-chair (including the driver) taken on the pier for each and every time any sum not exceeding - - -	0	0	4
For every perambulator (including the person in charge) for each and every time any sum not exceeding - - -	0	0	3
For every fishing-line used on the pier - - - per day	0	0	6
For every master or member of the crew of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry for each and every time a sum not exceeding - - - - -	0	0	1
Or as a composition for one year a sum not exceeding - - -	0	10	0
Provided that the rate for the use of the pier by any person for any of the purposes above mentioned on regatta and fete days (not exceeding twelve in a year) shall be not exceeding - - -	0	1	0

II.—RATES ON PASSENGERS' LUGGAGE LANDED SHIPPED OR TRANSHIPPED AT THE PIER.

For every trunk portmanteau box parcel or package within the description of luggage and not borne by the passenger not exceeding twenty-eight pounds - - - - -	0	0	2
Over twenty-eight pounds and not exceeding fifty-six pounds -	0	0	3
Over fifty-six pounds and not exceeding eighty-four pounds -	0	0	4
Over eighty-four pounds and not exceeding one hundred and twelve pounds - - - - -	0	0	5
Over one hundred and twelve pounds and not exceeding one hundred and forty pounds - - - - -	0	0	6
Over one hundred and forty pounds and not exceeding one hundred and ninety-six pounds - - - - -	0	0	7
Over one hundred and ninety-six pounds and not exceeding two hundredweight - - - - -	0	0	8
And for every hundredweight beyond - - - - -	0	0	4
And for every twenty pounds' weight in addition - - - - -	0	0	1
For every bicycle or tricycle for each and every time - - -	0	0	3

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