



### CHAPTER xlv.

An Act to alter the constitution of the Commissioners for the Newhaven and Seaford Sea Defence Works to extend their powers for the construction repair and protection of sea defence works to make further and better provision for their finances and for other purposes. [13th August 1947.]

**W**HEREAS by the Newhaven and Seaford Defences Act 1898 (in this Act called "the Act of 1898") a body of commissioners was constituted and incorporated under the name of the Commissioners for the Newhaven and Seaford Sea Defence Works (in this Act called "the commissioners") for the purpose of making and maintaining defence works for preventing encroachment by the sea upon the shore between Newhaven and Seaford in the county of Sussex: 61 & 62 Vict.  
c. cxxx.

And whereas the commissioners were by the Act of 1898 empowered to make and maintain certain sea walls therein described together with all such groynes along the line thereof and other works and conveniences connected therewith as the commissioners might think necessary and to construct and maintain groynes or other defensive works on the foreshore in front of two then existing sea walls and the commissioners were also required by the said Act to maintain the said then existing sea walls (such works extending from the east pier of Newhaven harbour to the chalk cliff at Seaford Head) and provision was made for ensuring the construction of a road along the said new and one of the existing sea walls:

And whereas certain companies authorities and persons were required by the Act of 1898 to bear in the proportions specified in that Act the cost of constructing the works so authorised and provision was made by that Act for certain companies and authorities therein mentioned to share the expense of the maintenance and repairs of the sea walls and works authorised by that Act or thereby required to be maintained by the commissioners and the provision and upkeep of a reserve fund for ensuring the carrying out of such maintenance and repair and for regulating the amounts to be contributed from time to time to the said fund and the application of the said fund to such maintenance and repair:

13 & 14 Geo. 5.  
c. xx.

And whereas by the Newhaven and Seaford Sea Defences Act 1923 (in this Act called "the Act of 1923") provision was made for increasing the amounts which might be required by the commissioners to be paid from time to time towards the expense of such maintenance and repair by the companies and authorities then sharing such expense in pursuance of the said provisions of the Act of 1898 and intermediate legislation and statutory provisions (comprised in the Railway (Southern Group) Amalgamation Scheme 1922 the Southern Railway Act 1926 and article 58 of the East Sussex Review Order 1934) and for the making of contributions by those companies and authorities to the discharge of a debit balance which then existed on the revenue account of the commissioners:

16 & 17 Geo. 5.  
c. xcii.

And whereas it was provided by the Act of 1898 that the commissioners should be not more than twelve in number of whom ten are now (by virtue of the Act of 1898 and the said intermediate legislation and statutory provisions) appointed as follows:—

By the East Sussex County Council (in this Act called "the County Council") one who is ex-officio chairman of the commissioners;

By the Seaford Urban District Council (in this Act called "the Seaford Council") three;

By the Southern Railway Company five; and

By the trustees for Newhaven Harbour and Ouse Lower Navigation (in this Act called "the navigation trustees") one:

And whereas it was further provided by the Act of 1898 that if and when the Newhaven Urban District Council (in this Act called "the Newhaven Council") should agree to subscribe towards the maintenance of the walls and works by that Act authorised and to contribute towards the said reserve fund a sum not less than two thirty-second parts thereof they



might appoint one member of the commission and such right of appointment by the Newhaven Council has not yet become operative:

And whereas since the passing of the Act of 1923 the maintenance expenditure of the commissioners has been higher over a series of years than the income which they have been entitled by statute to receive and they are in debt to the Southern Railway Company to the amount of forty-six thousand pounds or thereabouts in respect of work carried out by that company on behalf of the commissioners:

And whereas in the month of December in the year nineteen hundred and forty-five a prolonged series of gales coupled with unusually high water inflicted very serious damage on the commissioners' sea defences and on the district and county roads behind the sea wall considerable lengths of the sea wall having been completely destroyed and a considerable part of the district road having disappeared:

And whereas certain temporary works of protection have been executed in order to mitigate to some extent the effects of the damage but those effects continue to constitute a serious danger to the low-lying parts of the town of Seaford and such danger can only be removed by the execution of extensive permanent works which necessarily involve heavy expenditure:

And whereas the Seaford Council are the highway authority for the road immediately behind a large part of the commissioner's sea wall and in that capacity the Seaford Council have made a grant of forty thousand pounds to the commissioners for protective works to be devoted as to thirty-five thousand pounds to work in connection with the sea wall and as to five thousand pounds to work on the groynes:

And whereas the County Council who are the highway authority for the road immediately behind a further part of the sea wall have in addition to incurring considerable expenditure on protective works and the repair of damage to the county road also made a grant to the Seaford Council of thirty-one thousand pounds which has been paid to the commissioners for protective works to the district road:

And whereas the Minister of Health has consented to the borrowing of the said sums of forty thousand pounds and thirty-one thousand pounds by the Seaford Council and the county council respectively:

And whereas in view of the dangerous character of the present situation it is urgently necessary that permanent works of a costly type should be undertaken at the earliest possible moment by the commissioners for replacing the works destroyed or damaged as aforesaid and for strengthening and

improving certain parts of the sea defences of the commissioners and that with a view to meeting the resulting expense such changes should be made in the financial arrangements in relation to the undertaking of the commissioners and such increases of their financial resources should be secured as are in this Act provided for and such further powers and obligations should be conferred and imposed on the commissioners and the Seaford Council and other bodies as are in this Act contained:

And whereas in view of the special threat to the town of Seaford and other changes of circumstances since the passing of the Act of 1898 it is expedient that the right of the Southern Railway Company and the navigation trustees to representation on the commissioners' body and their obligation to contribute to the funds of the commissioners should be terminated and the commissioners' body should be reconstituted as in this Act provided and in consideration of their release from the said obligation the Southern Railway Company are willing that the said debt of the commissioners to that company should be cancelled:

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the County Council have observed the requirements of Part XIII of the Local Government Act 1933:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

## PART I.

### PRELIMINARY.

1. This Act may be cited for all purposes as the Newhaven and Seaford Sea Defences Act 1947 and this Act and the Newhaven and Seaford Sea Defences Acts 1898 and 1923 may be cited together as the Newhaven and Seaford Sea Defences Acts 1898 to 1947.

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

Part I.—Preliminary.

Part II.—Reconstitution of commissioners.

Part III.—Works and lands.

Part IV.—Financial.

Part V.—Miscellaneous.

Short title.

Act  
divided into  
Parts.



3.—(1) The Lands Clauses Acts except the provisions thereof relating to the acquisition of land otherwise than by agreement and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 so far as the said Acts are applicable to the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act and in construing those Acts for the purposes of this subsection this Act shall be deemed to be the special Act and the commissioners to be the promoters of the undertaking and the word "land" shall have the meaning assigned to it in this Act.

PART I.  
—cont.  
Incorporation  
of Acts.  
8 & 9 Vict.  
c. 18.

(2) The provisions of the Commissioners Clauses Act 1847 (except sections 15 88 92 93 and 94) so far as they are applicable and are not inconsistent with this Act are incorporated with and form part of this Act and in construing the said Act as incorporated with this Act the expression "the Commissioners" shall mean the commissioners referred to in section 4 (Interpretation) of this Act and the expression "the special Act" shall mean this Act:

10 & 11 Vict.  
c. 17.

Provided that in any case where under the said provisions a penalty or forfeit is imposed the court or tribunal before whom such penalty or forfeit is sought to be recovered may order a part only of such penalty or forfeit to be paid if such court or tribunal think fit.

(3) As from the passing of this Act the Commissioners Clauses Act 1847 shall cease to be incorporated with the Act of 1898 so far as such incorporation is inconsistent with the provisions of subsection (2) of this section.

4. In this Act unless the subject or context otherwise requires— Interpretation.

"The Act of 1898" and "the Act of 1923" mean respectively the Newhaven and Seaford Sea Defences Act 1898 and the Newhaven and Seaford Sea Defences Act 1923;

"The commissioners" means the Commissioners for the Newhaven and Seaford Sea Defence Works incorporated by the Act of 1898 either as constituted under that Act or as reconstituted under this Act as the case may be;

"The County Council" means the county council for the administrative county of East Sussex;

"The Seaford Council" means the Seaford Urban District Council;

"The Newhaven Council" means the Newhaven Urban District Council;

- “ The navigation trustees ” means the trustees for Newhaven harbour and Ouse lower navigation;
- “ The catchment board ” means the River Ouse (Sussex) Catchment Board;
- “ The constituent authorities ” means the bodies empowered by paragraph (a) of section 5 (reconstitution of commissioners) of this Act to appoint commissioners and such other bodies (if any) as may be empowered by order of the Minister under paragraph (h) of that section to appoint commissioners;
- “ The Minister ” means the Minister of Health;
- “ The day of reconstitution ” means the first day of October nineteen hundred and forty-seven;
- “ The appointed day ” means the first day of April nineteen hundred and forty-eight;
- “ The existing works ” means the sea walls and groynes and other works vested in or belonging to or maintainable by the commissioners immediately before the passing of this Act including the sites and any parts of any works which would so be vested in or belong to or be maintainable by the commissioners but for the destruction of such works by action of the sea;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ Land ” includes any interest in land and any easement or right in to or over land.
- “ The company ” means the Eastbourne Gas Company;
- “ Apparatus ” means mains pipes valves connections public lamps and other works and apparatus;
- “ Loan charges ” means annual charges for interest and repayment of principal in respect of a loan;
- “ The deficiency ” has the meaning given to it in paragraph (c) (ii) of section 12 (Capital charges fund) of this Act;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local authority as defined by



section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the commissioners.

PART I.  
—cont.  
38 & 39 Vict.  
c. 83.

PART II.

RECONSTITUTION OF COMMISSIONERS.

5. As from the day of reconstitution the following provisions shall have effect:—

Reconsti-  
tution of  
commis-  
sioners.

(a) Subject to the provisions of paragraph (h) of this section the commissioners shall be eight in number and shall be appointed as follows:—

Four by the County Council;

Three by the Seaford Council; and

One by the catchment board:

(b) A commissioner appointed by any of the constituent authorities need not be a member of that constituent authority but any commissioner who is a member of the constituent authority appointing him may be required by that authority to vacate his office if he ceases to be a member of such constituent authority:

(c) On the day of reconstitution the commissioners who are in office immediately before that day shall cease to hold office and the persons who are to hold office shall be appointed before that day by the constituent authorities respectively and shall come into office on that day. If any of the constituent authorities fail to make any such appointment it shall be competent nevertheless for the other commissioners to carry on the undertaking of the commissioners and if any of the constituent authorities fail to appoint a commissioner or commissioners at any subsequent time when such an appointment ought to be made the then existing commissioners representing that constituent authority shall continue in office as if they had been reappointed by the authority so failing to appoint:

(d) At the first annual meeting of the commissioners one of the commissioners so appointed by the County Council (to be determined by ballot among themselves unless they shall otherwise agree) shall go out of office and one of the commissioners so appointed by the Seaford Council (to be similarly determined) shall go out of office. At the second annual meeting one other of the commissioners so appointed as from

## PART II.

—cont.

the day of reconstitution by the County Council (to be similarly determined) and one other of the commissioners so appointed as from the day of reconstitution by the Seaford Council (to be similarly determined) and the commissioner appointed by the catchment board shall go out of office. At the third annual meeting the remainder of the commissioners appointed as from the day of reconstitution shall go out of office:

And in each instance and subsequently on the retirement of a commissioner the place of the retiring commissioner shall be filled by the constituent authority by whom he was appointed and the new commissioner appointed in his place shall hold office until the annual meeting in the third year after his appointment and at that meeting he shall retire and his successor shall similarly hold office for three years:

Nevertheless every commissioner so retiring from office shall be eligible for re-appointment and if re-appointed shall with reference to the time for his retirement be considered as a new commissioner:

- (e) The Commissioners shall hold their first meeting at Seaford at a place and on a day and at a time to be fixed by the clerk to the commissioners and stated in the notice such day being as soon as convenient after the day of reconstitution:

Other meetings of the commissioners shall be held at monthly or other intervals and at such place on such days and at such times as the commissioners may appoint and shall be convened by the clerk to the commissioners by circular delivered to each commissioner or sent by post to or delivered at his residence two clear days at least before the day of meeting and the annual meeting shall be held on some convenient day in the month of May in each year commencing with the year nineteen hundred and forty-eight or in such other month as the commissioners may from time to time resolve:

- (f) At the first meeting of the commissioners they shall by the majority of the votes of the commissioners present elect a chairman and a vice-chairman until the next annual meeting of the commissioners when and at every subsequent annual meeting the chairman and vice-chairman then in office shall retire and the commissioners shall in like manner elect



a new chairman and vice-chairman. At any such meeting the retiring chairman or vice-chairman may be re-elected:

- (g) The quorum of a meeting of the commissioners shall be three:
- (h) If the Minister at any time on the application of the commissioners or on the application of the Newhaven Council or any other body and after making such inquiry as he shall think fit shall be satisfied that the Newhaven Council or such other body (as the case may be) ought to participate in the powers and responsibilities of the commissioners he may by order provide that the Newhaven Council or such other body (as the case may be) shall be entitled to appoint a commissioner in addition to those for whose appointment provision is then already in force. Any such order shall provide that the proportions which the constituent authorities respectively are to bear of the deficiencies under section 12 (Capital charges fund) of this Act and of the amounts of precepts for revenue expenditure under paragraph (c) of subsection (2) of section 13 (Expenditure on revenue account) of this Act shall be varied by adding one to the denominator of the fraction representing the proportion which is to be borne and contributed from time to time by each of the then existing constituent authorities and naming one as the numerator of the fraction which is to be borne and contributed by any body empowered by the order to appoint a commissioner and naming the same denominator for that fraction as for the fractions representing the new proportions to be borne and contributed by the then existing constituent authorities. Any such order may contain any incidental consequential or supplemental provisions which may appear to the Minister to be necessary or proper for the purposes of the order and shall have effect notwithstanding anything in any enactment (including any enactment contained in this Act) or anything in any instrument made by virtue of any such enactment:
- (i) If any difficulty arises in connection with the appointment or retirement of any of the commissioners to be appointed under this section or as to the holding of the first or any other meeting of the commissioners such difficulty shall be removed or met in such manner as may be determined by the County Council.

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## PART III.

## WORKS AND LANDS.

Works.

6. Subject to the provisions of this Act the commissioners may and shall construct and maintain in or upon any lands for the time being belonging or leased to them or with the consent of the County Council or the Seaford Council or the Newhaven Council in or upon any highway for which any such council respectively is the highway authority all or any such works as shall in the opinion of the commissioners be necessary or expedient for the purpose of restoring replacing altering extending improving or protecting the sea walls authorised by the Act of 1898 or any other of the existing works or any works constructed under the powers of this section or for the purpose of otherwise ensuring effective means of defence against irruption or encroachment of the sea upon low-lying lands in the urban district of Seaford or the urban district of Newhaven Any consent to be given under this section shall not be unreasonably withheld and if the commissioners fail to obtain any such consent on applying for the same they may appeal to the Minister who may make such order as he thinks fit:

Provided that nothing in this section shall derogate from or restrict or prejudice the exercise of any of the powers vested in the commissioners under or in pursuance of the Act of 1898 or the Acts therewith incorporated.

Lands.

7.—(1) The commissioners may for any of the purposes of the Newhaven and Seaford Sea Defences Acts 1898 to 1947 from time to time by agreement purchase or take on lease any lands which they may deem requisite or convenient for such purposes and may for such purposes sell or grant leases or underleases of any such lands.

9 & 10 Geo. 6.  
c. 49.

(2) The commissioners may for any of the purposes of the Newhaven and Seaford Sea Defences Acts 1898 to 1947 be authorised to purchase compulsorily any land by compulsory purchase order confirmed by the Minister under and in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 as if this subsection were contained in a public general Act and had been in force immediately before the commencement of the said Act of 1946.

For protec-  
tion of  
company.

8. For the protection of the company the following provisions shall unless otherwise agreed in writing between the commissioners and the company apply and have effect:—

(1) Save in cases of emergency the commissioners shall before commencing any works in or upon any highway in upon or under which any apparatus of the



company is situate whereby any such apparatus will be affected deliver to the company plans sections and descriptions of all works so proposed to be constructed describing the proposed manner of constructing the same and such plans sections and descriptions shall be delivered to the company at least twenty-eight days before the commencement of any such works:

Provided that if within twenty-eight days from the receipt of any such plans sections and descriptions the company do not intimate in writing to the commissioners their objection thereto the company shall be deemed to have approved them:

- (2) If it should appear to the company that such works will interfere with or endanger any of their apparatus or impede the supply of gas by means of such apparatus the company may within twenty-one days of the receipt of any such plans sections and descriptions as aforesaid give notice to the commissioners of their desire to lower or alter the position of such apparatus or to support or protect the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under or over any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution or laying or placing of cement concrete or other like substance (in this section referred to as "protective works") shall be determined by arbitration. It shall be lawful for the company to execute any protective works or any other alteration of their apparatus of which they have given notice under this paragraph which may be agreed or settled by arbitration as aforesaid and the cost reasonably incurred by the company in so doing shall be repaid to the company by the commissioners:

Provided that the company shall not begin any such works or alteration until they have given to the commissioners at least seven days' notice of their intention to do so:

- (3) Where such plans sections and descriptions have been delivered to the company the commissioners shall not construct any such works as aforesaid except in accordance with the plans sections and descriptions as approved by the company or determined by arbitration:

- (4) If in the construction of any works under the powers of this Act otherwise than in cases of emergency any damage to any apparatus or property of the company or any interruption in the supply of gas shall be caused by the commissioners their contractors agents workmen or servants or any person in the employ of them or any of them the commissioners shall bear and pay the cost reasonably incurred by the company in making good such damage and shall make full compensation to the company for any loss sustained by them by reason of such damage or interruption of supply and shall indemnify the company against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the company by reason or in consequence of any such damage or interruption:
- (5) Where in cases of emergency the commissioners construct any works under the powers of this Act in or upon any highway the commissioners shall repay to the company the expense reasonably incurred by the company in making such alterations (including cutting off or removal) of their apparatus as may be reasonably necessary in consequence of the execution by the commissioners of such works:
- (6) The commissioners shall bear and pay the cost reasonably incurred by the company in the reasonable employment of watchmen and inspectors with reference to and during the execution of any works affecting or likely to affect any apparatus of the company:
- (7) The commissioners shall bear and pay to the company the amount of any expenses reasonably incurred by the company in or in connection with the cutting off removal or alteration of any apparatus of the company and the connecting of any new or substituted apparatus with any existing apparatus of the company rendered necessary by reason or in consequence of the execution of the powers of the commissioners otherwise than in cases of emergency and shall indemnify the company against all claims and demands by the owners or occupiers of premises supplied by means thereof:
- (8) Whenever by reason of the exercise of the powers of the commissioners otherwise than in cases of emergency any apparatus of the company shall be



rendered derelict useless or unnecessary the commissioners shall pay to the company such a sum as may be agreed between the commissioners and the company to be the value of such apparatus and the apparatus shall thereupon become the property of the commissioners and the commissioners shall also pay to the company any expense reasonably incurred by them in consequence of any such apparatus being so rendered derelict useless or unnecessary:

- (9) The reasonable expense of all repairs or renewals or relaying of any apparatus of the company which may be rendered necessary by reason of any subsidence resulting from the works of the commissioners otherwise than works carried out in cases of emergency whether during the construction thereof or within twelve months after the completion thereof shall be borne by the commissioners and paid by them to the company:
- (10) Any difference which shall arise between the commissioners and the company under this section (other than a difference as to the construction or meaning of this section) shall be determined by arbitration.

#### PART IV.

#### FINANCIAL.

9. From and after the appointed day the commissioners may expend for the purposes of the Newhaven and Seaford Sea Defences Acts 1898 to 1947 on expenditure which is properly chargeable to capital account any sum or sums not exceeding together four hundred and eight-three thousand pounds or such larger total as may from time to time be agreed to in writing under seal by all the constituent authorities:

Expenditure  
on capital  
works.

Provided that no part of such expenditure shall be incurred except in accordance with and for purposes specified in a programme of works and forecast of expenditure which shall have been approved by the Minister after submission by the commissioners to the constituent authorities. Such a programme of works may be prepared at such intervals as the commissioners may find necessary or expedient and a programme may curtail modify or extend a previous programme:

Provided also that nothing in this Act shall empower the commissioners without the consent of the Seaford Council or the County Council as the case may require to incur capital expenditure up to such a sum that the proportion of the deficiency payable under section 12 (Capital charges fund) of this Act would exceed in the case of the Seaford Council the product of a rate of one shilling in the pound levied on the

PART IV.  
—cont.

15 & 16 Geo. 5.  
c. 90.

Seaford Urban District as last estimated for the purpose of paragraph (d) of subsection (2) of section 9 of the Rating and Valuation Act 1925 or in the case of the County Council the product of a rate of three-farthings in the pound levied for general county purposes as last estimated.

As to  
raising of  
funds to  
meet  
capital  
expenditure.

10. Whenever after the appointed day the commissioners require to be provided with funds for meeting expenditure on capital account incurred in accordance with and for purposes specified in a programme of works approved by the Minister under section 9 (Expenditure on capital works) of this Act they shall notify the fact in writing to the Seaford Council and thereupon—

- (a) the provision of the funds so required (in so far as such funds are not provided by capital grants received by the Seaford Council from the Minister or otherwise) shall become a purpose for which the Seaford Council may borrow; and
- (b) the Seaford Council shall forthwith exercise their powers under Part IX of the Local Government Act 1933 for that purpose. Provided that any loan borrowed under such powers for that purpose shall be borrowed on terms of being repaid by equal instalments of principal and interest combined;
- (c) The Seaford Council shall pay the amount of any loan borrowed for that purpose to the commissioners less the amount of any charges properly incurred by that council in respect of such borrowing.

Repayment  
to County  
Council  
of loans  
borrowed  
by them.

11.—(1) The repayment of so much of the loan of thirty-one thousand pounds borrowed by the County Council and referred to in the preamble to this Act as remains outstanding at the appointed day or of any other loan borrowed by the County Council with the consent of the Minister for the purpose of providing the commissioners with funds for meeting expenditure on capital account before the appointed day shall be a purpose for which the Seaford Council may borrow and the Seaford Council shall forthwith exercise their powers under Part IX of the Local Government Act 1933 for that purpose:

Provided that any loan borrowed under such powers for that purpose shall be borrowed on terms of being repaid by equal instalments of principal and interest combined.

(2) The Seaford Council shall pay the amount of any loan borrowed for the purpose referred to in subsection (1) of this section to the County Council less the amount of any charges properly incurred by the Seaford Council in respect of such borrowing.



12. As from the appointed day the following provisions shall have effect:—

PART IV.  
—cont.

Capital  
charges  
fund.

(a) For the purpose of providing for the payment of the loan charges and expenses hereinafter in this section referred to the Seaford Council shall form a fund to be called "the Newhaven and Seaford sea defences capital charges fund" (in this section called "the capital charges fund");

(b) The following payments (hereinafter called "the capital charges") shall be made out of the capital charges fund:—

(i) The loan charges in respect of all loans borrowed by the Seaford Council under section 10 (As to raising of funds to meet capital expenditure) and section 11 (Repayment to County Council of loans borrowed by them) of this Act;

(ii) The loan charges in respect of the loans totalling forty thousand pounds borrowed by the Seaford council and referred to in the preamble to this Act;

(iii) The loan charges in respect of any loan borrowed by the Seaford Council with the consent of the Minister for the purpose of providing the commissioners with funds for meeting expenditure on capital account before the appointed day;

(iv) The sum of one hundred pounds per annum to the Seaford Council in respect of the administrative expenses incurred by the said council in the management of the capital charges fund;

(v) Such additional amounts as the Seaford Council may from time to time be required to pay in respect of audit stamp duty by reason of the inclusion of the transactions under this section in the accounts of the council;

(c) There shall be paid into the capital charges fund:—

(i) All grants received from the Minister or otherwise by way of contribution towards the loan charges referred to in this section (all of which grants shall be paid over to the Seaford Council);

(ii) The amount (in this section called "the deficiency") by which in each financial year ending on the thirty-first day of March the annual grants referred to in the preceding sub-paragraph fall short of the capital charges for that year;

PART IV.  
—cont.—

(d) The deficiency shall be borne in the following proportions (subject to the provisions of paragraph (h) of section 5 (Reconstitution of commissioners) of this Act):—

The County Council eight-fifteenths;  
The Seaford Council six-fifteenths;  
The catchment board one-fifteenth;

which proportions (less any payment on account thereof which shall have been made by virtue of paragraph (e) of this section) shall be paid to the capital charges fund within seven days of the receipt of a statement certified by the clerk of the Seaford Council showing the amount of the deficiency for the financial year ended on the preceding thirty-first day of March;

(e) Pending ascertainment of the deficiency payment on account thereof shall be made to the capital charges fund of such amount and at such times as the Seaford council may require having regard to the dates of payment of the capital charges. If the payments on account made by any constituent authority during any financial year exceed that authority's share of the deficiency the excess shall be treated as a payment on account of the deficiency attributable to the following financial year.

13.—(1) In this section the expression "the revenue expenditure" means all expenses of or connected with the maintenance and repair of any of the works of the commissioners and all administrative or office expenses and other expenses of the commissioners (exclusive of expenditure on works which the Minister would be prepared to approve as part of a programme of works under section 9 (Expenditure on capital works) of this Act) properly chargeable to revenue account.

(2) As from the appointed day the following provisions shall have effect:—

(a) The commissioners shall form a maintenance fund (in this section called "the maintenance fund") for providing the revenue expenditure and in order to form such fund they shall be entitled to issue precepts for and to demand and recover from the Seaford Council such sums as the commissioners may from time to time think fit not exceeding in the aggregate the sum of seven thousand five hundred pounds in respect of any year commencing on the first day of April:

Expenditure  
on revenue  
account.



Provided that in respect of any such year the commissioners shall not demand an aggregate sum greater than the amount by which the maintenance fund was at the end of the last preceding year less than the sum of fifteen thousand pounds;

- (b) The sums so demanded in respect of any year shall be payable by two equal instalments on the first day of June and December respectively and the precept for each instalment shall be issued not less than one month before such instalment is payable. All amounts received by the commissioners in pursuance of such precepts shall be carried into the maintenance fund;
- (c) Forthwith upon receiving any such precept from the commissioners the Seaford Council shall notify in writing to the other constituent authorities the amount thereof. The amount of each such precept shall (subject to the provisions of paragraph (h) of section 5 (Reconstitution of commissioners) of this Act) be borne by the constituent authorities in the following proportions:—

The County Council eight-fifteenths;  
The Seaford Council six-fifteenths;  
The catchment board one-fifteenth.

The constituent authorities other than the Seaford Council not less than seven days before the amount of any such precept is payable by the Seaford Council to the commissioners shall contribute and pay to the Seaford Council the proportions of such amount to be borne by them respectively as aforesaid.

If the commissioners shall at any time require for the purpose of meeting the revenue expenditure to be supplied by the Seaford Council with any sum in advance of any such precept the constituent authorities or any of them may at the request of the Seaford Council advance such sum to the Seaford Council for payment to the commissioners and the amount of any such advance by any of the constituent authorities shall be allowed for by deduction from the proportion of the amount of such precept to be borne by such constituent authority;

- (d) Any sum which immediately before the appointed day is in the maintenance reserve fund formed by the commissioners under section 43 (Maintenance reserve fund) of the Act of 1898 shall on that day be carried into and form part of the maintenance

PART IV.  
—cont.

fund and any investments which immediately before the appointed day are held by the commissioners on account of the said maintenance reserve fund shall as from that day be held by the commissioners on account of the maintenance fund;

- (e) Any sums from time to time in the maintenance fund which may not for the time being be required for payment of any of the revenue expenses may be invested by the commissioners in statutory securities;
- (f) All income arising from investments held by the commissioners in pursuance of the provisions of this section and all other receipts (if any) of the commissioners on revenue account shall be carried to the maintenance fund;
- (g) Subject to the preceding provisions of this section the maintenance fund shall be applied by the commissioners only to payment of the revenue expenditure.

As to  
contributions  
by catch-  
ment  
board.  
20 & 21 Geo. 5.  
c. 44.

14.—(1) The catchment board shall by resolution determine the fair amounts of the contributions to be made from time to time by the River Ouse (Sussex) Catchment Board Internal Drainage Board to the catchment board in pursuance of the provisions of subsection (1) of section 21 of the Land Drainage Act 1930 in respect of the sums to be paid by the catchment board to the Seaford Council for their proportion of the deficiency under section 12 (Capital charges fund) of this Act and for their proportion of revenue expenditure under paragraph (c) of subsection (2) of section 13 (Expenditure on revenue account) of this Act:

Provided that the contributions to be made by the said internal drainage board under this subsection shall not without the previous consent of the Minister of Agriculture and Fisheries exceed the sum of forty-seven pounds in any financial year.

(2) If in any year ending on the thirty-first day of March after the appointed day—

- (a) the total of the sums to be paid by the catchment board to the Seaford Council as mentioned in subsection (1) of this section is such as after deducting therefrom the amount of the contributions to be made by the said internal drainage board in respect thereof as determined in pursuance of that subsection would require in order to cover that total and in order to make provision for such amount as in the opinion of the catchment board would be required to meet



their expenses under the Land Drainage Act 1930 for that year a demand in that year under subsection (2) of section 22 of the Land Drainage Act 1930 of an aggregate amount exceeding the estimated product of a rate of twopence in the pound; and

- (b) the majority of the members of the catchment board who are appointed by the councils of counties and county boroughs do not consent to such demand in that year of an aggregate amount exceeding the estimated product of a rate of twopence in the pound;

the contributions to be made by the catchment board to the Seaford Council in that year shall be reduced by such an amount as may be necessary in order to secure that the aggregate amount of such demand shall not exceed the estimated product of a rate of twopence in the pound and the amount of such reduction shall be contributed to the Seaford Council by the County Council instead of by the catchment board.

15. The debt of forty-six thousand pounds referred to in the preamble to this Act or such other debt as may on the first day of October nineteen hundred and forty-seven be owing by the commissioners to the Southern Railway Company shall as from that day be by virtue of this Act cancelled and extinguished and from the same day the obligation of the company to contribute to the maintenance reserve fund under section 43 (Maintenance reserve fund) of the Act of 1898 as amended by section 2 (Increasing maximum annual contribution to maintenance reserve fund) of the Act of 1923 shall cease.

Cancellation of debt owing to Southern Railway Company.

16. Any of the constituent authorities may at any time if they shall so think fit make to the commissioners in addition to the contributions which they are required to make in pursuance of the provisions of this Act a contribution of such amount as they shall think fit in aid of any expenditure of the commissioners which would otherwise be chargeable either to capital account or to revenue account in the accounts of the commissioners:

Power for constituent authorities to make additional contributions to commissioners.

Provided that any contribution in aid of expenditure of the commissioners chargeable to capital account shall be subject to the consent of the Minister and shall be a purpose for which the constituent authority may borrow.

17.—(1) After the appointed day the financial year of the commissioners shall be the year ending on the thirty-first day of March.

Financial year and audit of accounts.

PART IV.  
—cont.

(2) The accounts of the commissioners and their officers shall be subject to audit by a district auditor appointed by the Minister.

(3) Copies of the audited accounts of the commissioners for each financial year after the appointed day shall be supplied by the commissioners to the constituent authorities respectively on completion of the audit.

Appointment  
of treasurer  
and  
accountant.

18. The appointment of any person to the office of treasurer or accountant of the commissioners (which offices may be held by the same person or by different persons) shall be subject to the approval of the Minister.

## PART V.

## MISCELLANEOUS.

Confirma-  
tion of  
works and  
expenditure.

19. The repair and construction by the commissioners of works of sea defence required as a matter of urgency in consequence of the irruption of the sea in the winter of the year nineteen hundred and forty-five and subsequently and the expenditure on such works by the commissioners already or hereafter of the sum of forty thousand pounds provided by the Seaford Council and the sum of thirty-one thousand pounds provided by the County Council and the expenditure of the sum of forty-six thousand pounds or thereabouts provided by the Southern Railway Company as recited in the preamble to this Act and the expenditure of such further sums as may have been or may be granted by the County Council and the Seaford council respectively towards expenses of the commissioners before the appointed day are hereby confirmed and authorised.

Application  
of certain  
provisions  
of Act of  
1898.

20. The provisions of the following sections of the Act of 1898 (namely):—

Section 31 (Works below high-water mark not to be commenced without consent of the Board of Trade);

Section 32 (Saving rights of Crown in foreshore);

Section 33 (Provisions for accesses to shore to satisfaction of Board of Trade); and

Section 35 (Saving rights of Crown under Crown Lands Act);

shall apply with regard to any work constructed by the commissioners under the powers of this Act in the same way and to the same extent as they apply or applied with regard to any works authorised to be constructed by the commissioners under the powers of the Act of 1898.



21.—(1) It shall be lawful for the commissioners and the constituent authorities or any of them to enter into and carry into effect any agreements either among themselves or with any owners of property including trustees tenants for life or other persons under disability interested in any of the lands affected by any of the existing works or any works which the commissioners may construct under the powers of this Act as to the exchange of lands the vesting of the site of any disused road or footpath or portion of road or footpath in such persons or any of them or the excavation or removal of shingle or other material or the contribution of funds or other matters relative or incidental to the purposes of this Act.

(2) Any such trustees tenants for life or other persons under disability are hereby authorised and empowered to enter into any such agreement and for the purposes of any such agreement to convey to the commissioners any lands forming part of the estates of which they are respectively trustees or tenants for life with or without payment and to raise by mortgage of the fee simple and inheritance of any such estates or any portion thereof any contributions payable by them in accordance with the terms of any such agreement.

(3) In any case in which the commissioners and the constituent authorities or any of them propose to enter into an agreement under this section with respect to the exchange of lands or the vesting of the site of any disused road or footpath or portion of road or footpath in or under which any apparatus of the company is for the time being situated notice in writing shall be given to the company of such proposal and to the persons with whom the agreement is to be entered into of the existence of such apparatus.

(4) Notwithstanding any agreement entered into or conveyance effected under this section but subject as hereinafter in this subsection provided the company shall continue to have the same rights and powers with respect to such apparatus as they had before such agreement was entered into or conveyance effected:

Provided that the company may if they give notice within twenty-one days after the receipt of any notice given to them under subsection (3) of this section of their intention so to do alter the position of their apparatus to such other position as may be reasonable having regard to the circumstances. The commissioners shall repay to the company all expenses reasonably incurred by them in so doing.

(5) Any difference which shall arise between the commissioners and the company under this section (other than a difference as to the construction or meaning of this section) shall be determined by arbitration.

PART V.  
—*cont.*  
Execution  
of works by  
County  
Council or  
Seaford  
Council on  
behalf of  
commis-  
sioners.

22.—(1) Any works which the commissioners may require to carry out by way of either construction or maintenance under or for the purposes of this Act may if the commissioners with the concurrence of the County Council or the Seaford Council (as the case may be) so determine be executed by the County Council or by the Seaford Council on behalf of and as contractors for the commissioners.

(2) All proper costs charges and expenses incurred by the County Council or the Seaford Council in or for the purposes of the execution of such works shall be repaid and made good by the commissioners to the County Council or the Seaford Council as the case may be.

Replacement  
of shingle  
&c.

23.—(1) Any shingle or other material which by the action of the sea or wind is after the passing of this Act carried away from the seashore and deposited upon any works of the commissioners or the promenade or any highway or private property on the landward side of the line of the sea walls maintainable by the commissioners shall not be removed or disposed of by any person except by way of return thereof to the seashore.

Any difference arising between the commissioners and the Southern Railway Company as to whether any material deposited on lands belonging to the said company is material to which this section applies shall be determined by arbitration.

(2) The commissioners may remove from such works promenade highway or property and return to the seashore any such material so deposited making good any damage occasioned in so doing.

(3) Any expense incurred by either the commissioners or the Seaford Council in removing and returning to the seashore any such material so deposited on the promenade or on any highway for which the Seaford Council are the highway authority shall be borne in equal shares by the commissioners and the Seaford Council.

(4) If any person removes or disposes of any material in contravention of the provisions of subsection (1) of this section he shall be liable on summary conviction to a penalty not exceeding five pounds or the amount of the value of the material removed or disposed of whichever shall be the greater:

Provided that this provision shall not prevent or prejudice the taking of any other remedy or proceeding in regard to such removal or disposal of material.



24.—(1) No person otherwise entitled so to do shall without the consent in writing of the commissioners which consent may be given with or without conditions (or if such consent is withheld without the authorisation of the arbitrator referred to in this section which authorisation may be given with or without conditions) remove any shingle or other material from the seaward side of the line of the sea walls maintainable by the commissioners.

(2) For the purpose of protecting any part of the sea walls or other works maintainable by them the commissioners may with the consent of the owners thereof (or if such consent is withheld the authorisation of the arbitrator referred to in this section which authorisation may be given with or without conditions) remove shingle or other material from one place to another on the seaward side of the line of the said sea walls.

(3) Any difference arising between the commissioners and any person by reason of the withholding of a consent or otherwise under the provisions of this section shall be determined by arbitration.

25.—(1) For the purpose of prohibiting or restricting the use of the promenade along the sea walls maintainable by the commissioners or of any highway adjacent to the promenade or any of the sea walls by persons or vehicles in any case where they are satisfied that such prohibition or restriction is necessary in consequence of works of repair or reconstruction being required or being in progress or for the prevention of danger the commissioners may exercise the powers conferred upon a highway authority by section 47 of the Road Traffic Act 1930:

Power to  
prohibit or  
restrict use  
of promenade  
&c. in  
certain  
cases.

20 & 21 Geo. 5.  
c. 43.

Provided that the commissioners shall not exercise the said powers except with the consent of the highway authority.

(2) Notwithstanding the making of an order under this section the company their engineers and workmen and others in their employ shall at all times have such rights of access to all or any apparatus of the company situate in upon or under the promenade along the sea walls maintainable by the commissioners or any highway adjacent thereto as they had immediately before the making of such order and where the company have such right of access as aforesaid they shall be at liberty to execute and do all such works and things in upon or under such promenade or any highway adjacent thereto as may be necessary for inspecting repairing maintaining renewing or removing such apparatus or laying new apparatus.

## PART V.

—cont.

Power for  
Seaford  
Council  
to place  
parapets &c.  
on sea walls.

26. The Seaford Council may if they think fit with the consent of the commissioners from time to time place maintain alter and remove on and along any part or parts of the sea walls maintainable by the commissioners in the urban district of Seaford parapets pillars rails or fences either permanent or temporary and steps or other means of access to the beach from any such part or parts of the sea walls.

Saving for  
powers of  
Treasury.  
8 & 9 Geo. 6.  
c. 18.  
9 & 10 Geo. 6.  
c. 58.

27. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 and of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for  
town and  
country  
planning.

28.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

(2) In this section the expression "Town and Country Planning Acts" means—

22 & 23 Geo. 5.  
c. 48.  
6 & 7 Geo. 6.  
c. 29.  
7 & 8 Geo. 6.  
c. 47.  
9 & 10 Geo. 6.  
c. 68.

(a) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and

(b) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.

Saving for  
orders  
under  
Coast  
Protection  
Act 1939.  
2 & 3 Geo. 6.  
c. 39.

29. Nothing in this Act or done under the provisions thereof shall prevent the making of any order by the Minister under the Coast Protection Act 1939 or prejudice or affect the operation of any Order so made.

Arbitration.

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



31.—(1) The following enactments are hereby repealed as from the passing of this Act:—

The Act of 1898—

Section 7 (Appointment of commissioner by Robert Lambe);

Section 41 (Consent of Newhaven and Brighton companies to certain contracts).

(2) The following enactments are hereby repealed as from the day of reconstitution:—

The Act of 1898—

Section 6 (Constitution of commissioners);

Section 8 (Newhaven Urban District Council may appoint commissioner);

Section 9 (Failure to appoint commissioners not to affect action of commissioners appointed);

Section 10 (Duration of office of first commissioners);

Section 11 (Retirement and rotation of commissioners);

Section 12 (Meetings of commissioners);

Subsections (1) and (2) of section 13 (Chairman and vice-chairman);

Section 16 (Quorum);

Section 65 (Agreements as to exchange of lands &c.).

(3) The following enactments are hereby repealed as from the appointed day:—

The Act of 1898—

In section 42 (As to maintenance of sea walls and works) the words from “ but at the expense ” to the end of the section;

Section 43 (Maintenance reserve fund);

Section 45 (Collection of contributions):

The Act of 1923—

Section 2 (Increasing maximum annual contributions to maintenance reserve fund):

The East Sussex Review Order 1934—

Article 58.

32. All costs charges and expenses preliminary to and of Costs and incidental to the preparing of and applying for and the of Act. obtaining and passing of this Act shall be paid by the County Council.

Ch. xlv.

*Newhaven and Seaford  
Sea Defences Act, 1947.*

10 & 11 GEO. 6.

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