

ELIZABETH II



1980 CHAPTER xxxviii

An Act to dissolve the Commissioners for the Newhaven and Seaford Sea Defence Works and the Shoreham and Lancing Sea Defence Commissioners; to confer further powers on the Southern Water Authority; and for other purposes. [8th August 1980]

WHEREAS the Southern Water Authority (hereinafter in this Act referred to as "the Authority") were, in pursuance of the Water Act 1973, constituted as the 1973 c. 37. authority responsible for water conservation, the supply of water, the provision of public sewerage and sewage disposal, land drainage, the prevention of pollution, water recreation and the management and improvement of salmon, trout and freshwater fisheries in an area comprising parts of the counties of East Sussex, Hampshire, Isle of Wight, Kent and West Sussex:

And whereas some of the local statutory provisions relating to the Commissioners for the Newhaven and Seaford Sea Defence Works and to the Shoreham and Lancing Sea Defence Commissioners will cease to have effect at the end of 1984 by virtue of section 262 (9) of the Local Government Act 1972: 1972 c. 70.

And whereas it is expedient that the said Commissioners should be dissolved as soon as may be and that certain of the said

local statutory provisions should be repealed as in this Act provided:

And whereas it is expedient that the Authority should exercise in relation to the sea defence works maintainable by the said Commissioners their general powers as a drainage authority:

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

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

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

Short title. 1. This Act may be cited as the Southern Water Authority Act 1980.

Interpretation. 2. In this Act—

- “ the Authority ” means the Southern Water Authority;
- “ the day of transfer ” means 1st April 1981;
- “ the Newhaven and Seaford Commissioners ” means the Commissioners for the Newhaven and Seaford Sea Defence Works;
- “ the Newhaven and Seaford sea defence works ” means the sea walls, groynes and other works and conveniences for the construction, reconstruction and maintenance of which the Newhaven and Seaford Commissioners were made responsible under some of the enactments specified in Part I of Schedule 1 to this Act;
- “ the sea defence works ” means the Newhaven and Seaford sea defence works and the Shoreham and Lancing sea defence works or either of them;
- “ the Shoreham and Lancing Commissioners ” means the Shoreham and Lancing Sea Defence Commissioners;
- “ the Shoreham and Lancing sea defence works ” means the sea walls, groynes and other works and conveniences for the construction, reconstruction and maintenance of which the Shoreham and Lancing Commissioners were made responsible under the enactments specified in Part II of Schedule 1 to this Act;
- “ the transferring authorities ” means the Newhaven and Seaford Commissioners and the Shoreham and Lancing Commissioners and “ transferring authority ” means either of the said authorities.

3.—(1) On and after the day of transfer the Authority may exercise in relation to the sea defence works their general powers as a drainage authority under the Land Drainage Act 1976 and otherwise.

Transfer of Commissioners' jurisdiction to Authority.

(2) In the exercise of their powers under subsection (1) above, the Authority shall maintain adequate means of access from the top of the sea walls at Seaford to the beach unless works of reconstruction or repair make this impracticable, but nothing in this subsection shall prejudice the power of the Lewes District Council to provide temporary steps or other means of access to the beach from any part of those sea walls.

1976 c. 70.

4. Subject to the provisions of this Act, on the day of transfer the interests of the Newhaven and Seaford Commissioners in all fixed and movable property held or used by them for the purposes of or in connection with the Newhaven and Seaford sea defence works or otherwise and all rights and liabilities enjoyed or incurred by them for any of those purposes shall be transferred to and vest in the Authority.

Transfer of property, rights and liabilities of Newhaven and Seaford Commissioners.

5. Subject to the provisions of this Act, on the day of transfer the interests of the Shoreham and Lancing Commissioners in all fixed and movable property held or used by them for the purposes of or in connection with the Shoreham and Lancing sea defence works or otherwise and all rights and liabilities enjoyed or incurred by them for any of those purposes shall be transferred to and vest in the Authority.

Transfer of property, rights and liabilities of Shoreham and Lancing Commissioners.

6. The benefits of, and liabilities under, contracts for the employment of officers and servants shall not be transferred to the Authority by this Act.

Service contracts not to be transferred.

7.—(1) A transferring authority in carrying on their functions until the day of transfer shall not, without the previous consent of the Authority—

Carrying on of functions of transferring authorities.

(a) enter into any contract or incur any liability otherwise than in the ordinary course of business extending beyond the day of transfer or make any unnecessary expenditure or any exceptional expenditure other than expenditure reasonably incurred in respect of accountancy, engineering or legal costs in connection with the transfer of the sea defence works under this Act;

(b) increase the remuneration, salaries, wages or emoluments of their officers and servants except in accordance with any contract of service or scale of remuneration or at the instance of any joint industrial council or other wage-negotiating body.

(2) Nothing in this Act shall impose any liability on the Authority in respect of anything done in contravention of this section.

Terminal
audit of
accounts.
1973 c. 37.

8.—(1) The accounts of a transferring authority and of their officers and servants shall be made up to the day of transfer and shall be audited by the auditor of the Authority's accounts by virtue of paragraph 39 of Schedule 3 to the Water Act 1973.

(2) The Authority shall pay the auditor's fee for such audit.

(3) Any sum certified by the auditor to be due from any person at such date shall be paid to the Authority.

Dissolution
of Com-
missioners.

9. As from the day of transfer the Newhaven and Seaford Commissioners and the Shoreham and Lancing Commissioners shall be dissolved.

Transfer
of staff.

10. As from the day of transfer the Authority shall take over and employ any officer or servant who immediately before the day of transfer is employed on a full-time basis by either of the transferring authorities wholly or mainly in connection with the sea defence works (and who shall be willing to enter the service of the Authority) on terms and conditions not less favourable than those on which he is employed by that authority immediately before the day of transfer:

Provided that the Authority shall not be required to take into their service any officer or servant whose contract of service was entered into after 27th November 1979 unless such contract was entered into to replace an officer or servant who had left the service of a transferring authority and contained terms and conditions substantially similar to those of the contract with that officer or servant or unless such contract was entered into with the approval of the Authority.

As to certain
pensions, etc.

11. The Authority shall, as from the day of transfer, pay all such pensions as immediately before that date are payable by the Shoreham and Lancing Commissioners to Norman Harries, Isaac William Hendy, Thomas Arthur Howe, Robert Parsons, William Sayers and Richard Edward Stringer and are within the limits of the usual practice of those Commissioners.

Compensation
for loss of
office, etc.
S.I. 1977/339.

1976 c. 70.

12.—(1) The provisions of the Land Drainage (Compensation) Regulations 1977 shall apply for the purposes of this Act as if the dissolution of the Newhaven and Seaford Commissioners and of the Shoreham and Lancing Commissioners were the abolition of an internal drainage board by virtue of a scheme made and confirmed under section 11 of the Land Drainage Act 1976 and as if that scheme had come into effect on the day of transfer.

(2) The compensating authority for the purpose of the said regulations shall be the Authority.

13. Any action, arbitration or proceeding or any cause of action, arbitration or proceeding pending or existing on the day of transfer by or against or in favour of a transferring authority shall not abate or be discontinued or be in anywise prejudicially affected by reason of the transfer to the Authority of the sea defence works or of anything in this Act but may be continued, prosecuted and enforced by or against or in favour of the Authority as and when it might have been continued, prosecuted and enforced by or against or in favour of the transferring authority if this Act had not been passed but not further or otherwise. Saving of pending actions.

14. As from the day of transfer all agreements, conveyances, contracts (other than contracts the benefits of, and liabilities under, which are not transferred by this Act), deeds and other instruments entered into by, or made with, a transferring authority and in force at that date shall be read and construed and be as binding and of as full force and effect in every respect against or in favour of the Authority and may be enforced as fully and effectually as if instead of the transferring authority the Authority had been a party thereto or bound thereby or entitled to the benefit thereof. Saving of agreements, etc.

15. Any statutory provision which refers or relates to a transferring authority shall, as from the day of transfer, have effect as if for any reference to that authority there were substituted a reference to the Authority. Modification of statutory provisions.

16. All books and documents which, if this Act had not been passed, would have been evidence in respect of any matter for or against a transferring authority shall, as from the day of transfer, be admissible in evidence in respect of that matter for or against the Authority. Books to remain evidence.

17. The sea defence works shall be deemed not to be coast protection work within the meaning of the Coast Protection Act 1949 and neither the Adur District Council nor the Lewes District Council shall have power to exercise any of the powers of Part I of that Act in respect of the sea defence works. Exclusion of Coast Protection Act 1949. 1949 c. 74.

18.—(1) On the day of transfer the enactments specified in Schedule 1 to this Act shall be repealed to the extent specified in that Schedule. Repeal.

(2) (a) Subject to paragraph (b) below, the enactments specified in Schedule 2 to this Act shall as from the day of transfer continue

1972 c. 70. to have effect and section 262 (9) of the Local Government Act 1972 shall not apply to them.

1921 c. xcvi. (b) References in the said enactments to the Commissioners shall be construed as references to the Authority, references in article 18 (As to works &c. in New Shoreham Harbour) of the Shoreham and Lancing Sea Defence Order 1921 to the Shoreham Harbour Trustees and the New Shoreham Harbour or the said harbour shall be construed respectively as references to the Shoreham Port Authority and the port of Shoreham and subsection (4) of section 23 (Replacement of shingle &c.) of the Newhaven and Seaford Sea Defences Act 1947 shall have effect as if for the words "five pounds" there were substituted the words "fifty pounds".

1947 c. xlv.

(3) Notwithstanding the repeal by subsection (1) above of the enactments specified in Part I of Schedule 1 to this Act the East Sussex County Council and the Lewes District Council may after the day of transfer continue to pay any amounts which under those enactments were payable by them before that day in respect of the redemption of loan of the Newhaven and Seaford Commissioners and the payment of interest thereon.

Costs of Act.

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

SCHEDULES

SCHEDULE 1

Section 18.

REPEAL

PART I

NEWHAVEN AND SEAFORD SEA DEFENCE ENACTMENTS

Chapter	Short title	Extent of repeal
61 & 62 Vict. c. clxxi.	Newhaven and Seaford Sea Defences Act 1898.	The whole Act.
13 & 14 Geo. 5. c. xx.	Newhaven and Seaford Sea Defences Act 1923.	The whole Act.
10 & 11 Geo. 6. c. xliv.	Newhaven and Seaford Sea Defences Act 1947.	The whole Act, except the enactments specified in Schedule 2 to this Act.
12, 13 & 14 Geo. 6. c. 74.	Coast Protection Act 1949.	Section 21 (2).

PART II

SHOREHAM AND LANCING SEA DEFENCE ENACTMENTS

Chapter	Short title	Extent of repeal
3 & 4 Geo. 5. c. cxxxix.	Local Government Board's Provisional Order Confirmation (No. 15) Act 1913.	The whole Act, except the enactments specified in Schedule 2 to this Act.
11 & 12 Geo. 5. c. xcvi.	Ministry of Health Provisional Orders Confirmation (No. 8) Act 1921.	The Shoreham and Lancing Sea Defence Order 1921, except the enactments specified in Schedule 2 to this Act.
1964 c. xxxi.	Ministry of Housing and Local Government Provisional Order Confirmation (Shoreham and Lancing) Act 1964.	The whole Act.

Section 18.

SCHEDULE 2

ENACTMENTS SAVED FROM REPEAL

Chapter	Short title	Enactments excluded from repeal
3 & 4 Geo. 5. c. cxxxix.	Local Government Board's Provisional Order Confirmation (No. 15) Act 1913.	Articles XV, XXIII, XXV and XXXV of the East Lancing Sea Defence Order 1913.
11 & 12 Geo. 5. c. xcvi.	Ministry of Health Provisional Orders Confirmation (No. 8) Act 1921.	Articles 10, 11, 12, 18, 20 and 24 of the Shoreham and Lancing Sea Defence Order 1921.
10 & 11 Geo. 6. c. xlv.	Newhaven and Seaford Sea Defences Act 1947.	Section 1, subsections (1), (2) and (4) of section 23 and sections 24 and 30.

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CHAPTER xxxviii

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