

**ELIZABETH II**



**1987 CHAPTER xx**

An Act to re-enact with amendments and to extend certain local statutory provisions in force within the county of Essex; to confer further powers on the Essex County Council, local authorities in the county and the Crouch Harbour Authority; to make further provision with respect to the improvement, health and local government of the county; and for other purposes.

[23rd July 1987]

**WHEREAS—**

(1) The county of Essex (hereinafter referred to as “the county”) is a non-metropolitan county comprising the areas of the following local authorities as existing immediately before the passing of the Local Government Act 1972:—

1972 c. 70.

The county borough of Southend-on-Sea; and  
The administrative county of Essex:

(2) Section 262 of the said Act of 1972 now has effect so that, subject to modifications and exceptions, local statutory provisions in force in the area of the county shall continue in force until the end of 1987, and that such provisions shall then cease to have effect:

(3) There are numerous local statutory provisions so applicable in the county and it is expedient that certain of those provisions should be re-enacted with amendments, or otherwise continued in force, and applied to the whole county or to parts of the county, and that other such provisions should be repealed:

(4) It is further expedient that new provision should be made for the improvement, health and local government of the county and to confer further powers on the Essex County Council, local authorities within the county, the Crouch Harbour Authority and parish councils within the county:

(5) It is expedient that the other provisions in this Act should be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

1974 c. xxxv. (7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the said Act of 1972 and of section 15 (3) of the Crouch Harbour Act 1974 have been observed:

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:—

## PART I

### PRELIMINARY

Citation and commencement.

1.—(1) This Act may be cited as the Essex Act 1987.

(2) This Act shall come into operation on the expiration of three months after its passing.

Interpretation.

2.—(1) In this Act unless the context otherwise requires—

1936 c. 49.

“the Act of 1936” means the Public Health Act 1936;

1961 c. 64.

“the Act of 1961” means the Public Health Act 1961;

1971 c. 78.

“the Act of 1971” means the Town and Country Planning Act 1971;

1972 c. 70.

“the Act of 1972” means the Local Government Act 1972;

- “the Act of 1976” means the Local Government (Miscellaneous Provisions) Act 1976; PART I  
—cont.  
1976 c. 57.
- “the Act of 1980” means the Highways Act 1980; 1980 c. 66.
- “the Act of 1984” means the Road Traffic Regulation Act 1984; 1984 c. 27.
- “the appointed day” has the meaning given by section 3 of this Act;
- “the Brightlingsea Commissioners” means the Brightlingsea Harbour Commissioners;
- “Brightlingsea harbour” means the harbour as defined by section 13 of the Brightlingsea Harbour Order 1927;
- “building operations” has the meaning given by section 168 (5) of the Act of 1980;
- “the chief constable” means the chief constable for the county and includes the deputy chief constable acting by virtue of section 6 (1) of the Police Act 1964; 1964 c. 48.
- “contravention” includes a failure to comply and “contravene” shall be construed accordingly;
- “the county” means the county of Essex;
- “the county council” means the council of the county;
- “daily fine” means a fine for each day or part of a day on which an offence is continued after conviction thereof;
- “district” means a district in the county;
- “district council” means the council of a district;
- “the fire authority” has the meaning given by section 43 of the Fire Precautions Act 1971; 1971 c. 40.
- “functions” includes powers and duties;
- “the level of high water” means the level of mean high-water springs;
- “local authority” means the county council or a district council;
- “owner” has the meaning given by section 343 of the Act of 1936;
- “parish council” means a parish council in the county;
- “the port authority” means the Port of London Authority;
- “premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;
- “public service vehicle” has the meaning given by section 1 of the Public Passenger Vehicles Act 1981; 1981 c. 14.
- “seashore” includes all parts of the beach or shore above and below the level of high water and (where a

- PART I  
—*cont.*
- promenade or esplanade exists) between the promenade or esplanade and low-water mark;
- 1986 c. 44. “statutory undertakers” means the Central Electricity Generating Board, the Eastern Electricity Board, any public gas supplier within the meaning of Part I of the Gas Act 1986, telecommunications operators, the water authority or the water company or any of them as the case may be;
- “street” has the meaning given by section 329 of the Act of 1980;
- 1984 c. 12. “telecommunication apparatus” has the meaning given by Schedule 2 to the Telecommunications Act 1984;
- “telecommunications operator” means the operator of a telecommunications code system within the meaning of Schedule 4 to the Telecommunications Act 1984;
- “traffic sign” has the meaning given by section 64 of the Act of 1984;
- “water authority” means the Anglian Water Authority or the Thames Water Authority or either of them; and
- “water company” means the Essex Water Company, the Lee Valley Water Company, the Tendring Hundred Waterworks Company or any of them.
- (2) Any reference in this Act to a proper officer shall, in relation to any purpose and any local authority or area, be construed as a reference to an officer appointed for that purpose by that authority or, as the case may be, for that area.
- (3) Any reference in this Act to a named council is a reference to the council of the district so named.
- (4) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.
- (5) Any reference in any Part of this Act to a Head not otherwise identified is a reference to that Head of that Part of this Act.
- 1968 c. xxxii. (6) For the purposes of section 29 (4) (Saving for certain authorities, etc.), section 30 (5) (Unauthorised structures on seashore), section 31 (2) (c) (iv) (Byelaws as to boats) or section 33 (4) (b) (Licences for keeping, etc., of boats) of this Act the port of London (the limits of which are described in Schedule 1 to the Port of London Act 1968) does not include the areas described in sub-paragraphs (a) and (b) of paragraph 1 of the second column of Schedule 8 to the said Act of 1968.

3.—(1) In this Act “the appointed day”, in relation to any provision, means such day (not earlier than three months after the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) below by resolution of the county council or, as the case may be, a district council.

PART I  
—cont.  
Appointed  
day.

(2) The local authority shall publish in a newspaper circulating in their area notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provision for the purposes of which the day has been fixed;

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page or part of a page of any newspaper, being a page or part of a page bearing the date of its publication and containing the notice mentioned in subsection (2) above, shall be evidence of the publication of the notice and of the date of publication.

## PART II

### LAND AND OPEN SPACE

4.—(1) In this section “the prescribed area” means—

(a) where the total area of the park, pleasure ground or open space does not exceed 4 hectares, one-eighth of that area;

(b) where such area exceeds 4 hectares but does not exceed 6 hectares, one-half hectare;

(c) in any other case, one-twelfth of such area.

Provision of  
parking places  
in parks, etc.

(2) In the interests of persons resorting to any park, pleasure ground or open space under their management and control a local authority may set apart an area (not exceeding the prescribed area) of the park, pleasure ground or open space for use for the parking of vehicles and provide parking places and facilities in connection therewith.

(3) Subsection (2) above shall not affect any trust, covenant or other restriction to which the park, pleasure ground or open space is subject.

(4) A local authority shall have power to make reasonable charges for the use of any facilities provided by them under this section, and may make arrangements for any such facilities to be provided by some other person, including arrangements authorising that person to make reasonable charges.

PART II  
—cont.

(5) A local authority shall consult the British Railways Board before exercising the powers of subsection (2) above in relation to an area of any park, pleasure ground or open space which is situated—

(a) over; or

(b) elsewhere within a distance of 15 metres (measured in any direction) from;

any railway of that board.

(6) In this section “local authority” includes a parish council.

## PART III

## HIGHWAYS AND STREETS

Awnings over  
footways.

5.—(1) In this section “awning” includes a blind, shade or other covering and an awning that can be folded or rolled up without being dismantled shall be treated for the purposes of this section as being in its extended position.

(2) If an awning over the footway of a street in the county which is a highway maintainable at the public expense is dangerous or inconvenient to the public, the highway authority may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to remove the danger or inconvenience.

(3) Without prejudice to the generality of subsection (2) above, an awning which obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway shall, for the purposes of that subsection, be taken to be dangerous or inconvenient to the public.

(4) The provisions of Part XII of the Act of 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section as if this section were contained in that Act.

Grass verges,  
etc.

6.—(1) This section applies to any of the following land in a district which, being in, adjoining or accessible from a highway, is mown or otherwise maintained in an ornamental condition:—

(a) a grass verge, garden, lawn or green managed by a local authority; or

(b) land laid out as a public garden or used for the purpose of public recreation which is vested in a person other than a local authority.

(2) (a) A local authority may by notice prohibit, either entirely or at such times or on such days as may be specified in the notice, the doing of any of the following things on land to which this section applies:—

- (i) driving, riding or leaving vehicles on the land;
- (ii) allowing horses or cattle to enter the land;
- (iii) using any equipment provided on the land.

(b) A parish council shall not exercise the powers of this section in relation to any land forming part of a highway without the consent in writing of the county council.

(c) A local authority shall consult the British Horse Society and the Byways and Bridleways Trust before exercising the powers of paragraph (a) above so as to prohibit the entry of horses onto any land forming part of a highway.

(3) Notice of a prohibition under subsection (2) (a) (iii) above may provide exemption from the prohibition of a child under such age as shall be specified in the notice and of any person in charge of such a child while on the land.

(4) Notice of a prohibition under subsection (2) (a) (i) or (iii) above shall not prohibit the driving or leaving of vehicles or the use of equipment on land—

- (a) by any person engaged in building operations; or
- (b) by statutory undertakers, the British Railways Board or the British Waterways Board where reasonably necessary in the exercise of their statutory functions; or
- (c) by telecommunications operators where reasonably necessary for the purposes of their undertaking;

but the exemption given by paragraph (a) above is conditional upon steps being taken to the satisfaction of the local authority to minimise damage to the land and to protect persons on the land.

(5) (a) For the purposes of this section notice shall be given by displaying it in a conspicuous position on or near the land to which it relates.

(b) Where the notice is notice of a prohibition under subsection (2) (a) (i) above and relates to a grass verge forming part of or adjoining a highway used by motor vehicles (as defined in section 136 of the Act of 1984) it shall be a traffic sign, and the erection and display of the notice by the local authority shall be subject to, and in conformity with, general directions given under section 65 (1) of the Act of 1984 whether or not they are also the highway authority.

PART III  
—cont.

(6) A person who, without reasonable excuse, contravenes a notice displayed under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) (a) If a vehicle is left on any land in contravention of a prohibition under subsection (2) (a) (i) above, the local authority may cause the vehicle to be removed.

(b) For the purposes of this subsection section 99 of the Act of 1984 and the regulations in force under that section shall have effect as if the removal of a vehicle under this subsection were authorised by those regulations.

(8) Notice of a prohibition relating to land vested in a person other than a local authority shall not be given under this section except with the consent of that person.

(9) Where land to which notice of a prohibition under subsection (2) (a) (i) or (ii) above applies forms part of a highway, the rights of the public over the highway, except rights of grazing cattle and horses, shall be subject to the prohibition; but, subject as aforesaid, nothing in this section shall limit any right of way, public or private, over land or restrict the exercise by any person of any statutory right or right conferred on a telecommunications operator to enter upon land.

(10) Nothing in this section shall—

(a) affect the duty of a highway authority to provide margins in accordance with section 71 of the Act of 1980 (provision of margins for horses and livestock);

(b) restrict the entry by horses or cattle on any such margin;

and a local authority shall not exercise the powers of this section in relation to any land forming part of a highway so as to hinder the reasonable use of the highway by any person entitled to use it.

(11) In this section—

“horses” includes ponies, asses, or mules; and

“local authority” includes a parish council.

## PART IV

## PUBLIC HEALTH AND AMENITIES

Approval of plans to be of no effect after certain interval.

7.—(1) In this section “plans” includes sections, specifications and written particulars.

(2) Any notice given to, or plans deposited with, the district council in accordance with building regulations or an initial



notice given under section 47 of the Building Act 1984, shall be of no effect if the work specified in such notice or, as the case may be, plans is not commenced within three years from the date of such notice or deposit or, in the case of an initial notice, from the acceptance of the notice.

PART IV  
—cont.  
1984 c. 55.

(3) The district council shall—

- (a) attach notice of the provisions of this section to every approval of plans deposited in accordance with building regulations; and
- (b) in the case of an initial notice which is not rejected by them, within the prescribed period give notice of the provisions of this section to each of the persons by whom the initial notice was given.

(4) Where, on the occasion of the deposit of plans or the giving of an initial notice for the erection of a building, the amount to be paid or secured under section 219 of the Act of 1980 has been determined under section 220 of that Act, and subsequently the plans become of no effect under subsection (2) above, section 223 of the Act of 1980 shall have effect as if—

- (a) in subsection (1) (a) the reference to the local authority, under section 32 of the Building Act 1984, declaring the deposit of the plans to be of no effect included a reference to plans or notices becoming of no effect under subsection (2) above; and
- (b) in subsection (6) (a) the reference to the making of a declaration that the deposit of plans is of no effect included a reference to plans or notices becoming of no effect under subsection (2) above.

8.—(1) In this section “the moth” means the brown tail moth (*Euproctis chrysorrhoea* L.) and includes the eggs, caterpillars and webs or nests thereof. Control of brown tail moth.

(2) If it appears to a district council that steps should be taken for the destruction of the moth on any land in their district, they may serve on the occupier of the land a notice requiring him to take such reasonable steps for the destruction of the moth as may be specified in the notice.

(3) In addition to, or instead of, serving a notice under subsection (2) above, the district council may themselves take steps for the destruction of the moth, or pay, or contribute towards, the expenses of the occupier in taking the steps required by the notice.

(4) Subsections (2), (3) (except paragraphs (e) and (f)), (4), (6) and (7) of section 290 of the Act of 1936 (appeals against, and the enforcement of, certain notices under that Act) shall apply

PART IV  
—cont.  
1906 c. 32.

to any notice served under subsection (2) above as they apply in relation to the notices mentioned in subsection (1) of that section and as if—

(a) the execution of works included the taking of steps for the destruction of the moth; and

(b) the following paragraphs were inserted at the end of subsection (3):—

“(g) that the taking of the steps required by the notice would be ineffective for the purposes of destruction of the moth in the area in which the land in question is situated;

(h) that the authority have unreasonably refused to exercise the powers conferred on them themselves to take steps for the destruction of the moth or to pay or contribute towards the expenses thereof.”.

Control of  
stray dogs.  
1906 c. 32.

9.—(1) A duly authorised officer of a district council may exercise the powers in section 3 of the Dogs Act 1906 with respect to the seizure, detention and disposal of stray dogs in their district and for the purposes of that section, as it applies to a district, a dog shall be treated as a stray if it appears not to be in the charge of any person.

(2) In consequence of subsection (1) above, section 3 of the Dogs Act 1906 shall have effect in a district subject to the following modifications:—

(a) the substitution for subsection (1) of the following:—

“(1) Where it appears to a police officer or a duly authorised officer of the district council that any dog found in a highway or place of public resort is not in the charge of any person he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.”;

(b) in both subsections (2) and (4), the substitution for “the chief officer of police, or any person authorised by him in that behalf,” of the words “the chief officer of police or, as the case may be, the district council, or any person authorised by him or them in that behalf”;

(c) in subsection (6), the substitution for “of a police area” of the words “and the district council” and for “in that area” of the words “by him or them respectively”; and

(d) in subsection (7), the substitution for “The police shall not dispose of any dog seized under this section” of the words “A dog seized under this section shall not be

disposed of", and the insertion after "inspection" of the words "at all reasonable times".

PART IV  
—cont.

(3) Section 3 of the Dogs Act 1906, as that section has effect in accordance with this section, is set out in Schedule 1 to this Act. 1906 c. 32.

- 10.—(1) This section applies to the following provisions:—
- (a) section 144 (Preservation of trees) of the Essex County Council Act 1933; Registered trees. 1933 c. xlv.
  - (b) section 166 (Amendment of section 144 of Local Act of 1933) of the Essex County Council Act 1952; 1952 c.l.
  - (c) section 45 (Amendment of section 144 of Local Act of 1933) of the Essex County Council (Canvey Island Approaches, etc.) Act 1967; and 1967 c. xxxviii.
  - (d) section 47 (Amendment of section 144 of local Act of 1933) of the Essex County Council Act 1971 and Schedule 2 to the said Act of 1971. 1971 c. xix.

(2) Notwithstanding section 262 (9) of the Act of 1972, the provisions to which this section applies shall continue in force until the expiry of five years from the coming into operation of this Act but no further trees shall be registered or deemed to be registered under those provisions after the coming into operation of this Act.

## PART V

### PUBLIC ORDER AND SAFETY

11.—(1) A district council may designate, in accordance with subsection (6) below, any of the following places, or any part of such places, in the district as places to which this section applies:— Touting, hawking, photographing, etc.

- (a) for any of the purposes of subsection (2) below—
  - (i) a public off-street car park, recreation ground, garden or other park, pleasure ground or open space under the management and control of a local authority;
  - (ii) a street or esplanade, parade, promenade, marine drive or way to which the public commonly have access, whether or not as of right;
  - (iii) the seashore; and
- (b) for the purposes of subsection (2) (c) below, any road or any common land or unenclosed land adjacent to, and within 15 metres of, any road:

PART V  
—cont.

Provided that the district council shall not designate—

- (i) for the purpose of subsection (2) (b) (ii) below, any street; or
- (ii) for the purpose of subsection (2) (c) below, any part of any highway, or land adjoining a highway, specified in a control order under section 7 of the Act of 1976.

(2) Any person who—

- (a) in a place designated under subsection (1) (a) above importunes any person by touting for an hotel, a lodging house, restaurant or other place of refreshment, for a shop, for a theatre or other place of amusement or recreation, for a hackney carriage or other conveyance (other than a public service vehicle) or for a ship or boat; or
- (b) in a place designated under subsection (1) (a) above, without the consent of the district council, or in breach of any condition subject to which the council's consent is given—
  - (i) photographs, or purports to photograph, any person by way of trade or business; or
  - (ii) offers or exposes for hire any vehicle, chair or seat or any animal to ride; or
- (c) in a place designated under subsection (1) (a) or (b) above, without the consent of the district council, or in breach of any condition subject to which the council's consent is given, hawks, sells or offers or exposes for sale anything;

shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The conditions of consent referred to in subsection (2) (b) and (c) above include conditions as to the times or period for which the consent is valid and the payment for the consent of such reasonable fee as the council may by resolution prescribe to cover their expenses in dealing with applications for such consents; and additionally the conditions of consent referred to in subsection (2) (c) above include—

- (a) the place at which the activities specified in the consent may take place;
- (b) the design, size and number of any stalls or containers that may be used for the purposes of those activities;
- (c) the design, size and location of any signs or advertisements which may be erected;
- (d) the keeping of the place specified in the consent free from litter and refuse.

(4) Subject to any conditions as to the period for which the consent is valid, any such consent may be revoked by notice to the person to whom the consent was given under this subsection.

PART V  
—cont.

(5) A person aggrieved by—

- (a) the withholding by the district council of consent referred to in subsection (2) (b) or (c) above; or
- (b) the conditions subject to which the council give such consent; or
- (c) the revocation of such consent under subsection (4) above;

may appeal to a magistrates' court which may dismiss or allow the appeal or may vary any conditions imposed by the council.

(6) (a) Before designating any place for any of the purposes of subsection (2) above the district council shall give notice of their proposal by advertisement in a newspaper circulating in the district, and by posting it in the places to which it relates, stating that objections to the proposal may be made to the proper officer of the council within a time, not less than 28 days after the giving of the notice, specified in the notice.

(b) After taking into consideration any objections made in accordance with paragraph (a) above and after consulting the chief constable, the district council may by resolution designate as places to which this section applies, for any of the purposes of subsection (2) above, all or any, or any part, of the places specified in the notice given under that paragraph.

(7) A resolution under subsection (6) (b) above shall come into force on such day as shall be specified by a notice given in the same manner as a notice given under subsection (6) (a) above, being a day not less than 28 days after the day on which the notice is given under this subsection.

(8) This section shall not prohibit—

- (a) the doing of anything on land by the owner or occupier of the land, or by any person with the consent of the owner or occupier, or the doing of anything on land forming part of a highway by the owner or occupier of land fronting that part;
- (b) the selling or offering or exposing for sale of anything to persons on premises fronting on, or adjacent to, a place designated under this section, whether on those premises or in that part of any highway on which the premises front or to which they are adjacent;
- (c) the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by

PART V  
—cont.

or on behalf of the owner or publisher of a newspaper or periodical, or carries on a business which consists in, or includes, selling or supplying photographs for such publication;

and the district council shall not withhold their consent under subsection (2) (c) above to the selling or offering or exposing for sale by any person of newspapers and periodicals except on the ground that their consent has already been given to a sufficient number of other persons.

(9) Before giving consent under this section to the hawking, selling or offering or exposing for sale of anything in a highway, the district council shall consult the highway authority.

1982 c. 30.

(10) (a) The following provisions of this section shall not have effect in any district in which Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 is in force at the commencement of this Act and, if the said Schedule comes into force in any district on any day after the commencement of this Act, shall cease to have effect in that district on that day:—

In subsection (1), paragraph (b) and proviso (ii);

Subsection (2) (c);

In subsection (3), the words “and (c)” and from the words “and additionally” to the end of the subsection;

In subsection (5) (a), the words “or (c)”;

In subsection (8), paragraph (b) and the words from “and the district council” to the end of the subsection; and

Subsection (9).

(b) Where the said Schedule 4 comes into force in any district after the commencement of this Act and a street trading consent is thereafter required for trading in any street under that schedule, any consent then in force under this section for hawking, selling or offering or exposing for sale anything in that street (within the meaning of that schedule) shall have effect as such a street trading consent for a period of 12 months or until the sooner expiry of the consent or its revocation under that schedule.

Byelaws as to  
leisure centres.

12.—(1) In this section—

“leisure centre” means any place owned or managed by a local authority (whether alone or in conjunction with any other local authority or body) at which recreational facilities of any of the descriptions mentioned in subsection (1) of section 19 (recreational facilities) of the Act of 1976 are provided; and

“local authority” includes a parish council.

(2) A local authority may make byelaws for all or any of the following purposes:—

PART V  
—cont.

- (a) the use of any leisure centre and the good and orderly conduct of persons resorting thereto;
- (b) regulating the movement and parking of vehicles at any leisure centre;
- (c) prohibiting or regulating the use of vehicles by the public at any leisure centre otherwise than on a road as defined in section 142(1) of the Act of 1984.

(3) Byelaws made under paragraph (a) of subsection (2) above may provide for the removal from the leisure centre of any person infringing any such byelaw by any proper officer of the local authority.

13.—(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless after consultation with the fire authority they are satisfied that the plans show that—

Access for fire  
brigade.

- (a) there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
- (b) the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971 unless—

- (a) notice of the provisions of this section is endorsed on or accompanies the planning permission; or
- (b) in any case where the planning permission has been granted before the coming into operation of this section, notice of the provisions of section 80 (Precautions against fire in certain buildings) of the Essex County Council Act 1952 is so endorsed or so accompanies the permission.

1952 c. 1.

(3) Sections 16 and 36 of the Building Act 1984 shall (so far as material) have effect as though this section were a section of Part I of that Act.

1984 c. 55.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

PART V  
—cont.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

## PART VI

## ESTABLISHMENTS FOR MASSAGE OR SPECIAL TREATMENT

Interpretation  
of Part VI.

14. In this Part “establishment for massage or special treatment” means any premises used or represented as being or intended to be used by way of business for the reception or treatment of members of the public requiring—

- (a) massage or chiropody; or
- (b) electric treatment, radiant heat, light or electric vapour treatment or sauna or other baths for therapeutic treatment; or
- (c) other similar treatment.

Licensing of  
persons to  
carry on  
establish-  
ments.

15.—(1) As from the appointed day in any district, no person shall carry on an establishment for massage or special treatment in that district without a licence from the county council authorising him to do so.

(2) The county council may, on the application of any person, grant or renew to him a licence under this Part on such terms and conditions as may be specified in the licence.

(3) A licence under this Part shall be for such period, not exceeding 13 months, specified in the licence as the county council may determine.

(4) An application for a licence or the renewal of a licence under this Part shall be made to the county council and the applicant shall in the application state—

- (a) where the applicant is a private individual, his full name and date of birth;
- (b) where the applicant is a private individual, his private address;
- (c) where the applicant is a company, society, association or other body, the registered or principal office (if any) of that body and, so far as may reasonably be required, the names and private addresses of the directors or other persons directly or indirectly responsible for the management of the body;
- (d) the name under which and the address at which the establishment is carried on or proposed to be carried on;



- (e) the nature of the establishment and of the business carried on or proposed to be carried on thereat;
- (f) where the applicant is a private individual, his qualifications (if any) for the conduct of an establishment of that nature, or where the applicant is a company, society, association or other body, the qualifications (if any) of any person named in the application;
- (g) where the applicant is a private individual, whether, and if so to what extent, he is or has been interested or employed in any other establishment for massage or special treatment, or, where the applicant is a company, society, association or other body, whether, and if so to what extent, any person named in the application is or has been so interested or employed; and
- (h) such further information (if any) as the county council may reasonably require with respect to the applicant or the establishment carried on, or proposed to be carried on.

PART VI  
—cont.

(5) With his application for a licence under this Part the applicant shall pay such reasonable fee to cover the expense of the county council in dealing with such applications as the council may by resolution prescribe; and different fees may be prescribed for applications of different kinds.

(6) An applicant for a licence or the renewal of a licence under this Part shall give notice of the application to the chief officer of police and such an application shall not be entertained by the county council unless they are satisfied that the applicant has complied with this subsection.

16.—(1) On considering an application for a licence or the renewal of a licence under this Part the county council shall take into consideration any representations which may be made to the council by the chief constable with respect to the application or the establishment to which it relates. Grant, renewal and transfer of licences.

(2) The county council may refuse to grant or renew a licence under this Part or may revoke a licence so granted where—

- (a) the person applying for or holding the licence is under the age of 21;
- (b) the person applying for or holding the licence has been convicted of an offence under the Sexual Offences Acts 1956 to 1976 or the Street Offences Act 1959 or is otherwise unsuitable to hold such a licence, or, where the person applying for or holding the licence is a company, society, association or other body, any 1959 c. 57.

PART VI  
—cont.

director or other person directly or indirectly responsible for the management of the body has been so convicted;

- (c) the premises are unsuitable for the provision of massage or special treatment or the accommodation or provision for such massage or special treatment as may there be provided is not reasonably adequate or suitable;
- (d) adequate professional, technical or other staff is not available for the administration of such massage or special treatment as may be provided in the establishment; or
- (e) the establishment is being carried on in contravention of the provisions of this Part or any byelaw made thereunder.

(3) Before refusing to grant or renew a licence under this Part or revoking a licence so granted, the county council shall give to the person applying for the grant or renewal of the licence or, in the case of a revocation, the holder of the licence, an opportunity of appearing before and of being heard by a committee or sub-committee of the council and, if so required by him, the council shall within 7 days after their decision give him notice thereof containing a statement of the grounds on which it was based.

(4) The county council may on the application of the holder of a licence under this Part, or of any person to whom he wishes to assign a licence, transfer the licence to that person; and subsections (4) and (5) of section 15 (Licensing of persons to carry on establishments) of this Act and subsections (1) to (3) above shall apply to a transfer as they apply to the grant of a licence under this Part.

(5) Where, before the date of expiry of a licence granted under this Part, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the county council or until the withdrawal of the application.

(6) Where, before the date of expiry of a licence granted under this Part, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force (with any necessary modifications) notwithstanding that the date of expiry of the licence has passed or that the applicant for such transfer is carrying on an establishment for massage or special treatment in respect of which the licence was granted, until the determination of the application by the county council or until the withdrawal of the application.

17.—(1) The county council may make byelaws—

PART VI  
—cont.

- (a) prescribing the books, cards or forms to be kept by every person holding a licence under this Part showing the business conducted by him so far as it relates to his establishment for massage or special treatment; Byelaws as to establishments.
- (b) prescribing the entries to be made in connection with such business in such books, cards or forms; and
- (c) generally for regulating any premises used for the purposes of, or in connection with, any such establishment.

(2) Byelaws made under this section may provide that a person contravening the byelaws shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £40.

(3) Every person holding a licence under this Part shall keep exhibited in a suitable place (to be approved by the county council) in the premises to which the licence relates a copy of the byelaws for the time being in force under this section.

18.—(1) A person who—

Offences under  
Part VI.

- (a) carries on an establishment for massage or special treatment, or permits such an establishment to be carried on, contrary to subsection (1) of section 15 (Licensing of persons to carry on establishments) of this Act; or
- (b) carries on an establishment for massage or special treatment, or permits such an establishment to be carried on, in contravention of terms or conditions specified in a licence under this Part; or
- (c) on an application for a licence or the renewal or transfer of a licence under this Part provides any information which he knows to be false in a material respect or intentionally withholds any material information which is required under this Part to be given;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) A person who knowingly issues, publishes or displays or causes to be issued, published or displayed any advertisement relating to an establishment for massage or special treatment which is not licensed under this Part after the expiration of a period of 7 days after the county council have given him notice that the licence relating to such establishment has expired or has been refused or revoked under this Part shall be guilty of an offence and liable on summary conviction to a fine not

PART VI  
—cont.

exceeding level 3 on the standard scale and to a daily fine not exceeding £40.

(3) Any person who, without reasonable excuse, contravenes the provisions of subsection (3) of section 17 (Byelaws as to establishments) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding £10.

(4) On conviction of any person for an offence under subsection (1) or (2) above the court may, instead of, or in addition to, imposing a fine, make an order revoking a licence granted or transferred to him under this Part.

Part VI  
appeals.

19. A person aggrieved by a refusal to grant or renew or transfer a licence under this Part, or by any terms or conditions specified in such a licence, or by the revocation of such a licence may appeal to a magistrates' court; and on any such appeal the court may order the grant or transfer of the licence, or the grant or transfer of it on such terms or conditions, not more onerous than those imposed by the county council, as the court thinks fit and make directions for giving effect to its decision.

Part VI  
powers of  
entry,  
inspection and  
examination.

20.—(1) An authorised officer of the county council, on producing, if so required, a duly authenticated document showing his authority, or any police constable, may at all reasonable times enter and inspect—

- (a) any premises specified in any licence or application under this Part; or
- (b) any other premises which he has reasonable cause to believe are used or intended to be used for the purposes of, or in connection with, an establishment for massage or special treatment;

for the purpose of ascertaining—

- (i) whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this Part or of any byelaw made thereunder or of any term or condition on which a licence under this Part has been granted; or
- (ii) whether or not circumstances exist which would authorise the county council to take action under this Part.

(2) An authorised officer or a police constable may exercise powers under subsection (1) (b) above only if he has been granted a warrant by a justice of the peace.

(3) (a) A justice may grant a warrant under this section only if he is satisfied either—

PART VI  
—cont.

- (i) that notice of intention to apply for a warrant has been given to the occupier of the premises; or
- (ii) that the case is one of urgency or that the premises are unoccupied or the occupier is temporarily absent, or that the giving of notice of intention to apply for a warrant would defeat the object of entry.

(b) A warrant under this section shall authorise entry, if need be, by force, but shall cease to have effect at the expiration of a period of 7 days beginning with the day on which it is granted.

21.—(1) Nothing in this Part shall apply to—

Savings.

(a) an establishment for massage or special treatment carried on by—

- (i) a registered medical practitioner; or
- (ii) a person registered by any board established under the Professions Supplementary to Medicine Act 1960; or
- (iii) a member of the Chartered Society of Physiotherapy who is not registered by such a board; or
- (iv) a nurse registered or enrolled by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting; or
- (v) a member of any organisation or association which specifies qualifications for the practice by its members of chiropody, chiropractic, osteopathy, naturopathy, or acupuncture, being a member who is required by that organisation or association to observe professional standards in such practice; or

1960 c. 66.

(b) any hospital provided by the Secretary of State or by a charity which is registered under section 4 of the Charities Act 1960 or is excepted from registration by subsection (4) of that section; or

1960 c. 58.

(c) any nursing home which is for the time being registered under the Nursing Homes Act 1975 or exempted from registration under that Act; or

1975 c. 37.

(d) any premises which are an establishment for massage or special treatment merely by reason of face or scalp massage being administered in those premises.

(2) Nothing in this Part shall prejudice or affect the operation of any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

## PART VII

## SEASHORE AND BOATS

*A. Extent of Part VII*Extent of  
Part VII.

22. This Part applies to the districts specified in Schedule 2 to this Act.

*B. Houseboats, etc.*Interpretation  
and extent of  
Head B of  
Part VII.

23.—(1) In this Head—

“houseboat” includes any boat, barge, vessel or structure or any part, remains or wreckage thereof, whether or not the same shall be floating at any stage of the tide, used at any time or intended for use as a place of habitation or as a place for recreation, entertainment or refreshment or as club premises or offices but does not include—

1894 c. 60.

(a) any ship registered under the Merchant Shipping Act 1894 or any vessel bona fide used for navigation; or

(b) any boat, barge, vessel or structure in the borough of Southend used as a club house by the Alexandra Yacht Club, the Thames Estuary Yacht Club, the Essex Yacht Club, the Leigh Sailing Club, the Leigh-on-Sea Motorboat Club or any yacht club which is the successor in title to any of those clubs or with which any of them have been amalgamated;

“jetty” includes any pier, pile, post, gangway or other building or structure situate upon or in the protected lands used, or intended for use, for the purpose of mooring or placing or obtaining access to any houseboat or otherwise in connection with any houseboat but does not include any mooring to which section 81 (Registration of moorings) of this Act applies;

“moor”, “place” and “erect” include keep or maintain and “mooring”, “placing” and “erecting” and “moored”, “placed” and “erected” shall be construed accordingly; and

“the protected lands” means any foreshore and the bed of any ooze, saltings, marshes, creeks, rays, guts or water-courses situated in any of the districts to which this Part applies or any part of such lands whether or not the same are covered with water.

(2) The person having control of any houseboat or jetty shall unless the contrary be proved be deemed to be the owner thereof but nothing contained in this Head shall prejudice any

rights which have arisen or may arise between the person having control of any houseboat or jetty and the owner thereof.

PART VII  
—cont.

(3) This Head shall not apply to anything (whether a houseboat or jetty) provided or used for harbour operations as defined in the Harbours Act 1964.

1964 c. 40.

24.—(1) As from the appointed day in any district to which this Part applies, no person shall—

Restriction on  
houseboats  
and jetties.

- (a) moor or place any houseboat; or
- (b) place or erect any jetty;

upon or in the protected lands, whether or not the same shall have been so moored, placed or erected before that day, except in accordance with a consent granted by the district council.

(2) The district council shall not refuse consent under subsection (1) above or grant such consent subject to conditions except where the refusal or (as the case may be) the conditions appear to the district council to be necessary by reason of the number of consents previously granted by the district council or, without prejudice to the generality of the foregoing, for the purpose of—

- (a) preventing obstruction to users of houseboats, other vessels or jetties upon or in any protected lands; or
- (b) ensuring the adequacy, in relation to houseboats or other vessels upon or in any protected lands, of—
  - (i) means of access and egress; or
  - (ii) supplies of water for domestic purposes; or
  - (iii) facilities for the disposal of waste and sewage effluent.

25.—(1) (a) If any houseboat shall be moored or placed contrary to the provisions of this Head the district council may by notice in writing require the owner or occupier of the houseboat to remove or demolish it and to clear and restore the surface of the ground.

Notices of  
removal, etc.,  
under Head B  
of Part VII.

(b) If any jetty shall be erected or placed contrary to the provisions of this Head the district council may by notice in writing require the owner or occupier of the jetty to remove or demolish it and to clear and restore the surface of the ground.

(2) Section 290 of the Act of 1936 shall apply in relation to notices given under subsection (1) above as they apply in relation to the notices mentioned in subsection (1) thereof.

26.—(1) Where any houseboat or jetty shall have been removed or demolished by the district council under this Head the district council may retain the same or the materials thereof

Sale or  
disposal of  
houseboat,  
jetty, etc.

- PART VII**  
—*cont.*
- and may and shall if so required by the owner of such houseboat or jetty sell or dispose of the same or such materials and retain the proceeds of such sale or disposal.
- (2) (a) For the purposes of ascertaining the amount recoverable by the district council in respect of the costs and expenses incurred by them in or in connection with the removal or demolition of any such houseboat or jetty and the clearance and restoration of the surface of the ground credit shall be given for the net amount (if any) received by the district council of the proceeds of the sale or disposal (after deduction of any costs and expenses incurred by the district council in effecting the same) of such houseboat or jetty or the materials thereof.
- (b) If any such net amount exceeds the amount of the costs and expenses incurred by the district council in or in connection with the removal or demolition or clearance and restoration as aforesaid they shall pay the amount of such excess to the owner and if the owner is unknown and cannot after reasonable inquiry be ascertained they may pay the amount of such excess into court under section 63 of the Trustee Act 1925 as if it belonged to a trust of which they were the trustees.
- 1925 c. 19.
- Entry into possession.**
- 27.—(1) Where under this Head the district council are authorised to remove or demolish any houseboat or jetty but the owner or occupier thereof refuses to give up the possession thereof or hinders or obstructs them from entering upon and taking possession of the same the district council may take the same proceedings as are authorised by section 91 of the Lands Clauses Consolidation Act 1845 in the case of refusal to deliver possession of lands.
- 1845 c. 18.
- (2) Section 91 of the said Act of 1845 shall apply in all respects as if any such houseboat or jetty were “lands” within the meaning of the said section 91, the district council were the “promoters of the undertaking” and the removal or demolition of any houseboat or jetty were “the purposes of the undertaking”.
- Right of appeal under Head B of Part VII.**
28. Any person aggrieved by the refusal of the district council to give their consent under section 24 (Restriction on houseboats and jetties) of this Act or by any conditions attached to any consent given by the district council under that section may appeal to a magistrates’ court.
- Saving for certain authorities, etc.**
- 29.—(1) This Head shall not apply within—
- (a) Brightlingsea harbour;
- (b) the harbour as defined by section 3 of the Crouch Harbour Act 1974; or
- 1974 c. xxxv.



(c) the lands held or used by Sealink Harbours Limited at Parkeston Quay, Bath Side Bay and the train ferry quay and dock at Harwich.

PART VII  
—cont.

(2) Nothing in this Head shall affect or interfere with the powers of any harbourmaster appointed by the Harwich Harbour Board or by the port authority.

(3) Before exercising the powers of this Head within Harwich Harbour or the port of London the district council shall consult the Harwich Harbour Board or, as the case may require, the port authority.

(4) Section 24 (Restriction on houseboats and jetties) of this Act shall not so far as it relates to the placing or erecting or maintaining of any jetty upon or in the protected lands apply to any part thereof which is situate within the port of London.

### C. Miscellaneous provisions

30.—(1) In this section “structure” means any shed, hut, shelter, tent, booth, stall, stand, shop or other erection or obstruction, whether on wheels or not, not being a structure provided or used for harbour operations as defined in the Harbours Act 1964.

Unauthorised  
structures on  
seashore.  
1964 c. 40.

(2) No person shall without the consent of the district council erect, provide or place any structure, or place any chair, on any part of the seashore belonging or let to the district council unless he is authorised to do so by or under an enactment.

(3) If any person erects, provides or places a structure or chair in contravention of subsection (2) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and, if after his conviction thereof the structure or chair remains on any such part of the seashore, he shall be liable to a fine not exceeding £10 for each day on which it so remains.

(4) Nothing in this section shall prevent a person’s placing a chair or chairs or a windbreak on the seashore for his own personal use or for that of other persons otherwise than for private gain.

(5) Nothing in this section shall apply to any part of the seashore in the port of London which is vested in or under the control of the port authority or prejudice or affect any of the rights, powers, privileges or jurisdictions of the port authority.

PART VII  
—cont.  
Byelaws as to  
boats.

31.—(1) The powers of a district council to which this Part applies under section 76 of the Act of 1961 (byelaws as to seaside pleasure boats) shall extend to enable the district council to make byelaws—

- (a) prohibiting, regulating or controlling the keeping or landing of boats on such parts of the seashore as may be specified in the byelaws;
- (b) requiring boats of any specified class or description to be kept on such parts of the seashore as may be specified in the byelaws.

(2) No byelaw made under this section shall—

- (a) prevent the owner of any part of the seashore or any person with his consent exercising any rights which he could have exercised if the byelaw had not been made; or
- (b) affect any right, privilege or benefit of persons exercising a right of fishery which is enjoyed by them by virtue of any Act, charter, power or award or under any ancient custom; or

(c) have effect—

1974 c. xxxv.

(i) within the harbour as defined by section 3 of the Crouch Harbour Act 1974; or

(ii) within Brightlingsea harbour; or

(iii) in relation to the lands held or used by Sealink Harbours Limited at Parkeston Quay, Bath Side Bay and the train ferry quay and dock at Harwich; or

(iv) in relation to any part of the seashore in the port of London which is vested in or under the control of the port authority.

(3) Before making, amending or revoking any byelaws under the said section 76 as having effect in accordance with this section which apply to any part of the seashore within Harwich Harbour the district council shall give notice of their intention and a draft of their proposal to the Harwich Harbour Board and shall consider any written representations made by that board within a period of two months from receipt thereof.

Obstruction  
by boats.

32.—(1) No person shall without reasonable excuse in a district to which this Part applies keep any boat or allow any boat to remain upon any promenade, sea wall, square, court, alley or passage to which the public have access so that any obstruction is caused.

(2) Any person who contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a

fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £40.

PART VII  
—cont.

(3) (a) Nothing in this section shall apply to keeping any boat or allowing any boat to remain on the operational land of a harbour authority.

(b) In this subsection—

“harbour authority” has the meaning given by section 57 of the Harbours Act 1964; and

1964 c. 40.

“operational land” has the meaning given by section 222 of the Act of 1971.

33.—(1) Notwithstanding anything in section 31 (Byelaws as to boats) or section 32 (Obstruction by boats) of this Act or in any byelaw made under the said section 31 a district council to which this Part applies may grant a licence to any person authorising him to—

Licences for  
keeping, etc.,  
of boats.

(a) land and keep a boat on any part of the seashore owned by or let to the district council; or

(b) keep a boat in any location such as is referred to in subsection (1) of the said section 32.

(2) The district council may grant a licence under this section unconditionally or subject to such reasonable conditions as they think fit and may charge a fee for the grant of a licence.

(3) The Southend council shall not require any person to obtain a licence under this section in respect of the use of any mooring registered under section 81 (Registration of moorings) of this Act.

(4) The grant of a licence under this section shall not relieve any person from the requirements of—

(a) section 36 (Licensing of moorings) of the Crouch Harbour Act 1974 to obtain a licence to place, lay down, maintain and use any mooring in Crouch harbour; or

1974 c. xxxv.

(b) section 70 (Works not to be constructed, etc., without works licence) of the Port of London Act 1968 so far as they require any person to obtain a works licence to place, alter, renew, maintain or retain any mooring in the port of London.

1968 c. xxxii.

(5) Nothing in this section shall prejudice or affect the exclusive right of mooring of the Harwich Harbour Board within Harwich Harbour or the provisions of section 24 (Licensing of moorings) of the Harwich Harbour Act 1974.

1974 c. i.

PART VII  
—cont.  
Removal of  
boats.

34.—(1) Without prejudice to the criminal liability of any person, a district council to which this Part applies may after giving not less than 7 days' notice to the owner thereof remove or cause to be removed any boat which is on the seashore or other land in contravention of—

- (a) any byelaw made under section 31 (Byelaws as to boats) of this Act; or
- (b) section 32 (Obstruction by boats) of this Act; or
- (c) any condition of any licence under section 33 (Licences for keeping, etc., of boats) of this Act.

(2) Where any boat is removed under subsection (1) above from any location where the boat is causing an obstruction, the district council shall be under no liability in respect of the removal.

(3) The requirement in subsection (1) above to give notice of removal shall not apply—

- (a) in the case of any boat to which subsection (2) above applies; or
- (b) where the owner of the boat is unknown and cannot after diligent inquiry be found.

(4) The district council may detain and keep any boat removed under subsection (1) above together with its cargo and anything associated with the boat until payment is made of all expenses incurred by them in connection with the removal and detention of the boat.

(5) All expenses referred to in subsection (4) above may be recovered by the district council from the owner of the boat:

Provided that not less than 28 days after the removal of the boat the district council may if they think fit after giving 7 days' notice to the owner of the boat, and shall if so required by the owner of the boat, sell or otherwise dispose of the boat or anything detained with it, in such manner as they think fit and reimburse themselves out of the proceeds of sale, and the district council shall hold any surplus of such proceeds of sale in trust for the person entitled thereto.

(6) If the owner of the boat is unknown and cannot after diligent inquiry be found the district council may apply to a magistrates' court for an order empowering them to dispose of the boat; and the court may order the disposal and manner of disposal of the boat and the reimbursement to the district council out of the proceeds of sale of the expenses of removal and disposal and the costs of applying for and obtaining the order, and may give directions as to the disposal by the local authority of the surplus (if any) of such proceeds of sale.

(7) Nothing in this section shall affect any statutory powers conferred upon any person in relation to any wrecked, stranded or abandoned vessel.

PART VII  
—cont.

35. A district council to which this Part applies may within their district provide and let sheds, yards and other accommodation and facilities for the storage of boats.

Facilities for storage of boats.

## PART VIII

### SUPERANNUATION

36. In this Part expressions to which meanings are assigned by the Local Government Superannuation Regulations 1986 as for the time being amended shall have the same respective meanings and references in this and the next following Part to regulations are to those regulations.

Interpretation of Part VIII. S.I. 1986/24.

37.—(1) This section applies to any employee of the county council, the Essex Magistrates' Courts Committee, the Essex Probation Committee or the Essex Police Committee who, at the coming into operation of this Act, was entitled to a retiring allowance calculated in accordance with section 131 (Extension and modification of Act of 1937) of the Essex County Council Act 1952.

Modification of regulations in relation to certain employees.

1952 c. 1.

(2) An employee to whom this section applies shall continue to be entitled to a retiring allowance which shall be calculated in accordance with regulation E3 (Amount of retirement pension and retiring allowance) as though the relevant date for the purposes of the corresponding provisions of regulation E3 of the 1974 regulations were 31st March 1953.

38.—(1) (a) In its application to the county council regulation P1 shall have effect so as to enable the county council, within six months of the receipt of the actuary's certificate under regulation P6 in respect of the actuarial valuation of the Essex County Council Superannuation Fund ("the main fund") under regulation P5 in respect of any period ending not later than 31st March 1989 to establish and administer an additional superannuation fund to be known as "the Admission Agreement, etc., Superannuation Fund" ("the second fund").

Division of county superannuation fund.

(b) The regulations shall with any necessary modifications apply to the second fund as they apply to the main fund.

(2) (a) The second fund shall be the appropriate superannuation fund for all pensionable employees and other persons who before the establishment of the fund have been entitled to participate in the benefits of the main fund by virtue

PART VIII  
—cont.

of the operation of regulations B3 or B4 (admission agreements for employees of other bodies) or who thereafter are admitted by virtue of the operation of any of the said regulations.

(b) So long as the second fund is maintained any employee admitted by the county council under an agreement to which regulation B3 or B4 applies shall be admitted to participate in that fund and not in the main fund.

(3) (a) Upon the establishment of the second fund the main fund shall be apportioned; and the provisions of Schedule 19 of the regulations shall apply for such apportionment and for the transfer of assets from the main fund to the second fund as those provisions apply where such a change of employment as is mentioned in regulation Q2 occurs.

(b) The county council shall bear the costs of the apportionment required by this subsection.

(4) (a) The county council may, in connection with the second fund and out of the moneys of that fund, insure with an insurance company pensionable employees in the second fund against death in service to an amount not exceeding pensionable remuneration for one year payable by way of death gratuity under regulation E11.

1982 c. 50. (b) In this subsection “insurance company” means a society, company or institution to which the Insurance Companies Act 1982 applies and which is authorised by or under section 3 of that Act to carry on long term business as defined in section 96 of that Act.

(5) The county council may if they think fit, at their own cost, wind up the second fund and transfer the assets thereof to the main fund, and thereupon—

(a) the pension rights in the second fund of all pensionable employees and persons entitled to participate in that fund shall be transferred to and become rights in and entitlements to participate in the main fund;

(b) the main fund shall become the appropriate superannuation fund for those employees and persons; and

(c) the foregoing provisions of this section shall cease to have effect.

Power to  
require  
designated  
sums to be  
paid to  
trustees.

39.—(1) (a) In this section—

“contributor” means any employee or former employee of a relevant authority whose personal representatives will or, but for this section, would be entitled to receive a designated sum;

“designated sum” means—

- (i) a return of contributions under regulation C12; or
- (ii) a death gratuity under regulation E11;

“relevant authority” means the county council and, in addition, where any of the authorities to which paragraph (b) below applies have by resolution adopted the provisions of this section, that authority; and

“the trustees” means the trustees appointed under subsection (2) below.

(b) This paragraph applies to the following authorities:—

- (i) a local authority in respect of which the county council are the administering authority;
- (ii) the Essex Magistrates’ Courts Committee;
- (iii) the Essex Probation Committee;
- (iv) the Essex Police Committee;
- (v) any organisation, undertaking or body in respect of which there is for the time being in force an admission agreement with the county council pursuant to regulation B3.

(2) The county council shall appoint not less than two and not more than four responsible persons to act as trustees for the purposes of this section.

(3) If a contributor at any time by notice in writing to the county council, given in such form as the county council may approve, so directs, the designated sum instead of being paid to his estate shall be paid to the trustees to be held upon the trusts and with and subject to the powers and provisions in force under Schedule 3 to this Act at the date of the direction given under this subsection.

(4) The trusts, powers and provisions set out in Schedule 3 to this Act may from time to time be varied by resolution of the county council, but so that the trusts, powers and provisions as so varied shall only apply in relation to directions received by the county council after the making of such variations.

(5) Any direction given by a contributor under this section shall be irrevocable and binding on the contributor and his estate and all persons interested therein.

## PART IX

### FINANCE AND MISCELLANEOUS

40.—(1) A local authority may resolve that this section shall apply to them.

PART VIII  
—cont.

Extension of  
power to grant  
gratuities.

PART IX  
—cont.

(2) A local authority to which this section applies may grant to any person who, at the date of the coming into operation of this Act, was in the full-time employment of that authority on his ceasing to be employed by them, or to a dependant of such a person who dies while in their employment, a gratuity which shall be—

- (a) by way of a lump sum not exceeding an amount equal to twice that of the annual emoluments of the employment; or
- (b) by way of periodical payments not exceeding in the aggregate the amount aforesaid; or
- (c) by way of an annuity the capital value of which does not exceed the amount aforesaid; or
- (d) partly by way of an annuity for the benefit of the widow and partly by way of periodical payments for the benefit of such of the children of the deceased employee who shall for the time being be under the age of 18 years, so that the aggregate of the capital value of such annuity and of such periodical payments does not exceed the amount aforesaid.

(3) (a) A gratuity granted under subsection (2) above shall not be paid out of any superannuation fund maintained by the county council.

(b) No gratuity shall be granted under subsection (2) above to an employee who is entitled to any payment (other than a return of contributions) out of any superannuation fund maintained by the county council.

(4) Subsection (2) above shall apply to a dependant of a person who was formerly employed as mentioned in subsection (2) above and who dies within one year after ceasing to be in that employment as it applies to a dependant of such a person who dies whilst in that employment but no gratuity shall be granted under this section to a dependant of a former employee to whom a gratuity has been granted under regulation K1 or K2 before 1st April 1987 or under regulation K3 after 31st March 1987.

(5) Where a local authority to which this section applies have granted a gratuity under this section and either—

- (a) the gratuity was by way of periodical payments and the employee dies before all the payments are completed; or
- (b) the gratuity was by way of an annuity and the employee dies before receiving an aggregate amount equal to the capital value of the annuity;



the authority may grant a gratuity to a dependant of the employee, and for that purpose this section shall have effect as if—

PART IX  
—cont.

- (i) the employee had died while in the employment of the authority; and
- (ii) for the amount specified in subsection (2) above there were substituted the aggregate amount of the periodical payments outstanding at the employee's death or, as the case may be, the difference between the capital value of the annuity and the aggregate amount of the payments made to the employee before his death.

(6) For the purposes of this section, a person employed in a voluntary school in the county shall be deemed to be employed by the county council and the county council may grant to, or in respect of, any such person a gratuity in accordance with the provisions of this section.

(7) A local authority who have passed a resolution under subsection (1) above shall not exercise the powers of regulation K3.

**41.—**(1) A local authority may pay compensation by way of a lump sum or by way of periodical payments, or partly by one way and partly by the other—

Compensation  
for injury,  
disease or  
death of  
employees and  
voluntary  
assistants.

- (a) to any designated employee or any voluntary assistant who sustains an injury, or contracts a disabling disease, in the course of his employment or voluntary service; or
- (b) to a dependant of any such person who, in the course of his employment or voluntary service dies or sustains an injury, or contracts a disease, resulting in death.

(2) The payment of compensation under this section shall not affect any right or claim to damages or compensation which any designated employee or any voluntary assistant of the local authority or his dependant may have against any person other than the local authority or except so far as may be agreed when the compensation is granted, against the local authority.

(3) In this section—

“designated employee” means a person employed in an aided or voluntary school in the county other than a teacher;

“disabling disease” means a disease causing an incapacity which is likely to be permanent;

PART IX  
—cont.

“local authority” includes the Essex Magistrates’ Courts Committee, the Essex Probation Committee or the Essex Police Committee; and

“voluntary assistant” means a person who, at the request of the local authority or a proper officer of the local authority, performs any service or does anything, otherwise than for payment by the local authority (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority and includes any officer or member of a voluntary organisation which provides in the county services or facilities of the kind provided by the local authority or to which the local authority make any financial contribution; and “voluntary service” shall be construed accordingly.

As to general insurance fund.

42.—(1) In this section—

“contributory authority” means any district council, the Essex Magistrates’ Courts Committee, the Essex Probation Committee or the Essex Police Committee; and

“the general insurance fund” means the fund maintained by the county council with a view to providing a sum of money for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may be specified in a resolution of the county council.

(2) Notwithstanding paragraph 17 (2) of Schedule 13 to the Act of 1972 (which, as substituted by section 28 of the Act of 1976, restricts the use which may be made of any fund established by a local authority for the purpose only of providing money to make good loss or damage suffered by the authority as a result of an occurrence against the risk of which the authority can insure), the county council and any contributory authority may make arrangements, on such terms and conditions as may be agreed between the parties, for sums of money to be made available from time to time from the general insurance fund for making good such losses, damages, costs and expenses incurred by the contributory authority as may be specified in the arrangements.

Insurance by council of losses incurred by members.

43.—(1) In this section—

“member” means a member of a local authority or of any committee of a local authority or a member of the Essex Magistrates’ Courts Committee, the Essex Probation Committee or the Essex Police Committee;

“personal effects” means clothing, footwear and other personal possessions normally worn or carried on the person; and

PART IX  
—cont.

“specified loss” means—

(a) the loss of any cash or the loss of or damage to any personal effects sustained by any member while he is engaged on the business of the local authority or committee of which he is a member; and

(b) where damage is caused to a motor vehicle owned by a member without fault on his part while in use by him at any time when he is so engaged, any expense incurred by that member in insuring that or any other vehicle owned by him which he would not have incurred but for such damage.

(2) A local authority may enter into a contract with any person whereby, in consideration of payments by the local authority by way of premium or otherwise, that person undertakes to pay to the local authority such sums as may be provided in the contract in the event of any member to whom the contract applies sustaining any specified loss.

(3) Any sum received by the local authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to the member by whom such loss was incurred.

44. The county council and any district council whose district in whole or in part abuts on navigable waters may contribute towards any expenditure incurred by any body or person in the provision or maintenance of any buoy, beacon or other artificial aid to navigation from which benefit is derived by vessels using such navigable waters notwithstanding that such buoy, beacon or other artificial aid to navigation be situate outside the county or, as the case may be, the district.

Contributions  
by local  
authorities  
towards  
buoys, etc.,  
outside  
district.

45.—(1) A district council may lend, exchange or otherwise part with possession (but not ownership) of any specimen, works of art or book vested in them which in the opinion of the authority is not required for exhibition or use in any museum, art gallery, library or other building of the authority.

Disposal of  
unsuitable  
specimens and  
works of art.

(2) A district council may make arrangements by way of loan, exchange or gift with any person being the owner of any museum, art gallery or library for the transfer to that person of any specimen, work of art or book vested in the authority which in the opinion of the council is more suitable for exhibition or use in the museum, art gallery or library of that person than in a museum, art gallery, library or other building of the council.

PART IX  
—cont.

(3) Where any object has become vested in the district council by virtue of a gift or bequest—

(a) the district council shall, if reasonably practicable, consult with a donor or with the personal representatives or trustees of the donor before exercising the powers of this section; and

(b) the powers conferred by this section shall not, during a period of 35 years commencing on the date on which it became vested, be exercisable as respects that object in any manner inconsistent with any condition attached to the gift or bequest except with the consent of the donor or the personal representatives or trustees of the donor.

(4) Any moneys received by a district council in the exercise of the powers of this section shall be applied by them in the purchase of specimens, works of art or books.

## Recording of documents.

46. Section 229 of the Act of 1972 (photographic copies of documents) in its application to any local authority or parish meeting in the county shall have effect as if—

(a) at the end of subsection (1), there were inserted the words “or a recording in non-legible form from which a facsimile of the document may be reproduced”;

(b) in subsections (2) and (4) to (7), there were inserted after the words “photographic copy” the words “or a facsimile produced from a recording”; and

(c) at the end of subsection (6), there were inserted the words “or facsimile”.

## Power for parish councils to maintain certain lands.

47. A parish council may cut and keep tidy any land in the parish which adjoins any highway or is in or adjoins any other public place if after reasonable inquiry they are reasonably satisfied that the owner of the land cannot be found.

## Power for parish councils to contribute to preservation of historic buildings.

48. In their application to the county sections 1 and 2 of the Local Authorities (Historic Buildings) Act 1962 (which empower local authorities to contribute to the preservation of historic buildings) shall have effect as if the expression “local authority” included a parish council.

1962 c. 36.

## Provision of public telephones by parish councils.

49.—(1) A parish council may make available to the public a telephone in any place within or outside the parish where there is reasonable need therefor and for that purpose may rent a coin collecting box and an exchange line from a telecommunications operator and may provide any necessary housing for such coin collecting box.

(2) Section 5 of the Local Government (Miscellaneous Provisions) Act 1953 (which makes provision as to the consents required to the exercise by certain local authorities of powers to provide certain shelters or other accommodation) shall apply in relation to a coin collecting box or housing therefor provided by a parish council under this section, and to the council by which the coin collecting box or housing therefor is so provided, as it applies in relation to a shelter or other accommodation provided, and to the local authority by which it is provided, under section 4 of that Act.

PART IX  
—cont.  
1953 c. 26.

(3) Nothing in this section shall relieve a parish council from liability for damage caused by them to any apparatus of statutory undertakers in the exercise of the powers of this section and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any such apparatus.

## PART X

### PROVISIONS APPLICABLE TO PARTS OF ESSEX

#### A. Colchester

50.—(1) In this section—

“the Mersea Road crematorium” means the crematorium of the Colchester Council at Mersea Road, Colchester; and

Colchester  
crematorium.

“relevant house” means any house in existence at the date of the coming into operation of this Act.

(2) Section 5 of the Cremation Act 1902 (which requires the consent in writing of the owner, lessee or occupier of any dwelling-house to the construction of a crematorium nearer to such house than 200 yards) shall not apply to the alteration, extension or reconstruction of the Mersea Road crematorium within 200 yards of any relevant house.

1902 c. 8.

(3) Nothing in this section shall authorise any alteration, extension or reconstruction of the Mersea Road crematorium whereby any part of the crematorium as altered, extended or reconstructed is nearer to any relevant house than was any part of the structure of the crematorium as it existed on the date of the coming into operation of this Act.

#### B. Crouch harbour

51.—(1) In this section—

“the harbour” has the meaning given by section 3 of the Crouch Harbour Act 1974;

“the harbour authority” means the Crouch Harbour Authority;

Power to  
obtain  
information as  
to vessels in  
Crouch  
harbour.  
1974 c. xxxv.

PART X  
—cont.

“master” means any person for the time being having or taking the command, charge, possession or management of a vessel whether lawfully or wrongfully;

“owner” means the owner of a vessel and any person having any interest in a vessel (whether as joint owner, lessee, mortgagee or otherwise) and includes a person letting a vessel for hire whether or not that person owns the vessel; and

“vessel” means any vessel named or identified in a notice under this section.

(2) Where, with a view to performing a function conferred on them by or under any enactment, the harbour authority consider that they ought to have information as to the master or the owner, as the case may be, of any vessel which is or has been in the harbour, they may serve a notice on any person reasonably believed by them to be the master or owner, or to have been the master or owner at any date specified in the notice, requiring the recipient to furnish to the harbour authority within a period specified in the notice (which shall not be less than 14 days beginning with the day on which the notice is served) the following information:—

(a) the name and address of any person whom the recipient of the notice believes to be the master or owner of the vessel, or to have been such master or owner at any date specified in the notice; or

(b) the capacity in which any such master has or takes command, charge, possession or management of the vessel, or had or took such command, charge, possession or management at any date specified in the notice; or

(c) the nature of the interest in or control over the vessel of any such owner at any date specified in the notice.

(3) A notice under this section shall—

(a) name or otherwise identify the vessel in respect of which it is served;

(b) specify the function for the purpose of the performance of which the notice is served; and

(c) specify the enactment by or under which that function is to be performed.

(4) A notice shall not be served under this section on any person who, at the date of service, is no longer the master or owner of the vessel named or identified in the notice if more than six months have elapsed since the recipient ceased to be such owner or master.

(5) A person who—

- (a) fails, without reasonable excuse, to comply with the requirements of a notice served on him under subsection (2) above; or
- (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART X  
—cont.

### C. *The marshes*

52.—(1) This Head applies to the lands in the district of Epping Forest known respectively by the names set out in the left-hand column of the following table, which are delineated on the plans deposited in connection with the Bill for the Waltham Holy Cross Urban District Council Act 1958 and thereon identified by the numbers set out in the right-hand column of the table, all of which lands are referred to collectively in this Head as “the marshes”:<sup>Interpretation of Head C of Part X. 1958 c. xxxvii.</sup>—

Name	Number
Cheshunt Marsh	2, 3 and 8
Hall Marsh	7 and 9
Town Mead	1
Waltham Marsh	4, 5 and 6.

(2) In this Head “the Council” means the Epping Forest District Council.

(3) Nothing in this Head shall affect the powers of the Council to dispose of any part of the marshes under section 123 of the Act of 1972 as it applies to any land consisting or forming part of an open space.

53.—(1) The marshes (except any part or parts thereof closed to the public under the authority of this Head) shall be deemed to be public parks or pleasure grounds or lands acquired by the Council for the purpose of boating, cricket, football, tennis, bowls, golf, race meetings, air shows or visits, camping, horse riding and athletic sports or other games and recreations or partly the one or partly the other as the Council may from time to time determine and the Council may exercise in regard thereto respectively the powers conferred upon them by the Public Health Acts (other than the power of making byelaws conferred by section 164 of the Public Health Act 1875) in respect of public parks and pleasure grounds.<sup>Use of lands as pleasure grounds. 1875 c. 55.</sup>

PART X  
—cont.

(2) (a) The Council may at any time (in addition to any powers conferred upon them by this Head) appropriate any part or parts of the marshes for purposes other than the purposes referred to in subsection (1) above.

(b) Before exercising the powers of this subsection the Council shall cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area where the land is situated, and consider any objections to the proposed appropriation which may be made to them.

Power to lease  
or otherwise  
deal with parts  
of the  
marshes.

54. The Council shall have the following powers in relation to the marshes:—

- (a) The Council may lease such part or parts of the marshes as may be necessary for the purpose of erecting and maintaining enclosures, stands and other buildings, booths, tents and stalls in connection with any purpose for which the marshes may be used under the powers conferred by this Head; or the Council may themselves erect and maintain such enclosures, stands, buildings, booths, tents or stalls and may also erect and maintain keepers' and caretakers' houses:
- (b) The Council may let any part of the marshes not exceeding 50 acres for a period not exceeding six weeks in any year for the purposes of circuses and other public entertainments:
- (c) The Council may set apart or let any part of the marshes not exceeding 100 acres for such periods not exceeding three months in any year as they may think fit for the purpose of holding fairs, or agricultural, horticultural and other shows, and for such periods not exceeding one year as they may think fit for boating, camping grounds, athletic sports, cricket, football, tennis, bowls, golf and other games, race meetings, horse riding and other like purposes; and may make agreements as to the control and maintenance of any parts so set apart subject as hereinafter mentioned:
- (d) The Council may lay out golf courses upon the marshes and may pay such sum as they think proper to any person or persons who may lay out a golf course thereon; and the Council may make such charges as they think fit for the playing of golf upon such course or courses and may let any such course or courses for such periods not exceeding three years as the Council may think fit:



Provided that if the Council lay out such a course or make a payment in respect of the laying out of any course the public shall be entitled (subject to such regulations as may be made by the Council) to use the course laid out or in respect of which the Council shall have made such payment on payment of such reasonable charges as the Council may prescribe:

PART X  
—cont.

- (e) The Council may let the rights of winning, working, getting, carrying away, and disposing of minerals in, on or under any part of Town Mead, or may grant licences therefor to any person on such terms and conditions as the Council think fit:
- (f) The Council may subject to the provisions of this Head close to the public any part of the marshes let or in respect of which a licence has been granted under this section during the period of the letting or licence:

Provided that with respect to any parts of the marshes set apart or let for the purpose of playing games such fences only shall be erected as shall be reasonably necessary for the protection of such parts for the purposes for which they are so set apart or let:

- (g) The Council or their lessees, tenants or licensees may make charges for admission to any part of the marshes closed to the public under this Head:
- (h) The Council may let the marshes for the grazing of cattle, horses or sheep; and they may fence off or otherwise enclose the whole or any part or parts so let so as to prevent the straying of cattle but not so as to prevent the access thereto of the public; and they may make such charge as they think fit for each head of cattle, horses or sheep so grazed:
- (i) The Council shall ensure that at all times there shall be not less than 50 acres in the aggregate of the marshes in respect of which the powers conferred by paragraphs (a) to (f) above are not being exercised.

55.—(1) Subject to the provisions of this Head the Council may make byelaws for any of the following purposes relating to such part of the marshes as may be for the time being available to the public for the purposes referred to in section 53 (Use of lands as pleasure grounds) of this Act (that is to say):—

Power to  
make byelaws.

- (a) for preventing fires and nuisances and for preserving order;
- (b) for preventing bird catching, bird trapping and taking birds' eggs or nests and for preventing or regulating the killing, taking, injuring, shooting, chasing or

PART X  
—cont.

- disturbance of animals or birds and for preventing or regulating the setting of traps, nets, snares or other engines for any of those purposes;
- (c) for preventing persons other than persons entitled so to do under the provisions of this Head from turning out or permitting horses, cattle, sheep or other animals to graze or feed upon the marshes, and for removing therefrom any horses, cattle, sheep or other animals so turned out or permitted to graze or feed, and for regulating the grazing of horses, cattle, sheep and other animals upon the marshes;
  - (d) for prohibiting the landing, drawing, driving or placing upon the marshes or any part thereof without lawful authority of any aircraft except in the case of accident or other sufficient cause;
  - (e) for prohibiting or regulating the flying of power-driven model aircraft;
  - (f) for preventing or regulating the firing or discharge of firearms or the throwing or discharge of missiles;
  - (g) for preventing the digging or taking of turf, loam, stone, sand, gravel, or other substances;
  - (h) for preventing the injuring, cutting, or felling of ferns, gorse, timber or other trees, shrubs, brushwood or other plants;
  - (i) for preventing injury to or the defacement or removal of seats, fences, barriers or other things put up by the Council and the disfigurement of seats, fences, barriers, buildings or trees by posting or painting bills, placards or notices thereon or otherwise;
  - (j) for preventing or regulating the deposit upon any part of the marshes of any rubbish, manure or other substance;
  - (k) for regulating the playing of games and preventing the racing of horses or other animals except by the lessees, tenants and licensees of the Council;
  - (l) for prohibiting or regulating bathing or fishing in any pond or stream;
  - (m) for regulating the use of the parts of the marshes upon which persons may play games, hold athletic sports, exercise or train horses or hold meetings or shows; and for prohibiting the use for the purposes aforesaid of other parts of the marshes.

(2) The Council shall not make byelaws under paragraph (g) of subsection (1) above for preventing the digging or taking of stone, sand or gravel from Hall Marsh, Waltham Marsh or Cheshunt Marsh.

## PART XI

## SOUTHEND-ON-SEA PROVISIONS

*A. Interpretation of Part XI*

## 56. In this Part—

- “the borough” means the borough of Southend-on-Sea;  
and  
“the foreshore” means the foreshore of the river Thames or  
the sea in the borough.

Interpretation  
of Part XI:  
general.

*B. The piers*

## 57.—(1) In this Head—

- “the Act of 1847” means the Harbours, Docks, and Piers  
Clauses Act 1847;
- “the Loading Pier” means the pier, jetty or landing-stage  
and works authorised by the Southend-on-Sea  
Loading Pier Order 1911 (which is repealed by section  
101 of, and Schedule 7 to, this Act) confirmed by the  
Pier and Harbour Orders Confirmation (No. 2) Act  
1911 and continued and maintained under this Head;
- “the Southend Pier” means the piers and other works  
authorised by the Southend pier enactments and  
continued and maintained under this Head;
- “the Southend pier enactments” means the enactments  
referred to in Schedule 4 to this Act (which are  
repealed by section 101 of, and Schedule 7 to, this  
Act);
- “tidal work” means any part of the piers as existing on the  
date of the coming into operation of this Act, or  
thereafter constructed, on, under or over tidal waters  
or tidal lands below the level of high water;
- “Trinity House” means the Corporation of Trinity House  
of Deptford Strond; and
- “vessel” means any ship, boat or raft of any description  
and includes a hovercraft (within the meaning of the  
Hovercraft Act 1968) or any other amphibious vehicle  
or a seaplane and any other thing constructed or  
adapted for floating on or being submerged in water  
(whether permanently or temporarily).

Interpretation  
of Head B of  
Part XI.  
1847 c. 27.

1911 c. clviii.

1968 c. 59.

(2) In this Head “the piers” means the Loading Pier and the  
Southend Pier and for the purposes of the following provisions

**PART XI**  
—cont.

of this Act shall include the wharf in Leigh-on-Sea known as Bell Wharf:—

- Section 60 (Continuance and maintenance of piers);
- Section 62 (Power to erect pavilions and other buildings);
- Section 63 (Power to dredge, etc.);
- Section 64 (Penalty for injuring works, etc.);
- Section 65 (Charges);
- Section 66 (Pier byelaws);
- Section 67 (Closure of piers);
- Section 68 (Power to sell or lease piers, etc.); and
- Section 69 (Power to demolish piers).

Incorporation  
of Act of  
1847.

**58.**—(1) The Act of 1847 (except sections 6 to 26, 31 to 33, 48, 79 to 82, 84 to 90 and 92 to 98), so far as applicable for the purposes of, and not inconsistent with, the provisions of this Head, is hereby incorporated with this Head.

(2) In construing the Act of 1847, as so incorporated, the expressions “the promoters of the undertaking” and “the undertakers” mean the Southend council, “the harbour, dock or pier” means the piers and “the special Act” means this Head.

(3) The prescribed limits for the purposes of the Act of 1847 and this Head shall comprise the piers and the area below the level of high water within a distance of 200 metres measured from any part of the piers.

(4) Nothing in this section shall limit or affect the powers of the Southend council to levy rates, tolls, charges and duties under this Head.

Restriction on  
mooring.

**59.** No vessel shall be moored or attached alongside or to the piers or within the prescribed limits without the consent of the Southend council or the pier master.

Continuance  
and  
maintenance  
of piers.

**60.**—(1) Subject to the provisions of this Head, the Southend council may continue and maintain the piers.

(2) For the purposes of subsection (1) above the Southend council may improve, alter, and widen the piers and they may from time to time construct, erect, maintain, alter and improve any warehouses, offices, toll-houses, sheds, cranes, lifts, stairs, embankments, landing-places, landing-stages, slips, wharves, quays, jetties, buoys, moorings, groynes, pile lights, beacons, lamps, lamp-posts, gas and electric lighting apparatus, roads, sewers, drains, watercourses, tanks, mains, pipes, wires, engines, weighing-machines and other works, buildings, apparatus and conveniences which may be found necessary or convenient for the accommodation of vessels and traffic at the

piers and may also from time to time lay down and maintain rails, tramways, stations, platforms, sidings and turntables on and along the piers and may provide motive power for tramways and may use such rails or tramways for the conveyance of passengers, goods, animals or chattels.

PART XI  
—cont.

(3) A line of rails or tramway provided under this section shall not be used for the public conveyance of passengers without the prior written permission of the Secretary of State and the Southend council shall comply with the conditions (if any) which the Secretary of State may from time to time prescribe for the safety of the public using such line of rails or tramway.

(4) (a) Any mains, pipes, wires or other apparatus constructed, erected, maintained, altered or improved under this Head for the purpose of electric lighting or power shall not be so constructed as to cause, or to be likely to cause, interference with any telecommunication apparatus.

(b) Notwithstanding anything in this section the Southend council shall not alter any telecommunication apparatus except in accordance with and subject to the provisions of paragraph 23 of Schedule 2 to the Telecommunications Act 1984.

1984 c. 12.

(5) In exercising the powers of this section the Southend council shall not damage or injuriously affect any apparatus of the Eastern Electricity Board nor, without the consent of the said board, interfere with any such apparatus or the access thereto.

61. The piers shall be deemed to be for all purposes within the borough and the petty sessional division of Southend.

Piers to be within borough.

62. The Southend council may maintain, alter, enlarge or improve all buildings and conveniences now erected or being on the piers and may erect, construct, alter, enlarge or improve and maintain on the piers fishing platforms, bathing platforms, bathing places, pavilions, saloons, assembly, concert, lecture, waiting, refreshment, reading and other rooms, automatic machines, bicycle stands, bandstands, shops, bazaars, kiosks, aquaria, waterclosets, urinals, lavatories, baths and sanitary and other conveniences and may furnish and equip the same and make such reasonable charges as they think fit for the use thereof and admission thereto.

Power to erect pavilions and other buildings.

63.—(1) The Southend council may with the written consent of the port authority deepen, dredge, scour and excavate any portion of the foreshore and bed of the river Thames to the extent necessary to secure a sufficient waterway and approach to the piers for vessels using the piers.

Power to dredge, etc.

PART XI  
—cont.

(2) (a) All materials dredged up or removed under this section shall be the property of the Southend council and they may sell or otherwise dispose of or remove or deposit the same as they think fit.

(b) No such materials shall be laid down or deposited in any place below the level of high water without the written consent of the Secretary of State and, in addition, if such place is within the limits of the port of London, without the written consent of the port authority.

(3) All moneys arising from any sale or other disposition of materials under this section after payment of the expenses connected therewith shall be deemed to form part of the pier revenue.

Penalty for  
injuring works,  
etc.

**64.** Every person who without lawful authority or reasonable excuse pulls up or removes any buoys, moorings, poles, posts, lights, beacons or other conveniences provided or maintained in connection with the piers shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale and shall in addition be liable to repay to the Southend council any expenses incurred by them in making good such damage.

Charges.

**65.—**(1) The Southend council may demand, take and recover such reasonable charges for admission to the piers and for any services or facilities provided by them on or in connection with the piers as they may from time to time determine.

(2) The charges referred to in subsection (1) above shall be payable to such persons, at such places and in such manner as the Southend council may by notice appoint.

(3) Any person who without reasonable excuse enters any part of the piers or makes use of any services or facilities provided by the Southend council on or in connection with the piers and refuses or neglects to pay any charge in accordance with any notice displayed under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Pier byelaws.

**66.—**(1) In addition to the byelaws which may be made by the Southend council under section 83 of the Act of 1847, the Southend council may make byelaws relating to the piers for all or any of the following purposes:—

(a) for the management and regulation of the piers;

(b) for regulating the conduct of persons on, or resorting to, the piers, or in the vicinity thereof, and for preserving order on the piers;

- (c) for the prevention of nuisances on, or in the vicinity of, the piers;
- (d) for preventing injury to and protecting the piers and the buildings, vehicles and other property thereon or attached to the piers;
- (e) for regulating or preventing fishing from the piers;
- (f) for regulating or preventing bathing and for securing the protection of bathers under, or in the vicinity of, the piers;
- (g) for prescribing the particular portions of the piers at which vessels may lie for embarking or disembarking passengers and their luggage;
- (h) for regulating or preventing the mooring of vessels to the piers as the Southend council may deem proper;
- (i) in relation to any railway on the pier and the trains used on the railway—
  - (i) for regulating the use and working of, and travel on, the railway and trains; and
  - (ii) for preventing interference with, or obstruction of, the railway and trains and for the prevention of danger and the maintenance of safety.

PART XI  
—cont.

(2) Byelaws made under this section may provide that a person contravening the byelaws shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) In its application to byelaws made under this section, section 236 of the Act of 1972 shall have effect as if in subsection (7) after the word “confirm” where it first occurs the words “with or without modification” were inserted and (following any sale or lease under section 68 (Power to sell or lease piers, etc.) of this Act) as if any transferee were a local authority.

(4) Nothing in this section or in section 83 of the Act of 1847 shall prejudice or affect the operation of any of the relevant statutory provisions as defined in section 53 of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

67. Notwithstanding anything in any enactment, the Southend council may close to the public the piers (or any part of them), or any building or other property or any facilities provided on or in connection with the piers, either permanently or at such times and for such periods as the Southend council may determine.

Closure of piers.

PART XI  
—cont.  
Power to sell  
or lease piers,  
etc.

68.—(1) In this section “the transferred undertaking” means so much of the piers as is sold or leased under this section and “the transferee” means the person to whom the transferred undertaking is sold or leased.

(2) (a) The Southend council may at any time sell or lease the whole or any part of the piers on such terms and conditions as may be agreed between them and the transferee.

(b) The Southend council may sell or lease different parts of the piers under this section to different persons.

(3) As from the date of any sale or lease under this section and, in the case of a lease to the extent specified therein and, during the currency of the term thereby created, the transferee shall to the exclusion of the Southend council be subject to the statutory and other obligations relating to the transferred undertaking to the intent that the Southend council shall be released from such obligations and shall be entitled to the benefit of, and to exercise, the statutory or other rights, powers and privileges relating to the transferred undertaking.

Power to  
demolish  
piers.

69.—(1) The Southend council may demolish and remove all or any part of the piers and may sell or otherwise dispose of the structures and materials thereof.

(2) As from the date upon which any part of the piers is demolished and removed under this section, all statutory and other obligations of the Southend council relating to that part shall cease to have effect.

(3) If the Southend council resolve to demolish and remove any part of the piers, they shall, as soon as reasonably practicable thereafter and to the satisfaction of the Secretary of State, take down and remove that part, including such of the foundations, abutments and protective works as the Secretary of State may direct, and shall ensure so far as practicable that such taking down and removal does not unnecessarily interfere with or impede navigation.

Lights on  
works during  
removal.

70.—(1) The Southend council shall at or near such part of the piers as is below the level of high water during the whole time of the taking down and removal of that part, exhibit every night from sunset to sunrise such lights (if any), and take such other steps for the prevention of danger to navigation as the Secretary of State or the port authority shall from time to time direct.



(2) If the Southend council fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum, and on conviction on indictment to a fine.

PART XI  
—cont.

71.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Southend council shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as shall from time to time be directed by Trinity House.

Provision  
against danger  
to navigation.

(2) If the Southend council fail to notify Trinity House as required by this section or to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

72.—(1) Where a tidal work is abandoned or suffered to fall into decay, the Secretary of State or the port authority may by notice in writing direct the Southend council at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State or the port authority, as the case may be, think proper.

Abatement of  
works  
abandoned or  
decayed.

(2) Where any work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State or the port authority, as the case may be, may include that part of the work, or any portion thereof, in any notice under this section.

(3) If on the expiration of 30 days from the date when a notice under this section is served upon the Southend council they have failed to comply with the requirements of the notice, the Secretary of State or the port authority, as the case may be, may execute the works specified in the notice and any expenditure incurred by the Secretary of State or the port authority in so doing shall be recoverable from the Southend council.

73. The Secretary of State or the port authority may at any time if he or they deems or deem it expedient direct that a survey and examination of a tidal work be carried out and any expenditure incurred by the Secretary of State or the port

Survey of tidal  
works.

PART XI  
—cont.

authority in any such survey and examination shall be recoverable from the Southend council.

Permanent  
lights on  
works.

74.—(1) The Southend council shall at the outer extremity of the piers or on such other parts thereof exhibit every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as Trinity House shall direct.

(2) If the Southend council fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Provisions  
applicable to  
sections 70 to  
74.

75.—(1) If it appears to the Southend council that any direction made by the port authority under section 70 (Lights on works during removal), section 72 (Abatement of works abandoned or decayed) or section 73 (Survey of tidal works) or by Trinity House under section 71 (Provision against danger to navigation) or section 74 (Permanent lights on works) of this Act is unreasonable, they may within 28 days after the receipt of notice of any such direction refer the matter to the Secretary of State who may confirm or annul the direction or make such other direction as he may think fit.

(2) If there shall be any inconsistency between any direction of the Secretary of State and any direction of the port authority or, as the case may be, Trinity House under this Head, the direction of the Secretary of State shall prevail.

For protection  
of Port of  
London  
Authority.

76. The following provisions shall, unless otherwise agreed in writing between the Southend council and the port authority, have effect for the protection of the port authority:—

(1) In this section—

“the engineer” means the engineer of the port authority; and

“the river” means the river Thames:

(2) The Southend council shall not make or commence any improvement, alteration or widening of the piers, whether permanent or temporary, in the river or on or under the bed or shores thereof below the level of high water unless and until the plans, elevations and sections referred to in paragraph (3) below have been approved in writing by the port authority:

(3) All works, improvements, alterations and widenings shall be executed according to plans, elevations and sections to be deposited at the office of the port authority and approved in writing by the port authority and to the reasonable satisfaction of the

engineer and during the execution of the same the Southend council shall take such precautions for the safety of the navigation as the port authority may reasonably direct and the traffic of the river shall not be interfered with more than may be necessary in the construction of the said works and improvements, alterations and widenings:

PART XI  
—cont.

- (4) No work of demolition or removal of structures in the river not required or derelict shall be commenced, carried on or continued by the Southend council without the consent in writing of the port authority and all work necessary for or in connection with such demolition or removal shall be carried out under the supervision and to the reasonable satisfaction of the engineer and at the expense of the Southend council:
- (5) The members of the port authority and their duly authorised officers and servants shall at all reasonable times have free access without payment to, from, in and over the piers from either the landward side or the river and any vessel employed in the service of the port authority shall at all reasonable times when accommodation for any such vessel at the piers is available have the free use thereof without payment or charge:
- (6) Nothing in this Head shall prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the port authority or prohibit, defeat, alter or diminish any power, authority or jurisdiction which at the time of the passing of this Act the port authority did or might lawfully claim, use or exercise under and by virtue of the Port of London Act 1968 1968 c. xxxii. or otherwise:
- (7) Any approval or consent required to be given by the port authority under this section shall not be unreasonably withheld:
- (8) Any difference arising between the Southend council and the port authority under this section shall be referred to and settled by arbitration.

77. Officers of the Department of Transport in the execution of their duty shall have at all times free ingress, passage and egress, to, or along and from the piers without payment. Exemption of Department of Transport.

78. All persons going to or returning from any lifeboat or using any apparatus for saving life, being either persons belonging to the crew of the lifeboat or to the coastguard or persons for the time being actually employed in saving life or in using the lifeboat or the apparatus for saving life, and all Exemption of lifeboat crew, etc.

**PART XI** persons brought ashore from any vessel in distress, shall have at  
 —*cont.* all times free ingress, passage and egress, to, or along and from  
 the piers without payment.

Lifesaving  
 apparatus on  
 piers.

**79.** The officers of the coastguard and all other persons for the time being actually employed in connection with any lifeboat or other apparatus for saving life may, either permanently or temporarily, without payment, attach or cause to be attached, to any part of the piers, spars and other apparatus for saving life, and may also either in the course of using or of exercising the apparatus for saving life, fire rockets over the piers.

### *C. Miscellaneous*

Provision, etc.,  
 of moorings.

**80.—**(1) For the purpose of this section and of section 81 (Registration of moorings) of this Act, “mooring” means any kind of mooring, whether fixed or not.

(2) The Southend council may put down or place and maintain on any part of the foreshore vested in them, or on any other part of the foreshore with the consent of any person having right thereto, such moorings as they think fit and may remove any such moorings.

(3) The Southend council may purchase by agreement any moorings on any part of the foreshore.

(4) The Southend council may let moorings owned by them on such terms and conditions as they think fit.

Registration of  
 moorings.

**81.—**(1) For the purposes of this section, a mooring is used for a specified purpose if it is used for the mooring of any vessel used as the club premises of the Alexandra Yacht Club, the Thames Estuary Yacht Club, the Essex Yacht Club Limited, the Leigh Sailing Club and any yacht club which is the successor in title of any of those clubs or with which any of them have been amalgamated.

(2) (a) No person shall put down, place or maintain any mooring on the foreshore unless the mooring is registered by the Southend council.

(b) No person shall use any mooring on the foreshore for a specified purpose unless the register kept by the Southend council under this section states that the mooring may be used for a specified purpose.

(3) The Southend council shall keep a register of moorings registered under this section.

(4) Application for the registration of a mooring under this section shall be in such form, and shall be accompanied by such particulars, as the Southend council may reasonably require and, without prejudice to the generality of this subsection, the Southend council may require the applicant to state whether the mooring is or will be used for a specified purpose.

(5) The Southend council may charge such reasonable fees for the registration of moorings under this section as they may from time to time determine.

(6) (a) On application for registration of a mooring under this section the Southend council may register the mooring either unconditionally or subject to such reasonable conditions as they think fit, or they may refuse to register the mooring.

(b) Without prejudice to the generality of paragraph (a) above, conditions upon which a mooring may be registered may include—

(i) in the case of any mooring—

(A) the prohibition of the retention of the mooring beyond the period (being not less than 12 months) prescribed in the conditions;

(B) conditions as to the size, type and shape of the mooring and the standard to which the mooring is to be maintained;

(C) conditions restricting or prohibiting the letting or sub-letting of the mooring;

(ii) in the case of a mooring used or intended to be used for a specified purpose, terms and conditions for ensuring that the shape, size and external appearance of any vessel moored at the mooring and of any gangway leading to such vessel will not be detrimental to the visual amenities of the neighbourhood of the mooring.

(7) (a) Subject to paragraph (b) below, Southend council may at any time on giving one month's notice to the owner of the mooring vary the terms and conditions imposed under subsection (6) above and may require the removal of any mooring to a different position but shall not exercise the powers of this subsection so as to affect any decision by the Secretary of State on any previous appeal to him under subsection (8) below.

(b) The Southend council shall not exercise the powers of this subsection except where it is necessary for them to do so—

(i) by reason of any change in the position of a deepwater channel; or

(ii) in order to permit the carrying out by the Southend council or any other authority or body of works or operations in pursuance of any statutory functions.

PART XI  
—cont.

(8) Any person who is aggrieved—

(a) by the refusal of the Southend council to register a mooring, or by the terms and conditions subject to which a mooring is registered; or

(b) by any notice given by the Southend council under subsection (7) above;

may appeal to the Secretary of State.

(9) (a) If any person puts down, places or without reasonable excuse maintains any mooring on the foreshore in contravention of subsection (2) above or of any conditions upon which the mooring is registered or fails to remove any mooring where required to do so under subsection (7) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £40.

(b) Without prejudice to the criminal liability of any person the Southend council may at any time remove, alter or reinstate a mooring which has been put down, placed, removed or continued in contravention of subsection (2) above or of any term or condition upon which the mooring is registered or in contravention of any notice given under subsection (7) above.

(10) Without prejudice to the powers of the Southend council under subsection (7) above, where any mooring is in existence at the date of the coming into operation of this Act and at that date is registered under section 48 (Mooring on the foreshore) of the Southend-on-Sea Corporation Act 1947, the Southend council—

(a) shall not refuse to register the mooring under this section;

(b) shall not register the mooring under this section subject to any conditions less favourable than those on which it is registered at the said date; and

(c) shall not refuse to register the mooring for use for a specified purpose if at the said date the mooring is used for a specified purpose in accordance with any permission given under section 30 (As to yacht club premises) of the said Act of 1947.

(11) The Southend council shall not exercise the powers of this section so as to do or permit the doing of anything which interferes with public right of navigation (not being a right of mooring for the regulation of which provision is made by this section on the river Thames).

Byelaws as to  
boats on  
Hadleigh Ray.

82.—(1) In this section “the relevant area” means the part of the creek known as Hadleigh Ray shown coloured blue on the map signed in triplicate by the Rt. Hon. the Lord Aberdare,

K.B.E., the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, one copy of which map has been deposited in the office of the Clerk of the Parliaments, one copy in the Private Bill Office of the House of Commons and one copy at the office of the Town Clerk and Chief Executive of the Southend council in the borough.

PART XI  
—cont.

(2) The Southend council may make byelaws under paragraphs (a) to (c) of subsection (1) of section 76 of the Act of 1961 in respect not only of those areas where such byelaws may by virtue of section 17 of the Act of 1976 (byelaws about bathing and boating) have effect but also in respect of the relevant area.

(3) Before making, amending or revoking any byelaws under the said section 76 as having effect in accordance with this section in respect of the relevant area the Southend council shall give notice of their intention and a draft of their proposal to the port authority and shall consider any written representations made by that authority within a period of two months from receipt thereof.

83. The Southend council may, on any part of the foreshore vested in them or on any other part of the foreshore with the consent of any person having right thereto, erect and maintain such groynes as the Southend council think necessary or desirable for the improvement of the foreshore. Groynes.

84.—(1) In this section “the promenades” means the Western Esplanade and Chalkwell Esplanade both of which are situated within the borough. Closure of promenades.

(2) The Southend council may from time to time use or permit the use of the whole or any part of the promenades for the purposes of processions, carnivals, sports, motor races, motor-cycle races, cycle races and similar purposes.

(3) For the purposes mentioned in subsection (2) above the Southend council may close to the public the whole or any part of the promenades and demand and take, or permit to be demanded or taken, such reasonable sums for the exclusive occupation of the promenades, or any portion thereof, or for the admission of persons, vehicles, goods and things to the promenades or any portion thereof as they may think fit and may exclude therefrom all persons, vehicles, goods and things unless payment be made of the reasonable sums demanded.

(4) The powers of subsection (2) above shall not be exercised—

- (a) on more than 12 days in any year; or
- (b) on more than 3 Sundays in any year; or

PART XI  
—cont.

(c) on more than 4 consecutive days; or

(d) for more than 12 hours in any period of 24 hours;

and the powers of subsection (3) above shall not be exercised so as to deprive any person bona fide going to or from any house or premises abutting on any promenade of reasonable access to, or egress from, such house or premises, except so far as may be necessary in the interests of safety, or so as to demand any sum for the admission of such person to such promenade, or so as to deprive any person of access to or egress from any railway station of the British Railways Board.

(5) Nothing in this section shall prevent any statutory undertakers or telecommunications operators in a case of emergency from obtaining access to any of their apparatus in the promenades or from doing all such works and things as may be necessary for laying, placing, inspecting, repairing, maintaining or renewing any such apparatus.

## Lifts, etc.

**85.**—(1) In this section, “lift” means any lift, escalator or similar device provided on cliffs or other lands in the borough for the conveyance of passengers, vehicles, goods or other things.

(2) (a) The Southend council may maintain any lift provided by them before the coming into operation of this Act and in existence at that date or acquired by them after that date by agreement with any person.

(b) The Southend council may provide and maintain new lifts on any cliffs or other lands in the borough in which they have a sufficient interest.

(c) The Southend council may reconstruct, equip, re-equip, repair and work any lifts maintained under this section and may provide all necessary buildings and apparatus therefor.

(3) The Southend council may grant leases of any lifts maintained under this section together with any lands used in connection therewith on such terms and conditions as the Southend council think fit.

(4) The Southend council may charge such sums as they think fit for the use of any lift maintained under this section and may make byelaws for regulating such use and charges, for preventing injury or damage to such lifts and for regulating the conduct of persons using them.

(5) In exercising the powers of this section the Southend council should not damage or injuriously affect any apparatus of the Eastern Electricity Board nor, without the consent of the said board, interfere with any such apparatus or the access thereto.



86.—(1) As from the coming into operation of this Act the Southend council shall hold the land in the borough known as the Shrubbery upon trust for the enjoyment of the public as an open space under the Open Spaces Act 1906 freed and discharged from the trusts and conditions imposed by a conveyance dated 10th December 1918 and made between William Gregson, John Rumbelow Brightwell and Sydney Bridger of the one part and the mayor, aldermen and burgesses of the county borough of Southend-on-Sea of the other part.

PART XI  
—cont.  
The  
Shrubbery.  
1906 c. 25.

(2) Notwithstanding the provisions of subsection (1) above and of the said Act of 1906, the Southend council may, if they so wish, make charges for admission to the Shrubbery.

87. For the protection of the Anglian Water Authority (in this section referred to as “the water authority”), the following provisions shall, unless otherwise agreed in writing between the Southend council and the water authority, apply and have effect:—

For protection  
of Anglian  
Water  
Authority.

(1) In this section—

“authorised operation” means an operation authorised by any of the following sections of this Act:—

- Section 60 (Continuance and maintenance of piers);
- Section 62 (Power to erect pavilions and other buildings);
- Section 63 (Power to dredge, etc.);
- Section 69 (Power to demolish piers);
- Section 80 (Provision, etc., of moorings);
- Section 83 (Groynes);
- Section 85 (Lifts, etc.);

including, where the context so requires, the provision and maintenance of any works;

“sea defence work” includes a river wall or sea defence work for the time being vested in, or under the control of, the water authority for the purposes of the Land Drainage Act 1976, but excludes a sea defence work which is for the time being maintained by the Southend council under section 98 of that Act.

1976 c. 70.

(2) (a) The Southend council shall, before commencing any authorised operation in, on or over any sea defence work or within 10 metres of the foot of the landward side thereof or within 50 metres of the foot of the seaward side thereof deliver to the water

PART XI  
—cont.

authority for their approval, which shall not be unreasonably withheld, a plan defining the nature, extent and manner of the operation;

- (b) An operation to which sub-paragraph (a) above applies shall not be carried out otherwise than in accordance with such plan and in such manner as may be reasonably approved by the water authority or as may be settled by arbitration:

Provided that if the water authority do not within two months after the delivery of such plan signify to the Southend council their disapproval thereof, and the grounds for their disapproval, they shall be deemed to have approved the plan;

- (c) The Southend council shall not be required to comply with sub-paragraph (a) above in a case of emergency but in such a case they shall give to the water authority notice as soon as reasonably practicable, and a plan defining the nature and extent of the operation as soon as reasonably practicable thereafter, and shall comply with paragraph (b) above so far as reasonably practicable in the circumstances:
- (3) In giving their approval to a plan delivered under paragraph (2) above the water authority may attach to their approval such conditions (including conditions requiring the construction of protective works by, and at the expense of, the Southend council during the carrying out of an authorised operation) as are reasonably necessary to safeguard a sea defence work against damage:
- (4) If by reason of the carrying out of any authorised operation a sea defence work is interfered with the water authority may—
- (a) make good the sea defence work to restore it to its former standard of efficiency; or
- (b) where necessary, construct some other work in substitution therefor;

and may recover from the Southend council the reasonable cost of so doing, and for the purposes of this paragraph such cost shall include a proper proportion of the overhead charges of the water authority and any such cost of executing works needed for remedying any subsidence of the sea defence work or of the substituted work during such reasonable period as may be agreed between the Southend council and the water authority or, failing agreement, settled by arbitration:

- (5) Any difference arising between the Southend council and the water authority under this section shall be determined by arbitration.

PART XI  
—cont.

## PART XII

### GENERAL

**88.** Any person who intentionally obstructs any officer of a local authority or parish council acting in execution of this Act or of any byelaws made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. Penalty for obstruction.

**89.** Where under any provision of this Act the licence or consent of a local authority for the carrying on of any business or for the use of premises for any purpose is required as from an appointed day, it shall be lawful for any person who— Saving for conduct of business or use of premises.

(a) immediately before that day was carrying on the business, or using any premises for the purpose; and

(b) had before that day duly applied for the licence or consent required by that provision;

to continue to carry on that business or, as the case may be, to use those premises for that purpose, until he is notified of the decision with regard to his application, and if the decision is adverse, during such further time as is provided under section 93 (Suspension of proceedings pending appeal) of this Act.

**90.** A Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act, and section 250 (2) to (5) of the Act of 1972 shall apply to any such inquiry. Local inquiries.

**91.** 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 on the application of either party to the dispute, after notice in writing to the other, by the President of the Institution of Civil Engineers. Arbitration.

**92.** Sections 300 to 302 of the Act of 1936 shall apply in respect of appeals to a magistrates' court under this Act. Appeals to magistrates' court.

- PART XII  
—cont.  
Suspension of proceedings pending appeal.
- 93.** Where a requirement, refusal or other decision of a local authority against which a right of appeal is conferred by this Act—
- (a) involves the execution of any work or the taking of any action; or
  - (b) makes it unlawful for a person to carry on any undertaking, trade or business which he was lawfully carrying on immediately before the requirement, refusal or decision was made or, but for this section, came into effect, or to use premises for any purpose for which they were lawfully then used;
- then until the time for appealing has expired or, if an appeal is lodged, until it is disposed of or withdrawn or fails for want of prosecution—
- (i) no proceedings shall be taken in respect of any failure to execute the work or to take the action, nor shall the local authority themselves execute the work or take the action; and
  - (ii) the person may continue to carry on the undertaking, trade or business, or to use the premises for that purpose.
- Restriction on right to prosecute.
- 94.** The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by or under this Act by any person other than a party aggrieved, a local authority, a parish council or, in the case of an offence under section 51 (Power to obtain information as to vessels in Crouch harbour) of this Act, the Crouch Harbour Authority or a police constable.
- Liability of directors, etc.
- 95.**—(1) Where an offence under this Act, or against any byelaw made under this Act, committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- Defence of due diligence.
- 96.**—(1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The provisions referred to in subsection (1) above are the following:—

PART XII  
—cont.

Section 11 (Touting, hawking, photographing, etc.);  
and

Paragraph (b) of subsection (1) of section 18 (Offences under Part VI).

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession, identifying, or assisting in the identification of, that other person.

97.—(1) The sections of the Act of 1936 mentioned in Schedule 5 to this Act shall have effect as if references therein to that Act included references to this Act.

Application of  
general  
provisions of  
Public Health  
Act 1936.

(2) Section 287 of the Act of 1936 (powers of entry) shall have effect as if references therein to that Act included a reference to the following provisions of this Act:—

Section 8 (Control of brown tail moth): and

Section 25 (Notices of removal, etc., under Head B of Part VII).

(3) Before entry on any operational railway line of the British Railways Board in pursuance of any of the provisions of this Act mentioned in subsection (2) above and of the said section 287 as it has effect by virtue of this section, not less than 24 hours' notice of intended entry shall, except in case of emergency, be given to that board, and any person entering on any such railway line in pursuance of that notice or in any such emergency shall comply with the reasonable requirements of that board for the protection of their undertaking.

98.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises a local authority to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

Crown rights.

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or

PART XII  
—cont.

(b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

1950 c. 39.

(3) Nothing in this section shall prejudice or affect any statutory powers of a local authority to carry out code-regulated works within the meaning of the Public Utilities Street Works Act 1950 in any highway vested in, or maintained by, the Secretary of State.

Saving for  
Health and  
Safety at  
Work etc.  
Act 1974.  
1974 c. 37.

99. In the Health and Safety at Work etc. Act 1974—

(a) subsection (5) of section 62 (repeal or modification of certain enactments by building regulations) shall apply to any enactment in this Act and to any provision of a byelaw (or other instrument of a legislative character) made under it as that subsection applies to any enactment mentioned therein;

(b) subsection (1) of section 80 (repeal or modification of certain provisions by regulations) shall apply to any provision of this Act and to any regulation and byelaw made under it as that subsection applies to any provision mentioned in subsection (2) of the said section 80.

For protection  
of  
Brightlingsea  
Harbour Com-  
missioners.  
1892 c. cvii.

100.—(1) Notwithstanding the partial repeal by this Act of section 19 (For the protection of the Lord of the Manor of Brightlingsea) of the Colchester Corporation Act 1892—

(a) tonnage rates payable to the Colchester council in respect of a commercial vessel proceeding to or from Brightlingsea harbour shall not exceed one-quarter or such other proportion as may be agreed in writing between the Colchester council and the Brightlingsea commissioners of the rates payable from time to time to the Colchester council in respect of any other vessel proceeding to or from the harbour of Colchester;

(b) the Colchester council shall not impose tonnage rates in respect of any vessel having a tonnage of less than 140 net registered tonnes.

(2) The Colchester council shall consult the Brightlingsea commissioners before determining any tonnage rates payable to the council in respect of vessels proceeding to or from Brightlingsea harbour.

**101.**—(1) The transitional provisions and savings in Schedule 6 to this Act shall have effect. PART XII  
—cont.

(2) Subject to the provisions of the said Schedule 6 the statutory provisions specified in columns (1) and (2) of Schedule 7 to this Act are hereby repealed to the extent specified in column (3) of that schedule. Transitional provisions, savings and repeals.

(3) Nothing in this section shall prejudice the operation of section 254 of the Act of 1972.

(4) The inclusion in this Act of any express transitional provision or saving shall not be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 (effect of repeals). 1978 c. 30.

## SCHEDULES

Section 9 (3).

## SCHEDULE 1

1906 c. 32.

SECTION 3 OF DOGS ACT 1906 AS HAVING EFFECT IN ACCORDANCE  
WITH SECTION 9 (CONTROL OF STRAY DOGS) OF THIS ACT

3.—(1) Where it appears to a police officer or a duly authorised officer of the district council that any dog found in a highway or place of public resort is not in the charge of any person, he may seize the dog and may detain it until the owner has claimed it and paid all expenses incurred by reason of its detention.

(2) Where any dog so seized, wears a collar having inscribed thereon or attached thereto, the address of any person, or the owner of the dog is known, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, shall serve on the person whose address is given on the collar, or on the owner, a notice in writing stating that the dog has been so seized, and will be liable to be sold or destroyed if not claimed within seven clear days after the service of the notice.

(3) A notice under this section may be served either—

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at that person's usual or last known place of abode, or at the address given on the collar; or
- (c) by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or at the address given on the collar.

(4) Where any dog so seized has been detained for seven clear days after the seizure, or in the case of such a notice as aforesaid having been served with respect to the dog, then for seven clear days after the service of the notice, and the owner has not claimed the dog and paid all expenses incurred by reason of its detention, the chief officer of police or, as the case may be, the district council or any person authorised by him or them in that behalf, may cause the dog to be sold or destroyed in a manner to cause as little pain as possible.

(5) No dogs so seized shall be given or sold for the purposes of vivisection.

(6) The chief officer of police and the district council shall keep, or cause to be kept, one or more registers of all dogs seized under this section by him or them respectively which are not transferred to an establishment for the reception of stray dogs. The register shall contain a brief description of the dog, the date of seizure and particulars as to the manner in which the dog is disposed of, and every such register shall be open to inspection at all reasonable times by any member of the public on payment of a fee of 5p.

(7) A dog seized under this section shall not be disposed of by transferring it to an establishment for the reception of stray dogs unless a register is kept for that establishment containing such particulars as to dogs received in the establishment as are above mentioned,



and such register is open to inspection at all reasonable times by the public on payment of a fee not exceeding 5p.

SCH. 1  
—cont.

(8) The police officer or other person having charge of any dog detained under this section shall cause the dog to be properly fed and maintained.

(9) All expenses incurred by the police under this section shall be defrayed out of the police fund, and any money received by the police under this section shall be paid to the account of the police fund.

## SCHEDULE 2

Section 22.

### DISTRICTS TO WHICH PART VII (SEASHORE AND BOATS) OF THIS ACT APPLIES

Basildon  
Castle Point  
Chelmsford  
Colchester  
Maldon  
Rochford  
Southend-on-Sea  
Tendring  
Thurrock

## SCHEDULE 3

Section 39.

### TRUSTS, POWERS AND PROVISIONS REFERRED TO IN SECTION 39 (POWER TO REQUIRE DESIGNATED SUMS TO BE PAID TO TRUSTEES) OF THIS ACT

The trustees shall stand possessed of the designated sum to which a contributor has directed that section 39 (Power to require designated sums to be paid to trustees) of this Act should apply and the income thereof upon the trusts and with and subject to the following powers and provisions:—

SCH. 3  
—cont.

1. During the period of 21 years from the death of the contributor the trustees may pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of all or any one or more exclusively of the other or others of the following persons:—

(a) the widow or widower of the contributor;

(b) the grandparents of the contributor and the grandparents of the widow or widower of the contributor and the grandparents of any previous or deceased wife or husband of the contributor;

(c) the issue of the contributor;

(d) any other issue of any of the grandparents referred to in sub-paragraph (b) above; and

(e) the person or persons (if any and whether of full age or not) to whom the contributor has at any time put himself in loco parentis or of whose person or property the contributor has at any time been guardian;

in such shares and in such manner as the trustees shall in their absolute discretion from time to time determine and so that the trustees may if they think fit pay any sum to the parent or guardian of any infant to be applied for the benefit of such infant without seeing to the application thereof.

2. In addition to the powers conferred on them by virtue of paragraph 1 above, during the said period of 21 years the trustees may at any time pay or apply the designated sum and the income thereof or any part thereof respectively to or for the benefit of any person who in the opinion of the trustees was wholly or in part dependent on the earnings of the contributor at his death in such manner as the trustees shall in their absolute discretion think fit.

3. Subject as aforesaid, the designated sum and the income thereof or so much thereof respectively as shall not have been paid or applied under the powers conferred by the foregoing provisions of this Schedule shall be paid to such person or persons (other than the Crown, the Duchy of Lancaster or the Duke of Cornwall) as would at the death of such former contributor have become entitled thereto under the Administration of Estates Act 1925 or any statutory modification or re-enactment thereof in force at the death of the contributor if the contributor had died possessed thereof intestate and domiciled in England and solvent and so that such persons if more than one shall take in such shares and manner in which they would have taken under the provisions of the said Act and subject to the conditions therein contained.

1925 c. 23.

4. In this Schedule the expressions “grandparent” and “issue” shall be construed as if the step-child, adopted child or illegitimate child of any person was that person’s child, and “issue” includes issue in any degree.

## SCHEDULE 4

Section 57 (1).

## THE SOUTHEND PIER ENACTMENTS

Chapter	Title or short title
10 Geo. 4. c. xlix (1829).	An Act for making and maintaining a Pier at or near Southend in the Parish of Prittlewell in the County of Essex, and for making convenient Approaches to and from the same.
5 & 6 Will. 4. c. xc (1835).	An Act to explain and amend the Powers of an Act of His late Majesty King George the Fourth, for making a Pier at Southend in the County of Essex.
38 & 39 Vict. c. xxix.	Southend Local Board Act 1875.
50 & 51 Vict. c. v.	Southend Local Board Act 1887.
58 & 59 Vict. c. clviii.	Southend-on-Sea Corporation Act 1895.
2 & 3 Geo. 5. c. clvii.	Southend-on-Sea Pier Order 1912 (confirmed by the Pier and Harbour Orders Confirmation (No. 4) Act 1912).
17 & 18 Geo. 5. c. xli.	Southend-on-Sea Pier Order 1927 (confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1927).

## SCHEDULE 5

Section 97 (1).

## SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

1936 c. 49.

Section	Marginal note
283 (1)	Notices to be in writing; forms of notices, &c. Service of notices, &c. Power to require occupier to permit works to be done. Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
285	
289	
291	
297	Continuing offences and penalties. Judges and justices not to be disqualified by liability to rates.
304	
328	Powers of Act to be cumulative. Power to apply provisions of Act to Crown property.
341	

Section 101 (1).

## SCHEDULE 6

## TRANSITIONAL PROVISIONS AND SAVINGS

*General provisions*

1. Where an instrument or document refers, either expressly or by implication, to a statutory provision in force in any area which is repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any provision of this Act or of any public general Act relating to the same matter in the same area.

2. In so far as anything done under a statutory provision in force in any area which is repealed by this Act could have been done under any provision of any public general Act relating to the same matter in the same area, it shall not be invalidated by the repeal but shall have effect as if done under that last-mentioned provision.

3.—(1) Anything begun under a statutory provision repealed by this Act may be continued under any provision of this Act or of any public general Act relating to the same matter as if begun under that last-mentioned provision.

(2) Where any period of time specified in, or having effect in relation to, a statutory provision repealed by this Act is current at the date of such repeal, any provision of this Act or of a public general Act relating to the same matter shall have effect as if it were in force when that period began to run.

(3) References in this Act to things done, left undone, suffered or occurring in the past shall, so far as the context requires for the continuity of operation between a statutory provision in force in any area which is repealed by this Act and any provision of this Act relating to the same matter in the same area, be construed as including reference to things done, left undone, suffered or occurring before the coming into operation of that provision of this Act.

4. The repeal by this Act of any statutory provision shall not affect the operation of any byelaw, registration or licence made or issued under that provision if the byelaw, registration or licence is one which could be made or issued under or by virtue of any corresponding provision of this Act or of a public general Act, and any such byelaw, registration or licence shall have effect as if made or issued under that last-mentioned provision.

5. Where an Act or Order is repealed by this Act subject to exceptions and a provision included in the repeal is material for the interpretation of a provision excepted from the repeal, the repeal shall not affect the interpretation of the excepted provision.

*Provisions affecting water authorities*SCH. 6  
—cont.

6.—(1) Notwithstanding the repeal by this Act of any statutory provision continued in force by or under the Water Act 1973 relating to functions exercisable by a water authority for the supply of water within their area—

(a) the water authority may continue to maintain all waterworks authorised by that provision as if this Act had not been passed; and—

(i) for the purposes of section 3 of Schedule 3 to the Water Act 1945, the said waterworks shall be deemed to be authorised, and the lands on which those works are constructed shall be deemed to be specified, in an enactment which is for the time being in force; and

(ii) for the purposes of section 36 of the Water Resources Act 1963, the said waterworks shall be deemed to be authorised by virtue of such an alternative statutory provision as is therein referred to;

(b) the water authority may take any water which may be taken or intercepted by any of the said waterworks under and in accordance with any licences granted under Part IV of the Water Resources Act 1963 and expressed by reference to any provision so repealed.

(2) Notwithstanding the repeal by this Act of any statutory provision continued in force by the Water Act 1973 relating to any other functions exercisable by a water authority, the water authority may continue and maintain all works authorised by any such provision as if this Act had not been passed.

(3) Nothing in sub-paragraphs (1) and (2) above shall prejudice or affect any provision made, or which may be made, in any order under section 254 of the Act of 1972 as extended by section 34 of the Water Act 1973.

*Other provisions*

7. Where immediately before the conveyance of any land in pursuance of section 13 (Adjustment of boundaries of streets) of the Waltham Holy Cross Urban District Council Act 1937, section 19 (Adjustment of boundaries of streets) of the Canvey Island Urban District Council Act 1937, section 93 (Adjustment of boundaries of streets) of the Southend-on-Sea Corporation Act 1947 or section 22 (Adjustment of boundaries of estates in connection with streets) or section 26 (Adjustment of boundaries of streets) of the Essex County Council Act 1952, or before the making of an order under section 45 (Stopping up and diversion of highways) of the said Act of 1952 there was under, in, upon, over, along or across the land any apparatus belonging to or maintained by British Gas plc or their predecessors and that apparatus was under, in, upon, over, along or across the land immediately before the commencement of this Act, Part II of Schedule 12 to the Act of 1980 shall apply to the land as if it had been conveyed in pursuance of section 256 of the Act of 1980 or, as the case may be, had ceased to form part of a highway by virtue of an order under section 116 of that Act.

Section 101 (2).

## SCHEDULE 7

## STATUTORY PROVISIONS REPEALED

## PART I

## LOCAL ENACTMENTS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
29 Geo. 3 c. 44 (1789).	An Act for paving the Footways of the several Streets, publick Passages, and Places, within the Town of Chelmsford, and Hamlet of Moulsham, in the Parish of Chelmsford, in the County of Essex; and for cleansing, lighting, and watching the said Town and Hamlet; and for removing and preventing Nuisances, Annoyances, and Incroachments therein.	The whole Act.
51 Geo. 3 c. xliii (1811).	An Act for improving the Navigation from the Hythe at Colchester to Wivenhoe in the County of Essex; and for better paving, lighting, watching, cleansing and improving the said Town of Colchester.	The whole Act except sections 12 and 15.
59 Geo. 3. c. cxviii (1819).	An Act for paving, cleansing, lighting, and watching the Town of Harwich, in the County of Essex, and supplying the same with Water.	The whole Act.
3 Geo. 4. c. lix (1822).	An Act for altering and enlarging the Powers of an Act of His late Majesty King George the Third, for paving the Footways, and for cleansing, lighting, and watching the Town of Chelmsford and Hamlet of Moulsham, in the Parish of Chelmsford in the County of Essex.	The whole Act.
10 Geo. 4 c. xlix (1829).	An Act for making and maintaining a Pier at or near Southend in the Parish of Prittlewell in the County of Essex, and for making convenient Approaches to and from the same.	The whole Act.
5 & 6 Will. 4 c. xc (1835).	An Act to explain and amend the Powers of an Act of His late Majesty King George the Fourth, for making a Pier at Southend in the County of Essex.	The whole Act.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
4 & 5 Vict. c. lxx (1841).	An Act to authorize and provide for certain Improvements in the Town and Parish of Walton-le-Soken otherwise Walton-on-the-Naze in the County of Essex.	The whole Act.
10 & 11 Vict. c. cclxxxi (1847).	An Act to amend an Act for improving the Navigation from the Hythe at Colchester to Wivenhoe in the County of Essex, and for better paving, lighting, and improving the Town of Colchester; and for making a new Channel and deepening the River Colne from Wivenhoe to Ram's Hard leading towards the Sea.	The whole Act except sections 74 and 87 to 93.
14 & 15 Vict. c. xlii.	Harwich Improvement, Quays, and Pier Act 1851.	The whole Act except sections 10 and 18.
38 & 39 Vict. c. xxix.	Southend Local Board Act 1875.	The whole Act.
43 & 44 Vict. c. xlii.	Clacton-on-Sea Special Drainage District Act 1880.	The whole Act except sections 48, 49 and 50.
47 & 48 Vict. c. clxxxviii.	Clacton-on-Sea Special Drainage District Amendment Act 1884.	The whole Act.
50 & 51 Vict. c. v.	Southend Local Board Act 1887.	The whole Act.
53 & 54 Vict. c. clxxi.	Walton-on-the-Naze Improvement Act 1890.	The whole Act.
55 & 56 Vict. c. cvii.	Colchester Corporation Act 1892.	Sections 7, 9, 10, 14 to 16, in section 19, the words from "to demand or take tonnage rates" to "and direct to sea nor" and sections 42 to 52 and Schedules 1 to 4.
58 & 59 Vict. c. clviii.	Southend-on-Sea Corporation Act 1895.	The whole Act.
62 & 63 Vict. c. ccxvii.	Leigh-on-Sea Urban District Council Act 1899.	The whole Act.
3 Edw. 7 c. cxvi.	Frinton-on-Sea Sea Defences Act 1903.	The whole Act.

SCH. 7  
—cont.

SCH. 7  
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
5 Edw. 7 c. liv.	Clacton Improvement Act 1905.	The whole Act.
6 Edw. 7 c. lxi.	Clacton Urban District Council (Transfer of Powers of Clacton- on-Sea Commissioners) Act 1906.	The whole Act except sections 49, 51, 60 and 61.
9 Edw. 7 c. liv.	Southend-on-Sea Corporation Act 1909.	The whole Act except section 32 (1), (2) and (4).
3 & 4 Geo. 5 c. cv.	Southend-on-Sea Corporation Act 1913.	The whole Act.
16 & 17 Geo. 5 c. civ.	Southend-on-Sea Corporation Act 1926.	The whole Act except sections 13, 14, 16 (4), (5) and (6) and 17 (1), (2), (3), (6) and (8).
17 & 18 Geo. 5 c. lxxxiv.	Colchester Corporation Act 1927.	The whole Act.
20 & 21 Geo. 5 c. clxxxiii.	Southend-on-Sea Corporation Act 1930.	The whole Act except section 20.
23 & 24 Geo. 5 c. xlv.	Essex County Council Act 1933.	The whole Act so far as applying to the county except section 144.
1 Edw. 8 & 1 Geo. 6 c. xlvi.	Waltham Holy Cross Urban District Council Act 1937.	The whole Act.
1 Edw. 8 & 1 Geo. 6 c. cxxvi.	Canvey Island Urban District Council Act 1937.	The whole Act.
1 & 2 Geo. 6 c. lxiii.	Clacton Urban District Council Act 1938.	The whole Act except sections 136, 230 and 232.
10 & 11 Geo. 6 c. xxxiii.	Southend-on-Sea Corporation Act 1947.	The whole Act except sections 55, 67 and 216 and paragraph (2) of section 224.
15 & 16 Geo. 6 & 1 Eliz. 2 c. 1.	Essex County Council Act 1952.	The whole Act so far as applying to the county except section 166.
6 & 7 Eliz. 2 c. xxiv.	Essex County Council Act 1958.	The whole Act so far as applying to the county.



Chapter (1)	Title or short title (2)	Extent of repeal (3)
6 & 7 Eliz. 2 c. xxxvii.	Waltham Holy Cross Urban District Council Act 1958.	The whole Act.
8 & 9 Eliz. 2 c. xxxi.	Essex County Council (Fullbridge, Maldon) Act 1960.	The whole Act.
8 & 9 Eliz. 2 c. xliv.	Southend-on-Sea Corporation Act 1960.	The whole Act.
1967c. xxxviii.	Essex County Council (Canvey Island Approaches, etc.) Act 1967.	The whole Act so far as applying to the county except sec- tions 35 (1), (4) (b), (5) to (10) and (13) to (17), 36, 45 and 56 (11), (12), (13), (15), (16), (17) and (20) and paragraph (4) of section 57.
1970 c. lxxiv.	Southend-on-Sea Corporation Act 1970.	The whole Act.
1971 c. xix.	Essex County Council Act 1971.	The whole Act so far as applying to the county except section 47 and Schedule 2.
1974 c. xxv.	Thurrock Borough Council Act 1974.	The whole Act.

SCH. 7  
—cont.

PART II  
OTHER PROVISIONS

Chapter and command number (1)	Short title (2)	Extent of repeal (3)
13 & 14 Vict. c. 32.	Public Health Supplemental Act 1850.	Section 5 and the Order relating to Chelms- ford.
38 & 39 Vict. c. lxxvi.	Local Government Board's Provisional Orders Con- firmation Act 1875 (No. 3).	The Order relating to Harwich.
38 & 39 Vict. c. ccxi.	Local Government Board's Provisional Orders Con- firmation (Abingdon, Barnsley, &c.) Act 1875.	The Order relating to Colchester.

SCH. 7  
—cont.

Chapter and command number (1)	Short title (2)	Extent of repeal (3)
39 & 40 Vict. c. clxi.	Local Government Board's Provisional Orders Con- firmation (Carnarvon, &c.) Act 1876.	The Order relating to Walton - on - the - Naze.
39 & 40 Vict. c. cxcix.	Local Government Board's Provisional Orders Con- firmation (Chelmsford, &c.) Act 1876.	The Order relating to Chelmsford.
60 & 61 Vict. c. lxxviii.	Local Government Board's Provisional Orders Con- firmation (No. 2) Act 1897.	The Southend-on-Sea Order (No. 1) 1897.
60 & 61 Vict. c. lxxii.	Local Government Board's Provisional Orders Con- firmation (No. 7) Act 1897.	The Borough of Chelmsford Exten- sion Order 1897 and the Borough of Southend - on - Sea Extension Order 1897.
62 & 63 Vict. c. cviii.	Local Government Board's Provisional Orders Con- firmation (No. 2) Act 1899.	The Chelmsford Order 1899.
C. 9537.	Southend-on-Sea and District Light Railways Order 1899.	The whole Order except section 34.
1 Edw. 7 c. clxxxii.	Tramways Orders Confirmation (No. 3) Act 1901.	The Colchester Cor- poration Tramways Order 1901 except section 18.
Cd. 2159.	Southend-on-Sea and District Light Railways (Extensions) Order 1904.	The whole Order.
5 Edw. 7 c. cxciv.	Tramways Orders Confirmation (No. 2) Act 1905.	The Colchester Cor- poration Tramways Order 1905.
7 Edw. 7 c. clviii.	Local Government Board's Provisional Orders Con- firmation (No. 8) Act 1907.	The Chelmsford (Ext- ension) Order 1907.
Cd. 5010.	Southend-on-Sea Light Railways (Revival and Extension of Time) Order 1909.	The whole Order.
10 Edw. 7 & 1 Geo. 5 c. lxxx.	Local Government Board's Provisional Orders Con- firmation (No. 3) Act 1910.	The Southend-on-Sea Order 1910.

SCH. 7  
—cont.

Chapter and command number (1)	Short title (2)	Extent of repeal (3)
10 Edw. 7 & 1 Geo. 5 c. lxxxvi.	Local Government Board's Provisional Orders Con- firmation (No. 9) Act 1910.	The Leigh-on-Sea Order 1910.
1 & 2 Geo. 5 c. cxlv.	Local Government Board's Provisional Orders Con- firmation (No. 6) Act 1911.	The Leigh-on-Sea Order 1911.
1 & 2 Geo. 5 c. clviii.	Pier and Harbour Orders Confirmation (No. 2) Act 1911.	The Southend-on-Sea Loading Pier Order 1911.
2 & 3 Geo. 5 c. clvii.	Pier and Harbour Orders Confirmation (No. 4) Act 1912.	The Southend-on-Sea Pier Order 1912.
Cd. 6218.	Southend-on-Sea Light Railways (Extensions) Order 1912.	The whole Order except section 14 (5), (6), (7) and (11).
5 & 6 Geo. 5 c. xxxv.	Local Government Board's Provisional Orders Con- firmation (No. 3) Act 1915.	The Southend-on-Sea Order (No. 2) 1915.
Cmd. 1065.	Southend-on-Sea Light Railways (Extension) Order 1920.	The whole Order.
10&11Geo.5 c. cxii.	Ministry of Health Provisional Orders Confirmation (No. 5) Act 1920.	The Southend-on-Sea Order 1920.
11&12Geo.5 c. lxii.	Ministry of Health Provisional Orders Confirmation (No. 6) Act 1921.	The Southend-on-Sea Order 1921.
15&16Geo.5 c. lxxxii.	Ministry of Health Provisional Orders Confirmation (No. 6) Act 1925.	The Southend-on-Sea Order 1925.
17&18Geo.5 c. xxxix.	Ministry of Health Provisional Orders Confirmation (No. 11) Act 1927.	The Southend-on-Sea Order 1927.
17&18Geo.5 c. xli.	Pier and Harbour Orders Confirmation (No. 1) Act 1927.	The Southend-on-Sea Pier Order 1927.
17&18Geo.5 c. lv.	Southend-on-Sea Corporation (Trolley Vehicles) Order Confirmation Act 1927.	The whole Act.
18&19Geo.5 c. liii.	Ministry of Health Provisional Orders Confirmation (No. 5) Act 1928.	The Clacton Order 1928.

SCH. 7  
—cont.

Chapter and command number (1)	Short title (2)	Extent of repeal (3)
19&20 Geo. 5 c. xxvii.	Southend-on-Sea Corporation (Trolley Vehicles) Order Confirmation Act 1929.	The whole Act.
24&25 Geo. 5 c. i.	Southend-on-Sea Corporation (Trolley Vehicles) Order Confirmation Act 1934.	The whole Act.
2 & 3 Geo. 6 c. xiii.	Ministry of Health Provisional Order Confirmation (Colchester) Act 1939.	The whole Act.
2 & 3 Geo. 6 c. i.	Southend-on-Sea Corporation (Trolley Vehicles) Order Confirmation Act 1939.	The whole Act except section 4 (1), (2), (3) and (6) of the Southend-on-Sea Corporation (Trolley Vehicles) Order 1939.



PRINTED IN ENGLAND BY OYEZ PRESS LIMITED  
FOR J. A. DOLE  
Controller and Chief Executive of Her Majesty's Stationery Office and  
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE  
£6.60 net  
ISBN 0 10 512087 1



# Essex Act 1987

## CHAPTER XX

### ARRANGEMENT OF SECTIONS

#### PART I

##### PRELIMINARY

Section

1. Citation and commencement.
2. Interpretation.
3. Appointed day.

#### PART II

##### LAND AND OPEN SPACE

4. Provision of parking places in parks, etc.

#### PART III

##### HIGHWAYS AND STREETS

5. Awnings over footways.
6. Grass verges, etc.

## PART IV

## PUBLIC HEALTH AND AMENITIES

## Section

7. Approval of plans to be of no effect after certain interval.
8. Control of brown tail moth.
9. Control of stray dogs.
10. Registered trees.

## PART V

## PUBLIC ORDER AND SAFETY

11. Touting, hawking, photographing, etc.
12. Byelaws as to leisure centres.
13. Access for fire brigade.

## PART VI

## ESTABLISHMENTS FOR MASSAGE OR SPECIAL TREATMENT

14. Interpretation of Part VI.
15. Licensing of persons to carry on establishments.
16. Grant, renewal and transfer of licences.
17. Byelaws as to establishments.
18. Offences under Part VI.
19. Part VI appeals.
20. Part VI powers of entry, inspection and examination.
21. Savings.

## PART VII

## SEASHORE AND BOATS

*A. Extent of Part VII*

22. Extent of Part VII.

*B. Houseboats, etc.*

23. Interpretation and extent of Head B of Part VII.
24. Restriction on houseboats and jetties.
25. Notices of removal, etc., under Head B of Part VII.
26. Sale or disposal of houseboat, jetty, etc.
27. Entry into possession.
28. Right of appeal under Head B of Part VII.
29. Saving for certain authorities, etc.

## Section

*C. Miscellaneous provisions*

30. Unauthorised structures on seashore.
31. Byelaws as to boats.
32. Obstruction by boats.
33. Licences for keeping, etc., of boats.
34. Removal of boats.
35. Facilities for storage of boats.

## PART VIII

## SUPERANNUATION

36. Interpretation of Part VIII.
37. Modification of regulations in relation to certain employees.
38. Division of county superannuation fund.
39. Power to require designated sums to be paid to trustees.

## PART IX

## FINANCE AND MISCELLANEOUS

40. Extension of power to grant gratuities.
41. Compensation for injury, disease or death of employees and voluntary assistants.
42. As to general insurance fund.
43. Insurance by council of losses incurred by members.
44. Contributions by local authorities towards buoys, etc., outside district.
45. Disposal of unsuitable specimens and works of art.
46. Recording of documents.
47. Power for parish councils to maintain certain lands.
48. Power for parish councils to contribute to preservation of historic buildings.
49. Provision of public telephones by parish councils.

## PART X

## PROVISIONS APPLICABLE TO PARTS OF ESSEX

*A. Colchester*

50. Colchester crematorium.

## Section

*B. Crouch harbour*

51. Power to obtain information as to vessels in Crouch harbour.

*C. The marshes*

52. Interpretation of Head C of Part X.  
53. Use of lands as pleasure grounds.  
54. Power to lease or otherwise deal with parts of the marshes.  
55. Power to make byelaws.

## PART XI

## SOUTHEND-ON-SEA PROVISIONS

*A. Interpretation of Part XI*

56. Interpretation of Part XI: general.

*B. The piers*

57. Interpretation of Head B of Part XI.  
58. Incorporation of Act of 1847.  
59. Restriction on mooring.  
60. Continuance and maintenance of piers.  
61. Piers to be within borough.  
62. Power to erect pavilions and other buildings.  
63. Power to dredge, etc.  
64. Penalty for injuring works, etc.  
65. Charges.  
66. Pier byelaws.  
67. Closure of piers.  
68. Power to sell or lease piers, etc.  
69. Power to demolish piers.  
70. Lights on works during removal.  
71. Provision against danger to navigation.  
72. Abatement of works abandoned or decayed.  
73. Survey of tidal works.  
74. Permanent lights on works.  
75. Provisions applicable to sections 70 to 74.  
76. For protection of Port of London Authority.  
77. Exemption of Department of Transport.  
78. Exemption of lifeboat crew, etc.  
79. Lifesaving apparatus on piers.

*C. Miscellaneous*

80. Provision, etc., of moorings.  
81. Registration of moorings.  
82. Byelaws as to boats on Hadleigh Ray.



## Section

- 83. Groynes.
- 84. Closure of promenades.
- 85. Lifts, etc.
- 86. The Shrubbery.
- 87. For protection of Anglian Water Authority.

## PART XII

## GENERAL

- 88. Penalty for obstruction.
- 89. Saving for conduct of business or use of premises.
- 90. Local inquiries.
- 91. Arbitration.
- 92. Appeals to magistrates' court.
- 93. Suspension of proceedings pending appeal.
- 94. Restriction on right to prosecute.
- 95. Liability of directors, etc.
- 96. Defence of due diligence.
- 97. Application of general provisions of Public Health Act 1936.
- 98. Crown rights.
- 99. Saving for Health and Safety at Work etc. Act 1974.
- 100. For protection of Brightlingsea Harbour Commissioners.
- 101. Transitional provisions, savings and repeals.

## SCHEDULES—

Schedule 1—Section 3 of Dogs Act 1906 as having effect in accordance with section 9 (Control of stray dogs) of this Act.

Schedule 2—Districts to which Part VII (Seashore and boats) of this Act applies.

Schedule 3—Trusts, powers and provisions referred to in section 39 (Power to require designated sums to be paid to trustees) of this Act.

Schedule 4—The Southend pier enactments.

Schedule 5—Sections of Public Health Act 1936 applied.

Schedule 6—Transitional provisions and savings.

Schedule 7—Statutory provisions repealed.

Part I—Local enactments.

Part II—Other provisions.