



# Brighton Marine Palace and Pier 1991

## 1991 CHAPTER xv

An Act to authorise the Brighton Marine Palace and Pier Company to construct works; and for other purposes. [25th July 1991]

WHEREAS by the Brighton Marine Palace and Pier Acts and Orders 1888 to 1987 the Brighton Marine Palace and Pier Company (hereinafter referred to as “the Company”) are incorporated and authorised to maintain a promenade and amusement pier at Brighton with a pier-head or promenade at the seaward end of the pier:

And whereas by the Brighton Marine Palace and Pier Act 1987 the Company were authorised to carry out certain works to extend, renew, strengthen and refurbish the pier including the structure of its head:

And whereas for and in connection with the continued improvement and refurbishment of the pier and its amenities it is expedient that the Company should be further empowered to widen and to extend seaward the pier and to construct the other works authorised by this Act:

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

And whereas a plan and sections showing the lines or situations and levels of the work by this Act authorised, and the lands which may be used for the purposes thereof, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of those lands and describing the same, have been deposited in the office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons and with the proper officer of the East Sussex County Council, which plan, sections and book of reference are in this Act referred to respectively as the deposited plan, the deposited sections and the deposited book of reference:

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

### **1 Short and collective titles**

(1) This Act may be cited as the Brighton Marine Palace and Pier Act 1991.

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- (2) The Brighton Marine Palace and Pier Acts and Orders 1888 to 1987 and this Act may be cited together as the Brighton Marine Palace and Pier Acts and Orders 1888 to 1991.

## **2 Interpretation**

In this Act, unless the context otherwise requires—

“the Act of 1987” means the Brighton Marine Palace and Pier Act 1987;

“the Company” means the Brighton Marine Palace and Pier Company;

“the limits of deviation” means the limits of deviation shown upon the deposited plan;

“the pier” means the Brighton Marine Palace and Pier and the land, buildings, works, plant, property and conveniences connected therewith as for the time being existing.

## **3 Power to make work**

- (1) Subject to the provisions of this Act, the Company may in the borough of Brighton in the county of East Sussex in the lines or situations and upon the lands delineated on the deposited plan, and according to the levels shown on the deposited sections, execute, make and maintain the whole or part of the following work together with all necessary works and conveniences connected therewith:—

An enlargement of the head of the pier, by 23 metres or thereabouts on both sides thereof and by its extension seaward by 27·4 metres or thereabouts, all on piles of open construction, commencing at a point on the western face of the pier 152·4 metres or thereabouts from the seaward extremity of the pier, extending around the western, southern and eastern sides of the pier-head and terminating on the eastern face of the pier approximately opposite the point of commencement.

- (2) The Company may within the limits of deviation alter, replace or relay the same.

## **4 Subsidiary works**

Subject to the provisions of this Act, the Company may from time to time within the limits of deviation erect, construct, maintain and renew whether temporarily or permanently all such works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance or use of the work authorised by this Act.

## **5 Power to deviate**

The Company, in constructing the work authorised by section 3 (Power to make work) of this Act, may deviate laterally from the line or situation of that work as shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards.

## **6 Application of provisions of Act of 1987**

The following provisions of the Act of 1987 are, with necessary modifications, incorporated with this Act—

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section 9 (Tidal works not to be executed without approval of Secretary of State);  
section 10 (Provision against danger to navigation);  
section 11 (Abatement of works abandoned or decayed);  
section 12 (Survey of tidal works);  
section 13 (Permanent lights on tidal works);  
section 14 (Lights on tidal works during construction);  
section 15 (Saving for Trinity House);  
section 16 (Obstructing execution of Act);  
section 17 (For protection of Brighton Borough Council) other than subsection (5) thereof;  
section 20 (Leases, agreements with other persons);  
section 21 (Saving for Brighton Borough Council);  
section 22 (Crown rights).

## **7 Defence of due diligence**

- (1) In proceedings for an offence under any provision of the Act of 1987 mentioned in subsection (2) below it shall be a defence for the Company to prove that they 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:—
  - section 10 (Provision against danger to navigation);
  - section 13 (Permanent lights on tidal works);
  - section 14 (Lights on tidal works during construction).
- (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 Company shall not, without leave of the court, be entitled to rely on that defence unless, not less than 7 clear days before the hearing, they have served on the prosecutor a notice in writing giving such information as was then in their possession, identifying, or assisting in the identification, of that other person.

## **8 Saving for town and country planning**

Any development authorised by this Act shall not be deemed for the purposes of the Town and Country Planning General Development Order 1988 (or any general order superseding that order made under section 59 of the Town and Country Planning Act 1990) to be development authorised by an Act which designates specifically both the nature of the development and the land upon which it may be carried out.

## **9 Costs of Act**

The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be defrayed out of revenue.