



CHAPTER CCXXXVI.

An Act to authorise the construction of certain new works for improving the harbour of Dover the raising of further moneys by the Dover Harbour Board and for other purposes. A.D. 1902.
[8th August 1902.]

WHEREAS the Dover Harbour Board (in this Act referred to as "the Harbour Board") are constituted incorporated and empowered for the purpose of maintaining and improving Dover Harbour by the Harbours and Passing Tolls &c. Act 1861 in conjunction with the Dover Harbour Act 1828 the Dover Harbour Act 1871 the Dover Harbour Act 1873 the Dover Harbour Act 1891 the Dover Harbour Act 1898 and the Dover Harbour Act 1901 (which seven Acts are in this Act collectively referred to as "the former Harbour Acts"):

And whereas by the Dover Harbour Act 1901 (hereinafter referred to as "the Act of 1901") the Harbour Board were authorised to make certain works to form part of Dover Harbour within the meaning of the former Harbour Acts:

And whereas it would be of great local and public advantage if the Harbour Board were authorised to make the railway pier widenings embankments and works hereinafter described to form part of Dover Harbour within the meaning of the former Harbour Acts and it is expedient that provision be made accordingly:

And whereas by section 25 (Power to create debenture stock) of the Dover Harbour Act 1891 (hereinafter referred to as "the Act of 1891") the Harbour Board were authorised subject to and in accordance with the provisions of that Act to raise six hundred and sixty-one thousand seven hundred and thirty-seven pounds for the purposes of the former Harbour Acts by the creation and issue of redeemable debenture stock to an amount not exceeding the amount which they should be so authorised to raise Provided that the Harbour Board should not raise by debenture stock under the

A.D. 1902. powers of that Act any sum in excess of six hundred thousand pounds unless they should have paid off or except for the purpose of paying off a corresponding amount of their mortgage debts existing at the passing of that Act:

And whereas the Harbour Board have paid off the whole of their said mortgage debts:

And whereas by the same section it was enacted that of such redeemable debenture stock a portion not exceeding four hundred thousand pounds should (if the Harbour Board resolved that the same and the interest thereon should rank before and have priority over the remainder of such redeemable debenture stock and the interest thereon) bear interest at such rate not exceeding five per centum per annum payable half-yearly as the Harbour Board should by resolution determine and should be called "Dover Harbour redeemable first debenture stock" and the remainder should bear interest at such a rate per centum per annum payable half-yearly as the Harbour Board should by resolution determine and should be called "Dover Harbour redeemable second debenture stock":

And whereas pursuant to the said section the Harbour Board have raised four hundred thousand pounds by the creation and issue of four hundred thousand pounds Dover Harbour redeemable first debenture stock (being a portion of the redeemable debenture stock which they were authorised to create and issue) having resolved that such Dover Harbour redeemable first debenture stock and the interest thereon should rank before and have priority over the remainder of such redeemable debenture stock and the interest thereon and should bear interest at the rate of three per centum per annum:

And whereas by section 23 (Power to make agreement with Dover Harbour Board for guarantee by the Company) of the London Chatham and Dover Railway Act 1892 (hereinafter referred to as "the Act of 1892") the London Chatham and Dover Railway Company (hereinafter referred to as "the Chatham Company") were authorised to make and carry into effect an agreement or agreements with the Harbour Board whereby in consideration of such advantages as should be secured to the Chatham Company by the construction of the piers jetties and other works authorised by the Act of 1891 and the accommodation to be afforded to the Chatham Company by the same and in connection therewith that company were authorised to guarantee from such date or dates and subject to such terms and conditions as might be agreed upon the amount necessary together with the special rate authorised of one shilling in respect of every passenger to or from the continent landing or

embarking in the harbour as defined in the Act of 1891 or such lesser sum as might be agreed on between the Chatham Company and Harbour Board from time to time to be levied in respect of passengers passing through the harbour and brought by or passing to excursion pleasure or other similar trains of the Chatham Company or the South Eastern Railway Company (hereinafter referred to as "the South Eastern Company") and the other rates and dues leviable by the Harbour Board to enable the Harbour Board to pay by regular half-yearly payments interest or dividends at a rate not exceeding four pounds per centum per annum upon the sum of four hundred thousand pounds of Dover Harbour redeemable first debenture stock and also upon the sum of two hundred and sixty-one thousand seven hundred and thirty-seven pounds Dover Harbour redeemable second debenture stock making together the sum of six hundred and sixty-one thousand seven hundred and thirty-seven pounds authorised by the Act of 1891 to be created and issued by the Harbour Board or so much thereof as might be agreed upon and might for the time being be paid up:

And whereas in pursuance of the powers so granted the agreement set forth in the Schedule to the Dover Harbour Act 1898 (hereinafter referred to as "the Act of 1898") dated the 22nd day of August 1896 was made between the Harbour Board of the one part and the Chatham Company of the other part whereby the Chatham Company at the request of the Harbour Board agreed to exercise the powers of guarantee granted to them by the Act of 1892 in manner and upon the terms and conditions therein expressed and in particular it was by clause 6 of the said agreement provided that the Harbour Board should at the request of the Chatham Company create and issue such amounts of redeemable second debenture stock as would together with the before-mentioned sum of four hundred thousand pounds Dover Harbour redeemable first debenture stock make up the total amount of six hundred and sixty-one thousand seven hundred and thirty-seven pounds authorised to be raised by the Act of 1891 and that the moneys arising from such further issue or issues should be applied as in the said agreement mentioned (amongst other things) in erecting the jetties shown by the colour blue (being the works (F) and (G) authorised by section 8 subsection (3) of the Act of 1891) and in reclaiming the land shown by the colours pink and yellow on the plan thereunto annexed and signed by the chairman of the Company and the register of the Harbour Board and making the reclaimed land suitable for the Chatham Company's proposed marine station and by the same clause of the said agreement it was also agreed that when and so

A.D. 1902. soon as such land should be reclaimed the Harbour Board would at the request of the Chatham Company grant them a lease for the term and at the rent therein mentioned of the part coloured pink of the reclaimed land and also the land adjacent thereto coloured green on the said plan such lease to contain the covenants on the part of the company in the said clause of the said agreement mentioned And by the said clause of the said agreement it was further provided that the Chatham Company should have power to connect any of their lines of railway on the land demised with any lines to be laid down by the Harbour Board on the said jetties and further powers were conferred on the Chatham Company in relation to the said jetties and the use thereof in connection with the Chatham Company's railways :

And whereas by section 26 (Confirmation of agreement) of the Act of 1898 the said agreement was confirmed :

And whereas by section 24 (Power to raise additional debenture stock) of the Act of 1898 the Harbour Board were authorised subject to and in accordance with the provisions of that Act to raise any sum or sums not exceeding in the whole one hundred and thirty-eight thousand two hundred and sixty-three pounds which they might from time to time require for the purposes of the former Harbour Acts and by the said section of the Act of 1898 it was provided that for this purpose the Act of 1891 should be read and have effect as if the words " eight hundred thousand pounds " had been inserted in the said section 25 instead of the words " six hundred and sixty-one thousand seven hundred and thirty-seven pounds " :

And whereas by section 27 (Power to enter into agreements) of the Act of 1898 the Harbour Board were authorised to make and carry into effect an agreement or agreements with the Chatham Company for the extension of the guarantee by the Chatham Company by section 23 of the Act of 1892 authorised to a further sum not exceeding the additional capital which the Harbour Board were by the Act of 1898 authorised to raise for the purposes of their undertaking :

And whereas by section 18 (Agreements with Dover Harbour Board) of the London Chatham and Dover Railway Act 1898 the Chatham Company were authorised to make and carry into effect an agreement or agreements with the Harbour Board for the extension of the guarantee by the Chatham Company by section 23 of the Act of 1892 authorised to a further sum not exceeding one hundred and thirty-eight thousand two hundred and sixty-three pounds of any

additional capital which the Harbour Board had been or might be authorised to raise for the purposes of their undertaking :

And whereas by section 28 (Power to create debenture stock) of the Act of 1901 the Harbour Board were authorised subject to and in accordance with the provisions of that Act to raise in addition to any sum or sums which they were by section 25 of the Act of 1891 or section 24 of the Act of 1898 authorised to raise any sum or sums not exceeding in the whole one million four hundred and fifty thousand pounds for the purposes of the former Harbour Acts by the creation and issue of redeemable debenture stock Provided that any moneys which the Harbour Board should raise by debenture stock under the powers of the Act of 1901 should be applied by them first in the cancellation of the said sum of four hundred thousand pounds of Dover Harbour redeemable first debenture stock under the provisions of that Act in that behalf secondly in the purchase redemption or cancellation of any Dover Harbour redeemable second debenture stock which might be created or issued after the passing of that Act in exercise of the powers of creating and issuing debenture stock created by the Act of 1891 and the Act of 1898 and thirdly for any purposes of the former Harbour Acts to which capital was properly applicable Provided further that the first moneys raised by the Harbour Board after the moneys raised and applied in cancellation of the Dover Harbour redeemable first debenture stock and the Dover Harbour redeemable second debenture stock in manner aforesaid should be applied only in completion of the Sea Wall No. 1 authorised by the Act of 1891 and of the pier and embankment and quay wall authorised by the Act of 1901 and in reclaiming and making suitable for the purposes of the Chatham Company and the South Eastern Company and the South Eastern and Chatham Railway Companies' managing committee (hereinafter referred to as "the managing committee") in accordance with the provisions of the said agreement between the Harbour Board and the Chatham Company scheduled to the Act of 1898 the lands to be reclaimed by the said Sea Wall No. 1 and the said embankment and quay wall :

And whereas the Harbour Board have not created or issued any redeemable debenture stock other than the aforesaid sum of four hundred thousand pounds Dover Harbour redeemable first debenture stock under the powers in that behalf conferred upon them by section 25 of the Act of 1891 and section 24 of the Act of 1898 :

And whereas it is expedient that the Harbour Board be authorised to raise further money to the amount hereinafter specified by the creation and issue of debenture stock :

A.D. 1902.

And whereas it is expedient that the Act of 1901 be further amended to the extent and in the manner hereinafter specified :

And whereas plans and sections showing the lines and levels of the railway pier widenings embankments and other works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Kent and are hereinafter referred to as the deposited plans sections and books of reference :

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

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

Short title.

1. This Act may be cited as the Dover Harbour Act 1902.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the construction of the harbour dock or pier (except sections 6 and 8 to 10) with respect to the construction of works for the accommodation of the officers of Customs with respect to lifeboats with respect to the construction of warehouses wharves and other conveniences with respect to the rates to be taken by the undertakers with respect to the collection and recovery of rates (except sections 34 to 36) and sections 50 52 to 54 82 to 84 99 and 100 of that Act are (except when expressly varied by this Act) incorporated with and form part of this Act Provided that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats shall not be in force unless and until the Board of Trade under the hand of a secretary or assistant secretary to that Board so require and that no byelaw made by the Harbour Board shall be in force until confirmed by the Board of Trade.

Interpretation.

3. In this Act unless the context otherwise requires the expression "high-water mark" means high-water mark at ordinary spring tides and the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

4. Subject to the provisions of this Act the Harbour Board A.D. 1902.
 may wholly in the parish of Dover in the county of Kent and on Power to
 the foreshore and bed of the sea there and in the lines and situations make works.
 and according to the levels and upon the lands shown and delineated
 on the deposited plans and sections and described in the deposited
 books of reference make and maintain the following works shown
 on the deposited plans and sections (that is to say):—

(A) A railway (Railway No. 3) commencing at the north-eastern boundary of the land to be leased by the Harbour Board pursuant to subsection 8 of section 6 of the Act of 1901 and terminating by a junction with the railway on the Prince of Wales Pier at a point distant five hundred and fifty feet or thereabouts seaward of the commencement of the solid portion of such pier the portion between the embankment mentioned and the said Prince of Wales Pier being carried on an open viaduct to permit the flow of the tide and in connection therewith the construction of a swing bridge to carry the said railway over the lock (B) authorised by section 5 of the Act of 1901:

(B) A widening (Widening No. 1) of a portion of the existing pier known as the Prince of Wales Pier on the south-western side thereof commencing at a point three hundred and eighty feet or thereabouts seaward of the commencement of the solid portion of such pier and terminating at a point one hundred and fifty feet or thereabouts measured in a north-westerly direction from the seaward end of the said pier:

(C) A widening (Widening No. 2) of a portion of the existing pier known as the Prince of Wales Pier on the north-eastern side thereof commencing at a point six hundred and fifty feet or thereabouts seaward of the commencement of the solid portion of such pier and terminating at a point three hundred and fifty feet or thereabouts measured in a north-westerly direction from the seaward end of the said Prince of Wales Pier:

(D) An embankment or sea wall (Embankment No. 1) in the bed of the new Commercial Harbour commencing at the south-east end of the lock (B) authorised by section 5 of the Act of 1901 and terminating at a point distant five hundred and forty feet or thereabouts in a north north-westerly direction (true bearing) from the said point of commencement as hereinbefore described:

(E) An embankment or sea wall (Embankment No. 2) in the bed of the new Commercial Harbour commencing at a point distant one hundred feet or thereabouts in a south-easterly direction from the southern corner of the clock tower and

A.D. 1902.

terminating at a point distant six hundred feet or thereabouts in a south-easterly direction from its said point of commencement as hereinbefore described and intended to form a junction with the north-eastern end of the Embankment No. 1 hereinbefore described.

Limits of deviation.

5. In the construction of the railway pier widenings and embankments authorised by this Act the Harbour Board may (subject as hereinafter provided) deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the railway three feet in the case of the pier widenings fifteen feet and in the case of the embankments ten feet. Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade and of the Admiralty.

Certain works not to be constructed without consent of Board of Trade.

6. The Harbour Board shall not construct any works within three hundred feet of any portion of the inner landing stage on the eastern side of the Admiralty Pier as it exists at the time of the passing of this Act without the express sanction of the Board of Trade in addition to the general sanction required by the Harbours Docks and Piers Clauses Act 1847.

Power to make subsidiary works.

7. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Harbour Board may in connection with or for the purposes of the works hereinbefore described and authorised by this Act or any of them make execute maintain enlarge and alter temporarily or permanently all such viaducts rails sidings junctions turn-tables approach roads gates warehouses sheds toll-houses toll-gates buildings roads footpaths sewers drains quays wharves wharf-walls retaining walls river walls embankments sluices jetties groynes shipping places staiths stairs gantries cranes drops dolphins moorings buoys beacons and other works and conveniences for the embarking and disembarking of passengers animals fish goods and merchandise of every description as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them. Provided that the works authorised by this section below high-water mark shall not be commenced without the consent in writing of the Board of Trade and of the Admiralty.

Power to take lands.

8. Subject to the provisions of this Act the Harbour Board may enter upon take and use such of the lands delineated on the

deposited plans and described in the deposited books of reference as may be required for the purposes of this Act. A.D. 1902.

9. Notwithstanding anything in this Act contained or shown on the deposited plans the Harbour Board shall not take or enter upon any lands or property belonging to or occupied by the South Eastern Company the Chatham Company or the managing committee or interfere with their railways or the traffic thereon without having first obtained their consent in writing. As to lands of railway companies.

10. The Harbour Board may by agreement (but not otherwise) purchase take hold and use in addition to the lands shown on the deposited plans and described in the deposited books of reference any lands or hereditaments not exceeding in the whole twenty acres which the Harbour Board may from time to time require for the purposes of this Act but the Harbour Board shall not create or permit any nuisance on any of such lands. Power to purchase additional lands by agreement.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Harbour Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disabilities may grant easements &c.

12. The Harbour Board shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but which have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

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

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and

A.D. 1902. — the expression "labouring class" means mechanics, artizans, labourers and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

13. The powers of the Harbour Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years after the passing of this Act.

Harbour Board may sell &c. spare lands of undertaking.

14. Notwithstanding anything in the Lands Clauses Acts contained the Harbour Board may retain hold and use for such time as they think fit any lands purchased by them or taken by them under this Act for the purposes of this Act or of their undertaking and may from time to time sell, lease or otherwise dispose of the same in such manner for such considerations and upon such terms and conditions as they think fit and may execute and do any deed, act or thing proper for effectuating any sale, lease or disposition and on any such sale, lease or disposition may reserve to themselves any easements or other rights over the same lands and may make the sale, lease or other disposition subject to such reservation accordingly.

Period for completion of works.

15. If the works to be made under the powers of this Act are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act given for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to dredge &c.

16. Subject to the provisions of this Act the Harbour Board may in connection with or for the purposes of any of the works to be made under the powers of this Act and within the limits of deviation shown on the deposited plans dredge, scour and deepen the foreshore and bed of the sea, blast any rock and remove, carry away and dispose of any chalk, gravel or other substance taken up or collected by means of such dredging, scouring or blasting. Provided that the works authorised by this section below high-water mark shall not be commenced without the consent in writing of the Board of Trade and of the Admiralty.

Lights on works.

17. The Harbour Board shall on the several works to be made under the powers of this Act during the whole time of the making and altering or extending thereof exhibit and keep burning from sunset to sunrise at their own expense such lights (if any) and take

such other steps for the prevention of danger to navigation as the Board of Trade may from time to time require or approve. If the Harbour Board make default in complying with the provisions of this section they shall for each day in which they make such default be liable to a penalty not exceeding twenty pounds. A.D. 1902.

18. In case of injury to or destruction or decay of the works or any part thereof by this Act authorised the Harbour Board shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of the Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Harbour Board shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken. Provision against danger to navigation.

19. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work made by the Harbour Board on in over through or across tidal lands or tidal water or of the intended site of any such work the Harbour Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Harbour Board to the Crown and shall be recoverable as a Crown debt or summarily. Survey of works by Board of Trade.

20. If any work made by the Harbour Board under the powers of this Act is abandoned or suffered to fall into decay the Board of Trade may abate and remove it or any part of it and restore the site thereof to its former condition at the expense of the Harbour Board and the amount of such expense shall be a debt due from the Harbour Board to the Crown and shall be recoverable as a Crown debt or summarily. Abatement of works abandoned or decayed.

21. The Harbour Board may apply for the purposes of this Act any money raised by or accruing to them under the former Harbour Acts and not otherwise appropriated and any money for the time being at their disposal. Application of funds.

22. The Harbour Board may and they are hereby authorised to raise in addition to any sum or sums which they are by section 25 of the Act of 1891 section 24 of the Act of 1898 or section 28 of the Act of 1901 authorised to raise any sum or sums not exceeding in the whole five hundred and fifty thousand pounds which they may from time to time require for the purposes of the former Harbour Acts or of this Act and for this purpose the Act of 1901 Power to raise additional debenture stock.

A.D. 1902.

shall be read and have effect as if the words "two million pounds" had been inserted in the said section 28 instead of the words "one million four hundred and fifty thousand pounds" and as if the purposes of this Act were a purpose of that Act and sections 28 to 44 of the Act of 1891 shall apply accordingly.

Differing rates of interest may be attached to stock.

23. Notwithstanding anything in the Act of 1901 or in any other Act contained it shall be lawful for the Harbour Board from time to time before the creation of any portion of the debenture stock authorised by the Act of 1901 and this Act to be created by resolution to determine that such portion of such debenture stock shall bear interest at such rate whether being the same as or differing from the rate of interest borne by any other portion of such debenture stock already issued as the Harbour Board shall by such resolution determine and the portion of such debenture stock to which any such resolution relates shall bear interest at the rate thereby determined accordingly.

Poll tax.

24. The Harbour Board may demand and take a sum not exceeding five shillings in respect of every person carried or about to be carried as a passenger in any vessel between Dover and any transatlantic port or place and embarking or landing in the harbour as it will from time to time exist during the construction and after the completion of the works by the Act of 1901 and this Act authorised or at any of such works such sum to be paid if demanded before any such person is allowed to embark or land in the harbour.

Correction of section 47 of Act of 1901.

25. Section 47 (Poll tax) of the Act of 1901 shall be read and construed and take effect as though the word "if" had been originally inserted therein immediately after the word "paid" instead of the word "and."

Recovery of dues.

26. In addition to the remedies given by section 26 (Receiver to enter ships and take account of rates and duties) of the Dover Harbour Act 1828 and section 44 (Recovery of tonnage rates by distraint of ship and tackle) of the Harbours Docks and Piers Clauses Act 1847 the Harbour Board may recover in a court of competent jurisdiction any dues payable to them under this Act and any tolls rates or dues payable to them under any of the former Harbour Acts whether the demands required by the said sections respectively have been made or not.

Tonnage dues payable forthwith.

27. Tonnage dues payable under the former Harbour Acts or this Act shall become due and payable in respect of a vessel immediately upon the vessel entering the harbour.

Application of certain

28. Section 44 (Passenger dues) of the Act of 1891 shall be read and have effect as if the piers and works therein mentioned

were so much of such piers and works as are not by the Act of 1898 or the Act of 1901 authorised to be abandoned and the works by the Act of 1898 the Act of 1901 and this Act authorised to be made.

A.D. 1902.
provisions of
Act of 1891.

Section 46 (Byelaws may be written or printed) of the Act of 1891 shall be read and have effect as if the rules byelaws and orders therein mentioned had included all rules byelaws and orders made by the Harbour Board under the powers of this Act and all such rules byelaws and orders made by the Harbour Board under the powers of the former Harbour Acts and this Act or any of them shall apply and have effect in Dover Harbour as it exists at the passing of this Act and as it will from time to time exist before and after the completion of the works by the Act of 1901 and this Act authorised.

29. Subject to the provisions of this Act the Harbour Board may from time to time enter into and carry into effect agreements with the Chatham Company and the South Eastern Company and the managing committee or either of them (in this section referred to as "the contracting party") with respect to the matters following or any of them (that is to say):--

Power for
agreements
between
Harbour
Board and
railway com-
panies or
managing
committee.

With respect to the use by the contracting party of the works authorised by the Act of 1901 or this Act or any of them or any part thereof :

With respect to the use by the contracting party of Dover Harbour as it exists at the passing of this Act and as it will from time to time exist before and after the completion of the works by the Act of 1901 and this Act authorised :

With respect to the dues to be demanded and taken from the contracting party in Dover Harbour as it exists and will exist as aforesaid and in or on the works by the Act of 1901 or this Act authorised as and when in part or wholly completed and in the water area within the same or any part thereof and with respect to the compounding for or commutation of dues by payment of fixed annual or other sums of money or otherwise :

With respect to the erection of works for the accommodation of the contracting party and the payment in whole or in part by the contracting party of the cost thereof either by a sum in gross or by rent or annual payment or by special dues or otherwise.

30. In the event of the Harbour Board acquiring any land or property belonging to His Majesty's Government the same shall revert to the Government if the Harbour Board fail to construct the works authorised by this Act within the time limited thereby.

As to
Government
property.

A.D. 1902.

Saving
agreement of
1st May
1871.

31. Nothing in this Act contained shall in any manner affect or interfere with the agreement dated the first day of May one thousand eight hundred and seventy-one and made between the Harbour Board of the first part the Chatham Company of the second part and the South Eastern Company of the third part with reference to the use of Dover Harbour as the same existed before the passing of the Act of 1891 and the dues to be levied on vessels of the said companies or either of them using the same and goods landed therefrom or embarked therein.

Power to
make agree-
ments with
Chatham
Company
and South
Eastern
Company for
guarantee by
them &c.

32. Subject to the conditions and provisions hereinafter expressed the Chatham Company and the South Eastern Company and the managing committee or either of them may make and carry into effect an agreement or agreements with the Harbour Board whereby in consideration of such advantages as shall be secured to the company entering into such agreement or agreements by the construction of the works authorised by this Act and the accommodation to be afforded to the company by the same and in connection therewith such company may guarantee from such date or dates and subject to such terms and conditions as may be agreed upon the amount necessary together with the sums of one shilling and one shilling and sixpence and five shillings by section 44 (Passenger dues) of the Act of 1891 section 47 (Poll tax) of the Act of 1901 (as amended by this Act) and the section of this Act the marginal note whereof is "Poll tax" authorised to be demanded and taken in respect of such persons as are in the said three respective sections mentioned and brought by or passing to excursion pleasure or other similar trains of the Chatham Company or the South Eastern Company and the other rates and dues leviable by the Harbour Board to enable the Harbour Board to pay by regular half-yearly payments interest or dividend at a rate not exceeding four pounds per centum per annum upon the sum of two million pounds debenture stock authorised to be created and issued by them as aforesaid or so much thereof as may be agreed upon and may for the time being be paid up Provided always that such guarantee shall only operate and take effect so long as the net revenue of the Harbour Board from all sources shall at any time or times not be sufficient to pay the stipulated interest or dividend on the said stock and that during the continuance of such guarantee and during the construction and after the completion of the works authorised by this Act the Harbour Board shall be bound to levy the said three sums of one shilling and one shilling and sixpence and five shillings or such lesser sum in respect of excursion pleasure or other similar traffic as may from time to time be agreed upon between such company and

the Harbour Board as aforesaid and to apply all moneys received in respect thereof towards payment of the interest or dividend so guaranteed and shall furnish to such company every half-year accounts of the moneys received in respect of such special rate or otherwise and applicable in payment of the said guaranteed interest or dividend and shall during the continuance of such guarantee duly and efficiently provide and maintain the works and conveniences which such company by any agreement made under the provisions of this section may stipulate shall be provided and maintained for the accommodation of their traffic and the steamers by means of which the same is carried on. The agreement for any guarantee under this section may provide for the appointment by the managing committee of one further member of the Harbour Board in addition to the member authorised to be appointed by them under section 56 of the Act of 1901 on such terms and conditions as may be agreed upon and the managing committee may appoint an additional member of the Board accordingly.

A.D. 1902.

33. Notwithstanding anything in this Act contained officers naval and military and officers of the Board of Trade and of the Inland Revenue and non-commissioned officers soldiers and other persons employed on the duty of the War Department and petty officers sailors marines and all persons employed on Admiralty service being in the execution of their duty shall at all times have free ingress passage and egress into on along through and out of the works lands and property of the Harbour Board by land and with vessels or otherwise without payment and without being subject to any control.

Naval and military and Board of Trade officers and others to have free access to works.

34. In the anticipation or in the event of war with any state it shall be lawful for His Majesty by proclamation under the Royal Sign Manual to direct that during the continuance of such war or for such period as may be specified in such proclamation the Admiralty shall with respect to Dover Harbour act instead of the Harbour Board in the execution of the former Harbour Acts and of this Act and shall further with respect to Dover Harbour have such powers for closing or regulating the use of the same and for erecting temporary or permanent works or otherwise as His Majesty may be pleased to confer and as may be specified in such proclamation and from and after such time as may be specified for the purpose in any such proclamation and if no time be specified therein from and after the date of such proclamation all matters to be done in pursuance of those Acts by or by the order of the Harbour Board shall during the continuance of such war or during the period

Admiralty in case of war to have charge of harbour.

A.D. 1902. specified in such proclamation be done by or by order of the Admiralty and those Acts shall during such continuance or such period be read and construed as if the Admiralty were thereby empowered to act in the execution of the same instead of the Harbour Board and the Admiralty may also during such continuance or period exercise such further powers as His Majesty may have been pleased to confer and to specify in such proclamation.

Saving
rights of
Crown.

35. Nothing herein contained shall authorise the Harbour Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods the Board of Trade or the Lords Commissioners of the Admiralty respectively without the consent in writing of the Commissioners of Woods the Board of Trade or the Lords Commissioners of the Admiralty as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Costs of Act.

36. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Harbour Board.

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