



Harbours and Passing Tolls, &c. Act 1861

1861 CHAPTER 47

PART VII

MAINTENANCE OF RAMSGATE, DOVER, WHITBY, AND BRIDLINGTON HARBOURS

Dover Harbour

41 Harbour of Dover to be vested in a Board of Trustees to be called " The Dover Harbour Board."

From and after the passing of this Act, the Harbour of *Dover* and the Soil thereof, and all Property, Real and Personal, vested in the Warden and Assistants of the Harbour of *Dover* in the County of *Kent*, or in any Person in trust for the Purposes of the said Harbour, with their actual and reputed Appurtenances, subject to all Liabilities affecting the same, shall be transferred to and vested in a Board of Trustees, to be called " The *Dover* Harbour Board," constituted as herein-after mentioned ; and the said *Dover* Harbour Board shall be a Body Corporate, with a perpetual Succession and a Common Seal, and having a Capacity to hold Lands subject to the Provisions of this Act.

42 Rights of imposing Rates transferred to Dover Harbour Board.

All Rights and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour of *Dover*, or the Property belonging thereto, or to the said Warden and Assistants of *Dover* Harbour, which may, by virtue of any Act of Parliament, Charter, or otherwise, be vested in or exerciseable by the Warden and Assistants of *Dover* Harbour, shall, on and after the passing of this Act, by force and virtue of this Act, be transferred to and vested in the said *Dover* Harbour Board.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

43 Existing Debts, &c. enforceable by or against Board.

All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Warden and Assistants of *Dover* Harbour, in respect of any Property, Powers, Eights, or Privileges transferred to the said *Dover* Harbour Board as aforesaid, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the *Dover* Harbour Board; and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the Nonperformance thereof, shall, on and after the passing of this Act, be enforceable by or against the said *Dover* Harbour Board to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the said Warden and Assistants of *Dover* Harbour.

44 After 1st January 1862 Board may impose Rates for Harbour Purposes.

After the First Day of *January* One thousand eight hundred and sixty-two the said *Dover* Harbour Board may, for the Purpose of maintaining and improving the said Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods landed or shipped in the Harbour, not exceeding the Rates specified in Schedule A. annexed to "The Burgh Harbours (*Scotland*) Act (1853)," and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Warden and Assistants, and which by this Act the said *Dover* Harbour Board are authorized, on and after the said First Day of *January* One thousand eight hundred and sixty-two, to levy as aforesaid.

45 Debts incurred prior to 15th March 1861, and secured on Passing Tolls, shall be paid by Board out of Rates.

Subject to the Right of the Creditor as reserved by this Act, all Debts legally incurred previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one, and secured on the Passing Tolls levied in respect of *Dover* Harbour, either alone or in common with other Property, shall be paid by the said Harbour Board out of any Rates they may have Power to levy, and out of any Real or Personal Property of which they may have become seised or possessed ; and for the Purpose of paying such Debts, and the permanent Improvement of the said Harbour, the said Harbour Board may sell the Real and Personal Property vested in them as aforesaid, or any Part thereof, and apply the Monies arising from such Sale accordingly.

46 Compensation to Officers not re-appointed by Board to Offices of equal Value.

If any of the present Officers of the Warden and Assistants of *Dover* Harbour shall not be appointed by the said Harbour Board to the same Offices as those they now hold, or to others of an equal annual Value, then the said Harbour Board may, with the Consent of the Board of Trade, allow such Compensation or Superannuation Allowance as the said Harbour Board may think fit to any such Officer or Officers, but so that no such Compensation or Superannuation Allowance shall exceed the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service under the Act of the Twenty-second Year of the Reign of Her present Majesty, Chapter Twenty-six, or of any other Act for regulating such Compensation or Superannuation Allowance for the Time being in force; and

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

any Compensation or Superannuation Allowance so allowed shall be paid out of the Revenue of the said Harbour Board.

47 Constitution of Dover Harbour Board.

The said *Dover* Harbour Board shall consist of Seven Members, Four of whom shall form a Quorum; the said Seven Members shall be the Lord Warden for the Time being of the Cinque Ports, Two Burgesses of the Borough of *Dover* elected by the Town Council every Three Years, and to be eligible for Re-election, a Member to be from Time to Time appointed by the President of the Board of Trade for the Time being, a Member to be from Time to Time appointed by the First Lord of the Admiralty for the Time being, a Member to be from Time to Time appointed by the South-eastern Railway Company under their Common Seal, and a Member to be from Time to Time appointed by the London, Chatham, and *Dover* Railway Company, under their Common Seal: Provided, that in the event of either or both of the said Railway Companies failing or declining to appoint a Member of the said Harbour Board within One Calendar Month' after having been required so to do by the President of the Board of Trade, then such President shall, from and after such Default, be entitled thereafter to appoint from Time to Time another Member or Members in lieu thereof, as the Case may be ; and the said Lord Warden shall ex officio be Chairman of the said Harbour Board; and the said Lord Warden shall also from Time to Time nominate under his Hand One of the Members of the said Harbour Board to be his Deputy, to preside at all Meetings at which the said Lord Warden shall not be present; and in the event of an Equality of Votes at any Meeting of the said Board the Chairman of such Meeting shall be entitled to a Casting Vote in addition to his ordinary Vote.

48 Members of Board not to hold Places of Profit or be concerned in Contracts.

No Member of the said Harbour Board shall enjoy any Office or Place of Profit under this Act; and no such Member shall directly or indirectly by himself or his Partner have any Share or Interest in or be in any Manner concerned in any Contract or Bargain relating to any Works to be ordered, done, or executed under the Provisions of this Act or any other Act, or any Charter, relating to *Dover* Harbour, or in the Execution of any such "Works, or in the supplying of any Materials for any such Works, or for the Use of the said Harbour or Board ; and if any Member of the said Board shall disobey this Enactment, every such Member so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, and shall, upon being convicted of any such Offence, become then and be for ever afterwards incapable of being or acting as a Member of the said Board ; and no such Contract or Bargain as aforesaid, which any such offending Member has entered into contrary to the Intent of this Enactment shall be enforced against the said Board : Provided nevertheless, that all Acts and Proceedings of any Person acting as a Member of the said Board previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be good, valid, and effectual.

49 If the Debts are paid out of Public Monies, they may be recovered as Debts due to the Crown.

If at any Time any Debts hereby made payable by the said *Dover* Harbour Board are paid out of Monies provided by Parliament in pursuance of this Act, the Amount so paid shall be deemed to be a Debt due to the Crown from the said *Dover* Harbour Board, and shall be recoverable accordingly.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

50 No new Debts to be incurred till existing Debts are discharged, without Treasury consent.

Until the Debts charged on the Revenues of *Dover* Harbour previously to the said Fifteenth Day of *March* One thousand eight hundred and sixty-one are discharged, it shall not be lawful for the *Dover* Harbour Board to charge the said Revenues or any Part thereof with any new Debt, or to undertake any new Works, without the Consent of the Commissioners of Her Majesty's Treasury.

51 Power to Corporation of Dover to transfer Dues to Harbour.

The Mayor, Aldermen, and Burgesses of *Dover*, herein-after called the Corporation, may at any Time hereafter, by Deed under their Common Seal, transfer to the said *Dover* Harbour Board, to be applied by them to the Purposes of the Harbour, all or any of their Powers, Bights, and Privileges, whether exercised by them in the Capacity of Corporation or of Local Board of Health, of levying Bates and Dues on Coal, Culm, and Coke imported, and of levying Bates and Dues on Ships or on Goods carried in Ships; and thereupon the said *Dover* Harbour Board may exercise the Powers, Bights, and Privileges so transferred in as full a Manner as but for such Transfer the said Corporation might have exercised the same.

52 Corporation and Harbour Board may apportion Debts as between themselves.

The said Corporation and the said *Dover* Harbour Board may, on any such Transfer as aforesaid, enter into such Arrangements as they may think fit, for the apportioning as between themselves the Incidence of any Debt charged on the Rates and Dues so transferred, and for granting Indemnities to each other for the Purpose of carrying such Arrangements into effect.

53 Reservation of Rights of Creditors.

Any Creditor shall, in respect of any Advance made by him on the Security of the Rates and Dues hereby authorized to be transferred to the said *Dover* Harbour Board, have the same Claim against the said Rates and Dues when transferred to the said *Dover* Harbour Board, and against the said *Dover* Harbour Board to the Extent of the Rates and Dues so transferred, as he would, if such Transfer had not been made, have had in respect of the same Debt against such Rates and Dues in the Hands of the said Corporation and against the said Corporation in respect thereof.