



### CHAPTER xlv.

An Act to provide for the incorporation of a Company A.D. 1906.  
 for providing accommodation for trans-channel traffic  
 and for other purposes. [20th July 1906.]

**W**HEREAS the provision of accommodation for enabling trains to be embarked upon and landed from specially constructed vessels in connexion with the trans-channel traffic between Dover and the Continent and for ensuring the expeditious conveyance of such traffic would be of public and local advantage:

And whereas no accommodation at present exists for that purpose:

And whereas the Dover Harbour Board are the harbour authority for the harbour of Dover and such board and the South Eastern Railway Company and the London Chatham and Dover Railway Company as represented by the South Eastern and Chatham Railway Companies managing committee are owners of railways piers and other works at and affording communication with the said harbour:

And whereas the several persons herein-after named with others are willing at their own expense to undertake the provision of such accommodation as aforesaid on being incorporated into a company for that purpose and it is expedient that they be so incorporated:

And whereas it is expedient that the Company so incorporated and the said harbour board and railway companies and managing committee be authorised subject to the provisions of this Act to enter into and carry into effect agreements with respect to the adaptation and user of any piers jetties basins quays or other works for the time being belonging or leased to or occupied by

A.D. 1906. — them respectively and the accommodation thereat of trans-channel traffic and otherwise as herein-after provided :

And whereas the corporation of Dover are by the Dover Electric Lighting Orders 1902 to 1905 authorised to supply electricity within the borough of Dover and portions of the rural district of Dover set out in the First Schedule to the Dover Electric Lighting (Extension) Order 1905 and it is expedient that the said corporation be authorised to enter into and carry into effect agreements with the said Company for the supply of electricity as herein-after provided :

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 Channel Ferry (Dover) Act 1906.

Incorporation of general enactments.

**2.** The following enactments (so far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are hereby incorporated with and shall be part of this Act (that is to say) :—

The Companies Clauses Consolidation Act 1845 :

Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

The Lands Clauses Acts (except the enactments with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking).

Interpretation.

**3.** In this Act—

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 ;

The expression " the Company " means the Company incorporated by this Act ;

The expression " the undertaking " means the undertaking of the Company ;

The expressions "the South Eastern Company" "the Chatham Company" and "the managing committee" mean respectively the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies managing committee; A.D. 1906.

The expression "the harbour board" means the Dover Harbour Board; and

The expression "the corporation" means the mayor aldermen and burgesses of the borough of Dover.

4. Louis Henri Brown de Colstoun Philip James Baron Weardale Claude George Hay Oliver Eaton Bodington Georges Hersent and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of providing and working accommodation for enabling trains to be embarked upon and landed from vessels in connexion with the trans-channel traffic between Dover and the Continent and of facilitating the expeditious conveyance embarkation landing and transport of such traffic and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Channel Ferry (Dover) Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company incorporated.

5. The capital of the Company shall be one hundred thousand pounds in twenty thousand shares of five pounds each. Capital.

6. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fourth of the amount of such share is paid in respect thereof. Issue of shares.

7. One-fourth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls. Calls.

8. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

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Power to  
divide  
shares.

**9.** Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends  
on half  
shares.

**10.** The dividends which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

Dividends  
on preferred  
half shares  
to be paid  
out of pro-  
fits of year  
only.

**11.** Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares  
to be regis-  
tered and  
certificates  
issued.

**12.** Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing

entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

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**13.** The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated in certificate.

**14.** The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred half shares.

**15.** No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred half shares not to be cancelled or surrendered.

**16.** The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

**17.** The Company may borrow on mortgage of the undertaking any sum not exceeding in the whole thirty-three thousand three hundred pounds but no part thereof shall be borrowed until the whole capital of one hundred thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued

Power to borrow.

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For appointment of a receiver.

**18.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture stock.

**19.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without regard to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

**20.** All money raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of the Company to which capital is properly applicable.

First ordinary meeting.

**21.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

**22.** The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than ten nor less than five.

Qualification of directors.

**23.** The qualification of a director shall be the possession in his own right of not less than two hundred shares.

Quorum.

**24.** The quorum of a meeting of directors shall be three.

**25.** Louis Henri Brown de Colstoun Philip James Baron Weardale Claude George Hay Oliver Eaton Bodington and Georges Hersent shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

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First  
directors.

At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for re-election.

At the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845.

The several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead.

**26.** 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 Company 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 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 dis-  
ability may  
grant ease-  
ments &c.

**27.** The Company may by agreement (but not otherwise) purchase take hold and use any lands or hereditaments not exceeding in the whole five acres which the Company may require for the purposes of their undertaking but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands taken under the powers of this section.

Power to  
purchase  
additional  
lands by  
agreement.

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Agreements  
with har-  
bour board  
&c.

**28.** The Company on the one hand and the harbour board the South Eastern Company the Chatham Company and the managing committee or any of them on the other hand may enter into agreements with respect to the adaptation of any piers jetties basins quays or works for the time being belonging or leased to or occupied by them respectively to or for the purposes of the accommodation of trans-channel ferry traffic and the construction of jetties lifts landing stages and other works and apparatus and conveniences for that purpose and the user of such piers jetties basins quays and works as so adapted and of such jetties lifts basins landing stages and apparatus by the Company or by the said harbour board or railway companies or managing committee or any of them and for the purposes of any such agreement the Company for or on behalf of the harbour board and the said railway companies and managing committee or any of them or the said board railway companies and managing committee or any of them may exercise any powers for the time being vested in them or any of them in reference to the subject matter of such agreement Provided always that nothing in this Act shall authorise the making of any agreement which shall relate to or in anywise affect that part of the dockyard port of Dover termed the Admiralty Harbour as the same is defined by the order of His Majesty in Council relating to the said dockyard port dated the twenty-third day of June one thousand nine hundred and four or which shall relate to or affect the eastern side of the Prince of Wales Pier Provided also that nothing in this Act shall authorise the making of any agreement which shall relate to or affect that part of the said dockyard port termed the Commercial Harbour as defined by the said order of His Majesty in Council or any pier jetty quay basin landing-stage or work which may abut thereon or be connected therewith without the consent in writing of the Admiralty and of the Board of Trade and in the event of any such agreement not being entered into with the harbour board then without the like consent of that board And it is also hereby further declared and provided that no work of any description shall be constructed upon any part of the foreshore or bed of the sea within the said dockyard port or so as to abut on the waters thereof without the previous consent in writing of the Admiralty The consents mentioned in this section may as the case may require be respectively signified under the hand of the secretary or assistant secretary of the Admiralty and the secretary or assistant secretary of the Board of Trade and of



the Register of Dover Harbour and shall be subject to all such terms and conditions (if any) as in their discretion the Admiralty, the Board of Trade and the harbour board may respectively think fit to impose.

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**29.** The arrangements for embarkation and disembarkation of passenger trains under any agreement made in pursuance of the section of this Act whereof the marginal note is "Agreements with harbour board &c." shall be such as shall from time to time be approved by the Board of Trade and such approval may be signified under the hand of the secretary or an assistant secretary of the Board of Trade.

Arrange-  
ments for  
embarkation  
&c. subject  
to approval  
of Board of  
Trade.

**30.—(1)** The Postmaster-General shall have the right to the free use for the embarkation and disembarkation of His Majesty's mails and generally in any manner necessary to facilitate the conveyance of His Majesty's mails between Dover and other places of any piers jetties basins quays or works for the time being belonging or leased to or occupied by the Company for the purposes of trans-channel ferry traffic and the powers of the Postmaster-General in relation to the conveyance of mails by steam vessels used maintained or worked by a railway company shall extend to any steam vessels used in connexion with any works belonging or leased to or occupied by the Company for the purposes of the accommodation of trans-channel ferry traffic.

As to mails.

(2) The Company shall not in the construction or use of any piers jetties basins quays or works for the time being belonging or leased to or occupied by them for the purposes of the accommodation of trans-channel ferry traffic prejudicially obstruct or interfere with the conveyance of His Majesty's mails from or to any part of the dockyard port of Dover or with the transfer of such mails from or to the trains conveying the same to or from any steamers using the port or otherwise with the convenient transit of mails between the port of Dover and elsewhere.

**31.** The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and

Works below  
high-water  
mark not to  
be com-  
menced with-  
out consent  
of Board of  
Trade.

A.D. 1906. under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Crown  
rights.

**32.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company 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 His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Agreements  
with cor-  
poration.

**33.** The Company on the one hand and the corporation on the other hand may enter into and carry into effect agreements with respect to the supply by the corporation of electricity or electrical power to the Company for the purposes of working their undertaking or other purposes of the Company and to the terms and conditions on which and the price at which such supply shall be afforded and it shall be lawful for the corporation to supply electricity in accordance with any such agreement notwithstanding that the same may be used or intended to be used wholly or partly beyond the seaward limit of the areas of supply as defined by the Dover Electric Lighting Orders 1902 to 1905. Provided that all provisions for the protection of the Postmaster-General's telegraphic lines and his rights in respect thereof which are contained in the said orders and the provisions of the section of the schedule to the Electric Lighting (Clauses) Act 1899 of which the marginal note is "For protection of telegraphic and

telephonic wires" shall apply to any supply or use of electricity or electrical power under this section and to any works constructed in connexion therewith. A.D. 1906.  
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**34.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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