



CHAPTER lxx.

An Act to authorise the Port of London Authority to construct a floating landing stage and other works at Tilbury and for vesting a part of such stage in the Midland Railway Company to authorise the Midland Railway Company to construct an extension of the said landing stage and to divert a road at Tilbury to extend the time for the purchase of lands authorised by the Port of London Act 1917 and for other purposes. A.D. 1922
[4th August 1922.]

WHEREAS by the Port of London Act 1908 (hereinafter called "the Act of 1908") the Port of London Authority (hereinafter called "the Port Authority") were established for the purpose of administering preserving and improving the Port of London and for other purposes in the said Act set forth and by such Act the undertakings and powers of the London and India Docks Company the Surrey Commercial Dock Company and the Millwall Dock Company were transferred to and vested in the Port Authority and other provisions were made and other powers were conferred upon the Port Authority :

And whereas by the Act of 1908 all rights powers and duties of the Conservators of the River Thames in respect of the River Thames below the landward limit in that Act mentioned of the Port of London and all property and liabilities of the said Conservators in respect of the River Thames below such landward limit were transferred to the Port Authority :

And whereas by various subsequent Acts and Orders further powers were conferred upon the Port Authority

A.D. 1922. and the Port Authority were authorised to carry out various large works and to construct new docks and the Port Authority have executed divers works for the improvement of the Port of London :

And whereas by the Port of London (Consolidation) Act 1920 the provisions of the various statutes by which or by reference to which the constitution powers rights authorities privileges duties and obligations of the Port Authority were then defined were unified consolidated and amended as in that Act appearing :

And whereas the number and size of the vessels and the volume of traffic resorting to and using the Port of London are constantly increasing and to provide proper accommodation and facilities therefor and for the trade of the said port it is expedient that the Port Authority should be empowered to construct the floating landing stage and works and conveniences and to execute in connection therewith the other ~~works~~ in this Act more particularly set forth :

And whereas the Midland Railway Company (hereinafter called " the Railway Company ") own a system of railways extending from the metropolis through the Midland counties to the North of England and elsewhere and from the metropolis to Tilbury Southend and Shoeburyness and other places in the counties of London and Essex :

And whereas the Railway Company are the owners of piers or jetties in the River Thames in the parish of Chadwell St. Mary (formerly Chadwell) in the urban district of Tilbury in the county of Essex and at Gravesend in the county of Kent with floating stages adjoining thereto and are empowered to provide means of communication across the River Thames between such piers or jetties and the parishes of Gravesend Milton-next-Gravesend and Northfleet in the county of Kent and with other places in the estuary of the Thames and with vessels in that river and are the owners or lessees of certain ancient ferries or rights of ferry between the parishes of West Tilbury and Chadwell St. Mary and the said parishes of Gravesend and Milton-next-Gravesend :

And whereas the said pier or jetty at Chadwell St. Mary will be interfered with or destroyed by or for the

purposes of the construction and user of the works by this Act authorised and it is expedient that a portion of the said floating landing stage should be vested in the Railway Company and that the Railway Company should be authorised to construct an extension thereof : A.D. 1922.

And whereas it is expedient that the Railway Company should be empowered to make the road diversion and other works in connection therewith which are set forth in this Act :

And whereas it is expedient that the agreement between the Port Authority and the Railway Company relating to the matters aforesaid and set out in the First Schedule to this Act should be confirmed and that such other powers rights duties and authorities as are in this Act mentioned should be conferred upon and vested in the Port Authority and the Railway Company and that such other provisions should be made as are in this Act mentioned :

And whereas by the Port of London Act 1917 the Port Authority were authorised to acquire certain lands therein described for the purposes of various dock works and street improvements by that Act authorised and it is expedient that the time limited for such acquisition by that Act as extended by Orders made by the Minister of Transport under the Special Acts (Extension of Time) Act 1915 should be further extended :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book 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 Essex and are in this Act referred to as the deposited plans and sections and book 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

A.D. 1922. Parliament assembled and by the authority of the same
as follows :—

Short title. 1. This Act may be cited for all purposes as the
Port of London and Midland Railway Act 1922.

Incorporation of Acts. 2. The following Acts and parts of Acts so far as
the same are applicable for the purposes of and are not
varied by or inconsistent with the provisions of this Act
are incorporated with and form part of this Act (that is
to say) :—

The Lands Clauses Acts (except the words “ with two
“ sufficient sureties to be approved of by two
“ justices in case the parties differ.” in section 85
and sections 127 to 132 of the Lands Clauses
Consolidation Act 1845) Provided that for the
purposes of the said section 85 the Port Authority
shall be deemed a railway company and that section
36 (except paragraph (4) thereof) of the Railway
Companies Act 1867 shall apply accordingly and
that notwithstanding anything contained in the
said Act of 1845 any claim for compensation under
this Act or any Act incorporated herewith by any
person having or claiming in respect of any interest
in the lands in respect of which compensation is
claimed not greater than that of a lessee or tenant
for any term of which not more than eighteen
months remain unexpired at the time when the
claim is made shall be determined by justices
in the manner provided by section 121 of the said
Act of 1845;

The provisions of the Railways Clauses Consolidation
Act 1845 with respect to the temporary occupation
of lands near the railway during the construction
thereof Provided that in the application of such
provisions to the landing stage works the term
“ railway ” and the expression “ the centre of the
railway ” shall mean the landing stage works;

The Harbours Docks and Piers Clauses Act 1847
except the following sections thereof (that is to
say) :—

Sections 12 13 16 to 19 22 25 to 27 29 to 33
49 50 81 and 82 :

Provided that for the purposes of this Act the words
“ harbour ” “ dock ” or “ pier ” wherever used in the

said Act of 1847 shall be deemed to mean the Company's portion of the landing stage and the word "undertakers" wherever therein used shall be deemed to mean the Railway Company and the words "harbour-master" "dock-master" or "pier-master" wherever used therein shall be deemed to mean the pier-master of the Railway Company and that the expressions "packet boat" and "post office packet" wherever therein used shall be deemed to mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "post office bag of letters" where used in the said Act of 1847 shall be deemed to mean a mail bag as defined by the said Act of 1908 :

A.D. 1922.
—

Provided further that nothing in the said Act of 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

3. The provisions of sections 459 and 461 of the Act of 1920 ~~shall extend and apply as if they were expressly re-enacted in this Act and the provisions of sections 175 439 and 462 of the said Act shall extend and apply as if the Port Authority's portion of the landing stage were as the case may require quays forming part of the existing docks and works of the Port Authority or a new dock or Tilbury Docks.~~

Application
of provi-
sions of Act
of 1920.

4.—(1) In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with or applied to the purposes of this Act have the same respective meanings Provided that in and for the purposes of this Act the expressions "the undertakers" or "the promoters of the undertaking" or "the Company" shall mean the Port Authority or the Railway Company as the case may require.

Interpreta-
tion.

(2) In this Act unless the subject or context otherwise requires—

"The Port Authority" means the Port of London Authority;

"The Railway Company" means the Midland Railway Company;

A.D. 1922.

"The Act of 1920" means the Port of London (Consolidation) Act 1920;

"The scheduled agreement" means the agreement scheduled to and confirmed by this Act;

"The landing stage works" means the platform with river wall or embankment and the floating landing stage and the works in connection therewith by this Act authorised;

"The road diversion" means the diversion of road and the works in connection therewith by this Act authorised;

"The works" means the landing stage works and the road diversion;

"The Port Authority's portion of the landing stage" means the portion of the landing stage works which under the scheduled agreement is to belong to the Port Authority;

"The Company's portion of the landing stage" means the portion of the floating landing stage and works in connection therewith by this Act authorised which are to be vested in the Railway Company under the section of this Act of which the marginal note is "Vesting of portion of landing stage in Company" and the extension thereof (Work No. 4) by this Act authorised or any part of the same respectively;

"The existing pier" means the existing pier and jetty belonging to the Railway Company in the parish of Chadwell St. Mary and includes the floating stage or landing place adjoining thereto and all works in connexion therewith;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878.

Power to
execute
works.

5. Subject to the provisions of this Act the Port Authority may make in the lines or situation and according to the levels shown on the deposited plans and sections the works hereinafter described.

The said works will be situate in the urban district of Tilbury in the county of Essex and are—

Work No. 1 A platform with river wall or embankment nine hundred and ninety feet or thereabouts in length situate in the River Thames commencing at a point one hundred yards or thereabouts

A.D. 1922.

measured in a south-easterly direction from the south-east corner of the Tilbury Hotel and two hundred and thirteen yards or thereabouts measured in a north-easterly direction from the easternmost point of the easternmost jetty at the entrance to Tilbury Docks Basin and terminating at a point three hundred and sixty-three yards or thereabouts measured in a south-westerly direction from the south-west corner of the World's End public-house;

Work No. 2. A floating landing stage two thousand feet or thereabouts in length and eighty feet or thereabouts in width situate in the River Thames commencing at a point thirty-three yards or thereabouts measured in an easterly direction from the said easternmost point of the said easternmost jetty at the entrance to Tilbury Docks Basin and a point two hundred and thirty yards or thereabouts measured in a southerly direction from the eastern extremity of the said basin and terminating at a point seven hundred yards or thereabouts measured in an easterly direction from the said easternmost point of the said easternmost jetty.

6. Subject to the provisions of this Act the Port Authority may in connection with the landing stage works or any of them, and for the purposes of this Act from time to time construct provide and maintain all necessary and convenient bridges booms pontoons and floating fenders piles rails conveyors signals platforms approaches buildings works equipment appliances and conveniences.

Subsidiary
landing-
stage works.

7. Subject to the provisions of this Act the Port Authority within the limits defined on the deposited plans may cross stop up interfere with alter or divert either temporarily or permanently and may make junctions with all roads streets passages highways bridges footways drawdocks watercourses and other works which it may be necessary or convenient to cross stop up interfere with alter or divert for the purposes of the landing stage works or for other purposes of this Act:

Subsidiary
works.

Provided that the Port Authority shall not permanently stop up or divert under the powers of this section any highway or public road street passage or footway and that the Port Authority shall afford reasonable access to all persons bonâ fide going to or returning

A.D. 1922. from any house in any such road street passage highway or footway and that in the exercise of the powers conferred by this section the Port Authority shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of such powers.

Deviation.

8. Subject to the provisions of this Act the Port Authority may in constructing the landing stage works deviate laterally from the lines of any of such works to any extent within the limits of deviation defined on the deposited plans and may deviate vertically from the levels of any of such works to any extent not exceeding ten feet downwards and five feet upwards.

Restriction
of limits of
Work No. 2.

9. Notwithstanding anything contained in this Act or shown on the deposited plans the Port Authority shall not construct the landing stage works or any part of them so as to project into the River Thames beyond an imaginary line drawn parallel to and one hundred and fifty feet southward or riverward of the centre lines of Work No. 2 as shown on the deposited plans.

Alteration
of water
gas and
other pipes.

10. Subject to the provisions of this Act the Port Authority may for any purpose in connection with the landing stage works and within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse waterpipe or gas-pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by any company body or person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic telephonic or other purposes or for supplying electricity (all of which mains pipes tubes wires and apparatus are in this section included in the expression "apparatus") and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company body or person and making reasonable compensation to any company body or person for any damage caused by any such alteration Provided always that before the Port Authority alter the position of any apparatus laid down or used by any such company body or person they shall (except in cases of

A.D. 1922.

emergency) give to the company body or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Port Authority) of the company body or person to whom such apparatus belongs unless such company body or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Port Authority shall execute such work to the reasonable satisfaction of the engineer of such company body or person but if within seven days of the receipt of such notice any such company body or person shall give notice to the Port Authority of their desire themselves to execute such work they shall forthwith proceed to do so and the cost reasonably incurred by them in so doing shall be repaid to them by the Port Authority but in the event of such company body or person not proceeding forthwith to execute such work or failing to execute the same with due despatch the Port Authority may execute the same as if no such notice as is last herein-before mentioned had been given.

~~Notwithstanding the stopping up temporarily of any~~ street or road in which any apparatus of any such company body or person shall be laid the said company body or person and their engineers and workmen and others in their employ shall at all times have full free and uninterrupted rights of access to all or any of such apparatus and shall be at liberty to do all such works in and upon any such street or road as aforesaid as may be necessary for inspecting repairing maintaining removing replacing or extending such apparatus.

If any difference arises between the Port Authority and any such company body or person under this section such difference shall unless otherwise agreed be settled by arbitration.

Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1919 to which the provisions of section fifteen of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

A.D. 1922.

Sewers or
drains to be
removed
arched over
or filled up.

11. Subject to the provisions of this Act the Port Authority may cause to be removed arched over or filled up all such sewers or drains or parts thereof in or near streets or roads interfered with for the purposes of this Act as shall appear necessary for such purposes :

Provided that no sewer or drain (unless the same shall have become unnecessary) shall be in anywise disturbed injured or prejudiced without a new sewer or drain being made in lieu thereof equally serviceable and convenient and such new sewers and drains when made and completed shall be under the same jurisdiction care management and direction as the sewers or drains for which they are substituted were under.

Port Authority's portion
of landing
stage to be
part of their
undertaking.

12. The Port Authority's portion of the landing stage shall subject to the provisions of this Act be deemed for all purposes part of the Port of London and of the docks and works forming part of the undertaking of the Port Authority.

Charges at
landing
stage.

13.—(1) The Port Authority may demand take and recover at or in connexion with the Port Authority's portion of the landing stage—

- (a) In respect of vessels which shall either land or receive passengers or goods at the Port Authority's portion of the landing stage the same rates for every ton according to the registered tonnage of the vessel as the Port Authority may from time to time demand take and recover in respect of vessels entering their docks ;
- (b) For every animal and for every article of goods wares or merchandise which shall be brought to or landed or deposited on or delivered or shipped from the Port Authority's portion of the landing stage and for and in respect of services rendered and accommodation provided at such portion the same rates as if the Port Authority's portion of the landing stage were part of the Tilbury Docks as defined by the Act of 1920 ;
- (c) For every person who shall use or land from or embark on any vessel at and in respect of vehicles using the Port Authority's portion of the landing stage any rates or sums not exceeding the several rates or sums respectively specified in the Second Schedule hereto.

(2) The Port Authority may if and when permission is granted to them by the Railway Company and in accordance with such arrangements as may from time to time be agreed between the Railway Company and the Port Authority temporarily utilise such section as may be agreed of the company's portion of the landing stage and may also with the like permission temporarily utilise the bridge for vehicles and foot-passengers to be constructed under the powers of this Act near the eastern end of the landing stage works with free access for that purpose over private roads of the Railway Company leading in the direction of the landing stage works from and to public roads and when making such temporary user as aforesaid the powers rights and privileges exercisable by the Port Authority at or in connexion with the Port Authority's portion of the landing stage may so far as may be necessary and subject to such arrangements as aforesaid be exercised by the Port Authority at or in connection with such section of the Company's portion of the landing stage. A.D. 1922.

(3) The provisions of sections 71 to 93 inclusive of the Act of 1920 shall extend and apply to any rates which the Port Authority are authorised by this Act to demand take receive and recover and for the purposes of this section the expression "rates" has the same meaning as is given to that expression by the Act of 1920.

(4) Provided always that except so far as may be provided for by the scheduled agreement or with the consent of the Railway Company the Port Authority shall not demand take receive or recover any such rates or sums as are mentioned in this section in respect of vessels which under the provisions of paragraph (c) of the section of this Act of which the marginal note is "Vesting of portion of landing stage in Company" utilise any section of the Port Authority's portion of the landing stage nor in respect of the landing or receiving depositing delivery embarking or shipping of passengers animals goods wares or merchandise at or upon or in respect of services rendered or accommodation provided at or in respect of persons landing from or embarking on any such vessel as aforesaid at any such section of the Port Authority's portion of the landing stage.

14. Nothing in this Act shall derogate from the provisions of any agreement relating to the laying down Saving for agreements

A.D. 1922.

as to
apparatus.

construction maintenance or removal of any pipes wires apparatus and appliances on or from any lands or property of the Port Authority.

Works
below high-
water mark
to be sub-
ject to
approval of
Board of
Trade.

15. Subject to the provisions of this Act any part of the landing stage works constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Any alteration or extension of any such part of any such works shall be subject to the like approval.

If any such part of any such works 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 cost of the Port Authority and the amount of such cost shall be a debt due from the Port Authority to the Crown and shall be recoverable as a Crown debt or summarily.

Lights on
works
during con-
struction.

16. The Port Authority shall at or near the landing-stage works below high-water mark during the whole time of constructing the same and at or near the Port Authority's portion of the landing stage during the whole time of altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

If the Port Authority fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent
lights on
works.

17. The Port Authority shall at the outer extremity of the Port Authority's portion of the landing stage below high-water exhibit and keep burning from sunset to sunrise such light (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

If the Port Authority fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds. A.D. 1922.

18. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of the Port Authority's portion of the landing stage on in over through or across tidal lands or tidal water or of the intended site of the same or of any part thereof the Port Authority shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Port Authority to the Crown and be recoverable as a Crown debt or summarily. Survey of works by Board of Trade.

19. If any part of the Port Authority's portion of the landing stage on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Port Authority and the amount of such expense shall be a debt due from the Port Authority to the Crown and be recoverable as a Crown debt or summarily. Abatement of work abandoned or decayed.

20. In case of injury to or destruction or decay of the Port Authority's portion of the landing stage or any part thereof the Port Authority 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 Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Port Authority shall be liable to a penalty not exceeding ten pounds for every calendar 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.

21.—(1) Any electric telegraphic or telephonic works made provided or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege of the Postmaster-General under the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. For protection of Postmaster General.

A.D. 1922.

(2) The Port Authority shall not raise sink or otherwise alter the position of any telegraphic line belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

Penalty for obstructing works.

22. Every person who wilfully obstructs any person acting under the authority of the Port Authority in setting out the line of the landing stage works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the line of such works shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Power to take lands.

23. Subject to the provisions of this Act and the scheduled agreement the Port Authority may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act and for the purposes of recoupment and exchange and of providing space for the erection of buildings adjoining or near to the works.

Correction of errors in deposited plans and book of reference.

24. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Port Authority after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Essex for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Essex and shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Port Authority to take the lands and execute the works in accordance with such certificate.

Entry on property

25. The Port Authority and their chief engineer or other officer and any person duly authorised in writing

under the hand of the secretary or the chief engineer of the Port Authority may at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and buildings by this Act authorised to be taken or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

A.D. 1922.
for survey
and valua-
tion.

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 Port Authority 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. In settling any question of disputed purchase money or compensation under this Act the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the nineteenth day of November one thousand nine hundred and twenty-one if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensa-
tion in case
of recently
altered
buildings
&c.

28. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Port Authority award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Port Authority by the claimant giving sufficient particulars in sufficient time to enable the Port Authority to make a proper offer and if the tribunal shall be of opinion

Costs of
arbitration
&c. in
certain
cases.

A.D. 1922. that no such statement giving sufficient particulars shall have been delivered or that no such statement shall have been delivered in such sufficient time and that the Port Authority have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Port Authority to amend the statement in writing of the claim delivered by him to the Port Authority in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Port Authority if they object to the amendment and such amendment shall be subject to such terms enabling the Port Authority to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

As to
private
rights of
way over
lands taken
compul-
sorily.

29. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Port Authority shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for
compulsory
purchase of
lands.

30. The powers of the Port Authority for the compulsory purchase of lands under the powers of this Act shall cease after the expiration of three years from the passing of this Act.

Power to
retain sell
and lease
lands &c.

31.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Port Authority may retain hold and use for such time as they may think fit lands or buildings acquired under the powers of this Act and may build on any such lands

and may sell lease exchange or otherwise dispose of any such lands or buildings or any easement right privilege or interest in under through or over any such lands for such consideration and on such terms and conditions as they think fit and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

A.D. 1922.

(2) All moneys received by the Port Authority as consideration for lands or buildings or any such easement right privilege or interest as aforesaid sold under the powers of this section shall be carried to the port fund of the Port Authority and shall be applied only to purposes of the Port Authority to which capital is properly applicable.

32. Subject to the provisions of this Act the Port Authority and local and road authorities or owners of lands or property or other persons interested in lands or property abutting on any portion of the landing stage works may enter into and carry into effect agreements with respect to the construction maintenance and use of any of such works and the sale or purchase by the Port Authority of any lands or property for such consideration being a sum of money in gross or a grant of land or partly money and partly land as may be agreed upon between the Port Authority and such local and road authorities owners or other persons :

Agreements
with local
authorities
and others.

Provided that if any of the works constructed by any local or road authority or person under any such agreement involves an alteration of a telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as if such authority or person were "undertakers" within the meaning of that Act.

33. Subject to the provisions of this Act the Port Authority may sell or dispose of the building and other materials of any buildings or structures acquired by them under the powers of this Act which may not be required for the works and any materials obtained in the alteration of or interference with any street road sewer drain or apparatus under any such powers.

Power to
sell
materials.

34. Subject to the provisions of this Act the Railway Company may make in the lines or situation and according

Works by
Railway
Company.

A.D. 1922. to the levels shown on the deposited plans and sections
— the works hereinafter described.

The said works will be situate in the urban district of
Tilbury in the county of Essex and are—

Work No. 3 A diversion of the road known as
Ferry Road commencing in the said road at a point
one hundred and ninety yards or thereabouts
measured along the centre thereof in a south-
easterly direction from the junction of Ferry
Road with Peninsular Road and terminating by
a junction with Fort Road at a point two hundred
and sixty yards or thereabouts measured in a
westerly direction along the centre of Fort Road
from the western face of the World's End public-
house;

Work No. 4 An extension of the floating landing
stage (Work No. 2) hereinbefore described one
hundred and fifty feet or thereabouts in length
and eighty feet or thereabouts in width commencing
at the point of termination hereinbefore described
of the said floating landing stage (Work No. 2)
and terminating at a point fifty yards or there-
abouts measured in an easterly direction from the
said point of termination of Work No 2.

Power to
stop up
certain
accesses and
public ways.

35.—(1) In connection with the construction of the
works by this Act authorised the Port Authority and the
Railway Company or either of them may stop up—

The access for foot passengers on the west side of
Tilbury Station to the strip of land eight feet or
thereabouts in width along the river side of Ferry
Road extending from a point fifty-one feet or there-
abouts measured in an easterly direction from the
south-east corner of the Board of Trade offices on
the west side of and near to Tilbury Station to
the said station; and

The access for foot passengers from the road on the
east side of the said station to the river wall on
the east side of the said station;

and thereupon all public rights of way over the said
accesses and the said strip of land and so much of the said
river wall as extends from the western end of such wall
to a point thereon two hundred and twenty yards or
thereabouts measured in a westerly direction along the

said wall from the western face of the World's End public-house shall be extinguished but such accesses shall not be stopped up unless the Port Authority or the Railway Company are the owners in possession of all lands and houses on both sides thereof except so far as the lessees and occupiers of those houses and lands may otherwise agree. A.D. 1922.

(2) Section 8 of the London Tilbury and Southend Railway Act 1898 is hereby repealed.

36. In connexion with the construction of the road diversion (Work No. 3) by this Act authorised the Railway Company may stop up

Stopping up
of parts of
Ferry Road
and Fort
Road.

So much of Ferry Road as lies between the commencement of the said road diversion (Work No. 3) and the junction of Ferry Road with Fort Road ;
and

So much of Fort Road as lies west of the junction therewith of the said road diversion (Work No. 3).

37. The stopping up of the said portion of Ferry Road and of the said portion of Fort Road authorised by this Act shall not take place until the road diversion is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Railway Company and the road authority until two justices shall have certified that the road diversion has been completed to their satisfaction and is open for public use.

Stopping up
roads in
case of
diversion.

Before applying to the justices for their certificate the Railway Company shall give to the road authority seven days' notice in writing of their intention to apply for the same.

As from the completion of the road diversion to the satisfaction of the road authority or as from the date of the said certificate as the case may be all rights of way over or along the portions of Ferry Road and Fort Road respectively stopped up under the powers of this Act shall be extinguished and the Port Authority or the Railway Company may appropriate and use for the purposes of their respective undertakings all or any portions of the said roads so stopped up :

Provided always that the Railway Company shall make compensation to all parties interested in respect of any private rights of way extinguished by virtue of this

A.D. 1922. section and such compensation shall failing agreement be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Mainten-
ance of road
diversion.

38. Subject to the provisions of the section of this Act of which the marginal note is "Stopping up roads in case of diversion" when and so soon as the road diversion is completed the same shall be open to the public and shall vest in and shall be lighted and maintained by the council of the urban district of Tilbury in the same manner as other streets in the same district which are maintainable by them but nothing in this Act shall be construed to take away from the Railway Company the control or maintenance of any bridge or viaduct by which the road diversion may be carried over any works of the Railway Company.

Access to
mercantile
marine
offices.

39. All officers of the Board of Trade and the Ministry of Transport being in the execution of their duties and all persons desiring to go to and from the mercantile marine offices of the Board of Trade lying between the Tilbury Docks Tidal Basin and Tilbury Station shall at all reasonable times be at liberty to pass and repass over and along any private way for the time being constituting an approach to the said offices and being the property of the Port Authority for the purpose of going to and from the same.

Application
of sections
of this Act
to Works
Nos. 3 and
4.

40. The provisions of the foregoing sections of this Act of which the marginal notes are—

- Subsidiary landing stage works;
- Subsidiary works;
- Deviation;
- Restriction of limits of Work No. 2;
- Alteration of water gas and other pipes;
- Sewers or drains to be removed arched over or filled up;
- Works below high-water mark to be subject to approval of Board of Trade;
- Lights on works during construction;
- Permanent lights on works;
- Survey of works by Board of Trade;
- Abatement of work abandoned or decayed;
- Provision against danger to navigation;
- For protection of Postmaster-General;

Penalty for obstructing works;

A.D. 1922.

Power to take lands;

Correction of errors in deposited plans and book of reference;

Entry on property for survey and valuation;

Persons under disability may grant easements &c.;

Costs of arbitration &c. in certain cases;

As to private rights of way over lands taken compulsorily;

Period for compulsory purchase of lands;

Power to retain sell and lease lands &c. (except subsection (2) thereof);

Agreements with local authorities and others; and

Power to sell materials;

shall extend and apply mutatis mutandis to the Railway Company in respect of the powers by this Act conferred upon them and shall for that purpose be read and construed as if in those sections the road diversion or the Company's portion of the landing stage or the extension of the floating landing stage by this Act authorised were as the case may require substituted therein for the landing stage works or the Port Authority's portion of the landing stage and the Railway Company were substituted therein for the Port Authority but nothing contained in this Act shall authorise the Railway Company in constructing the road diversion to deviate downwards from the levels thereof shown on the deposited sections to any greater extent than five feet.

41. If the works by this Act authorised (other than Work No. 4) are not completed within ten years from the passing of this Act then on the expiration of that period the powers granted by this Act for making and completing such works or otherwise in relation thereto shall cease except as regards so much as is then completed.

Period for completion of works.

42. The landing stage works shall be deemed to be places on or beyond the London Tilbury and Southend Railway within the meaning of section 19 of the Midland Railway (London Tilbury and Southend Railway Purchase) Act 1912.

For protection of Great Eastern Railway Company.

43. The landing stage works shall be deemed to be places on or beyond the London Tilbury and Southend Railway within the meaning of section 15 of the Midland

Facilities to Great Northern

A.D. 1922.

Railway
Company.For protection
of Great
Western Great
Central and
London and
South Western
Railway Com-
panies.

Railway (London Tilbury and Southend Railway Purchase) Act 1912.

44. The landing stage works shall be deemed to be places on or beyond the London Tilbury and Southend Railway within the meaning of sections 16 17 and 18 of the Midland Railway (London Tilbury and Southend Railway Purchase) Act 1912.

For protec-
tion of
Rainham
Commis-
sioners of
Sewers.

45. For the protection of the commissioners of sewers for the levels of Rainham Wennington West Thorock and Aveley Chadwell Little Thorock and Grays East Tilbury West Tilbury and Childerditch in the county of Essex (in this section referred to as "the commissioners") the following provisions shall unless otherwise agreed in writing between the commissioners on the one hand and the Port Authority or the Railway Company (as the case may be) on the other hand have effect (that is to say) :—

- (1) Where any work to be executed under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any river sewer drain watercourse river wall defence or work under the jurisdiction or control of the commissioners or may in any way affect the drainage of the districts under their control (each work so to be executed being in this section referred to as "the intended work") the Port Authority or the Railway Company as the case may be (each of whom is in this section included in the expression "the undertakers") shall not commence the intended work until they shall have given to the commissioners twenty-one clear days' notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the commissioners with plans elevations sections and other necessary particulars of the construction of the intended work and until such plans elevations sections and particulars have been approved by the commissioners or settled by an arbitrator appointed as by this section is hereinafter provided. If the commissioners fail to signify their approval or disapproval of such plans elevations sections and particulars within

A.D. 1922.

- twenty-one clear days after service of the said notice and delivery of the said plans elevations sections and particulars as aforesaid they shall be deemed to have approved thereof :
- (2) The undertakers shall comply with and conform to all reasonable directions of the commissioners in the execution of the intended work and shall provide such new altered or substituted work in such manner as the commissioners may reasonably require and shall maintain the intended work and any such new altered or substituted work so as to protect properly and to prevent injury or impediment to the rivers sewers drains river walls and other works hereinbefore referred to by or by reason of the intended work or any part thereof :
- (3) The intended work shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the surveyor engineer or other officer or officers of the commissioners All reasonable costs charges and expenses to which the commissioners may be put whether in the examination or approval of plans or designs or superintendence by the commissioners under the provisions of this section shall be paid to the commissioners by the undertakers :
- (4) Nothing in this Act shall derogate from the rights of the commissioners or the Port Authority under an agreement dated the twentieth day of November one thousand eight hundred and eighty-five and made between the East and West India Dock Company (the predecessors of the Port Authority) of the one part and the commissioners or their predecessors of the other part and the said agreement shall be read and construed as if any such new altered or substituted work as is hereinbefore referred to were or were part of the new main drains mentioned in the said agreement :
- (5) When any new altered or substituted work as aforesaid or any works or defence connected therewith shall be completed the same shall be as fully and completely vested in and under

A.D. 1922.

the jurisdiction and control of the commissioners as any of their sewers or works now are or hereafter may be :

- (6) If any dispute shall arise between the commissioners and the undertakers under the provisions of this section the matter in dispute shall be referred to an arbitrator to be appointed by the President of the Institution of Civil Engineers subject to and in accordance with the provisions of the Arbitration Act 1889 :
- (7) Notwithstanding anything contained in this Act the commissioners and their officers and servants shall have access at all reasonable times to and along any river walling banks sewers water-courses sluices culverts or defences which shall at any time be within and under the jurisdiction of the commissioners and the undertakers shall allow the commissioners and such officers and servants to enter at all reasonable times on any works by this Act authorised or on any lands acquired by the undertakers under this Act for the purpose of obtaining such access :
- (8) Except as is by this Act expressly provided nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the commissioners but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

For pro-
tection of
Grays and
Tilbury
Gas
Company.

46. For the protection of the Grays and Tilbury Gas Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the gas company and the Company have effect (that is to say) :—

- (1) For the purposes of this section the expression "the undertakers" shall in respect of Works Nos. 1 and 2 and the works in connection therewith by this Act authorised mean the Port Authority and in respect of Works Nos. 3 and 4 and the works in connection therewith by this Act authorised mean the Railway Company :
- (2) Before stopping up the portions of Ferry Road and Fort Road by this Act authorised to be

A.D. 1922.

stopped up the undertakers shall at their own expense and to the reasonable satisfaction of the gas company provide and lay in and along the road diversion (Work No. 3) by this Act authorised a gas main of the materials and dimensions hereinafter mentioned connecting at each end thereof with the mains of the gas company in the portions of those roads not stopped up. Such mains shall be of a quality approved by the gas company and shall be of cast iron six inches in diameter except where it will be laid along the bridge over the railway where it shall be ten inches in diameter and shall be laid either in the footway or carried outside the bridge and if carried outside the bridge shall be a riveted steel main with expansion joints :

3) If the undertakers divert any existing road whether public or private which is situate southwards of the commencement of Work No. 3 and in which there are any mains pipes syphons plugs or other works of the gas company (hereinafter in this section included in the expression "apparatus") they shall unless the apparatus will be or become situate in a private road of the undertakers at their own expense and to the reasonable satisfaction of the gas company provide and lay in and along such diverted road gas mains of similar dimensions to the mains in the existing road before such existing road ceases to be used as a road. And the undertakers shall give to the gas company (free of charge) all necessary or reasonable access to any such apparatus for the purpose of maintaining repairing renewing inspecting and using the same :

(4) The new mains to be provided as aforesaid shall be constructed with such junctions and connexions with the existing mains of the gas company as may be necessary for ensuring the continuous flow of gas through the mains and service pipes attached thereto as altered and shall be laid in such positions and in such manner as the gas company shall reasonably require :

(5) The undertakers shall not raise sink or otherwise alter the position of any apparatus in any

A.D. 1922.

street road or place or alter the level of any street road or place so as to leave over any such apparatus a covering of less than two feet or of more than four feet six inches :

- (6) Not less than twenty-one days before commencing any of the works referred to in the foregoing subsections or any works by this Act authorised in or under any street or lands in or under which any apparatus of the gas company are situate the undertakers shall send to the gas company for their information reasonable particulars of the proposed works :
- (7) If within twenty-one days of the receipt of such particulars the gas company give notice to the undertakers of their desire themselves to provide and lay the said new mains and works or to raise sink or alter the position of any apparatus referred to in subsections (2) (3) and (4) of this section or in the section of this Act of which the marginal note is "Alteration of water gas and other pipes " they shall and may forthwith proceed to do so and the cost reasonably incurred by them in so doing shall be repaid to them by the undertakers in accordance with the provisions of the last-mentioned section Provided that in the event of the gas company failing to commence or proceed with the works with due diligence the undertakers may forthwith proceed to execute or complete the same :
- (8) The undertakers shall provide at their own expense and to the reasonable satisfaction of the engineer to the gas company all reasonable and proper protective works wherever any apparatus of the gas company will be laid or situate under any lines of rails or other works :
- (9) If any difference shall arise between the undertakers and the gas company under this section such difference shall be referred to and be determined on the application of either party by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

- (10) The provisions of the section of this Act of A.D. 1922. which the marginal note is "Alteration of water gas and other pipes" shall save so far as varied by the foregoing provisions of this section apply for the benefit and protection of the gas company and any apparatus and any new mains and works referred to in subsections (2) (3) and (4) of this section shall be deemed as the case may require apparatus or substituted works referred to in that section.

47. For the protection of the South Essex Waterworks Company (in this section referred to as "the water company") the following provisions shall unless otherwise agreed between the Port Authority the Railway Company and the water company have effect notwithstanding anything in this Act or shown on the deposited plans (that is to say):—

For protec-
tion of
South Essex
Waterworks
Company.

- (1) Prior to the diversion of Ferry Road (Work No. 3) by this Act authorised a ten-inch main in substitution for the existing ten-inch main of the water company in the portion of that road so diverted and any necessary apparatus connected therewith shall be laid under the diverted portion of road and under the footway of the bridge to be constructed for carrying the diverted portion of road over the railway lines of the Railway Company and the said substituted main shall be extended so as to connect with the existing six-inch main of the water company in Fort Road. The laying of the substituted main and the connections thereof with the existing mains shall be executed under the superintendence if given and to the reasonable satisfaction of the engineer to the water company:
- (2) If the Port Authority divert any existing road (whether public or private) which is situate southwards of the commencement of the said Work No. 3 and in which there are any mains or apparatus of the water company such mains and apparatus shall be diverted and relaid under the diverted portion of road unless the same will be or become situate in a private

A.D. 1922.
—

road of the Port Authority and the Port Authority shall give to the water company (free of charge) all reasonable access to such mains and apparatus for the purpose of maintaining repairing renewing inspecting and using the same :

- (3) Before commencing the laying of the substituted main referred to in subsection (1) of this section or the diversion of any mains and apparatus of the water company under the powers of this Act the Port Authority or the Railway Company as the case may be shall give not less than fourteen days' notice in writing to the water company of their intention to commence the laying or the diversion and relaying as the case may be of such mains and apparatus and if the water company so require by notice in writing given within fourteen days of the receipt of the last-mentioned notice to the Port Authority or the Railway Company whichever may have given such notice the laying or the diversion and relaying of such mains and apparatus and the connexion or reconnexion of the substituted main or the diverted mains and apparatus with any existing main or service pipe of the water company shall be executed by the water company under the superintendence and to the reasonable satisfaction of the engineer to the Port Authority or the Railway Company as the case may be and the Port Authority or the Railway Company as the case may be shall repay to the water company all expenses reasonably incurred by the water company in so doing Provided that if the water company so elect they shall commence and proceed with the works with due diligence and that if they fail to do so the Port Authority or the Railway Company as the case may be may forthwith proceed to execute or complete the same :
- (4) The Port Authority or the Railway Company as the case may be shall provide at their own expense and to the reasonable satisfaction of the engineer to the water company all reasonable and proper protective works wherever any

diverted mains or apparatus of the water company will be laid or situate under any lines of rails or other works : A.D. 1922.

- (5) Any diversion of any main or apparatus of the water company under the foregoing provisions of this section shall be so executed as to cause as little detriment and inconvenience as circumstances admit to the water company and before any such diversion is commenced the Railway Company or the Port Authority as the case may require shall provide proper substituted works so that the supply of water by the water company shall not be interrupted and the Railway Company or the Port Authority as the case may require shall make reasonable compensation to the water company for any damage or loss caused to the water company by any such diversion as aforesaid :
- (6) Any dispute which may arise under this section between the water company on the one hand and the Port Authority and the Railway Company or either of them on the other hand and any matter which is by this section required to be settled by arbitration shall be referred to a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply.

48. The Port Authority shall transfer to and vest in the Railway Company the eastern portion to the extent of five hundred feet in length of the floating landing stage (Work No. 2) by this Act authorised together with the bridge or approach connecting the same with the land and with a roadway or approach to the junction of Fort Road with Ferry Road as diverted under the powers of this Act and as from the date on which the said portion of the said floating landing stage and bridge or approach and roadway or approach shall have been so vested in the Railway Company :—

Vesting of
portion of
landing
stage in
Company.

- (a) The Company's portion of the landing stage shall for all purposes (including tolls rents rates dues and charges) form part of the Railway

A.D. 1922:
—

Company's undertaking and may be used by the Railway Company for the general purposes of the same and the provisions of section 304 of the Act of 1920 shall extend and apply as if the Company's portion of the landing stage were a pier in use by the London Tilbury and Southend Railway Company on the 17th day of August 1894 for the purposes of their traffic and undertaking :

- (b) The powers rights and privileges (including those as to tolls rents rates dues and charges) vested in or enjoyed by the Railway Company at or in connexion with the existing pier shall attach to the Company's portion of the landing stage :
- (c) The Railway Company may if and when permission is granted to them by the Port Authority and in accordance with such arrangements as may from time to time be agreed between the Port Authority and the Railway Company temporarily utilise such section as may be agreed of the Port Authority's portion of the landing stage and may also with the like permission temporarily utilise the bridge for vehicles and foot passengers to be constructed under the powers of this Act near the western end of the landing stage works with free access for that purpose over private roads of the Port Authority leading in the direction of the landing stage works from and to public roads and when making such temporary user as aforesaid the powers rights and privileges conferred upon the Railway Company by the foregoing provisions of this section may so far as may be necessary and subject to such arrangements as aforesaid be exercised by the Railway Company at or in connexion with such section of the Port Authority's portion of the landing stage :
- (d) The Railway Company shall not except with the consent of the Port Authority demand take receive or recover any such tolls rents rates dues or charges as are mentioned in this section in respect of any vessels which under the provisions of subsection (2) of the section of this Act of which the marginal note is "Charges at

landing stage" utilise any section of the Company's portion of the landing stage nor in respect of the landing or receiving delivery embarking or shipping of passengers animals goods wares or merchandise or in respect of services rendered or accommodation provided at or in respect of persons landing from or embarking on any such vessel as aforesaid at any such section of the Company's portion of the landing stage.

A.D. 1922.

49. The Port Authority and the Railway Company may enter into and carry into effect agreements and arrangements for and in respect of the construction and maintenance of any of the works which may affect or be likely to affect the railway or other property of the Railway Company and with respect to any matters incidental to such construction and maintenance and as to payments to be made by either of them to the other of them in respect of any such matter.

Agreements
between
Port
Authority
and Rail-
way Com
pany.

50. The agreement set out in the First Schedule to this Act is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under their respective common seals.

Confirmation
of agreement
between Port
Authority
and Railway
Company.

51. The Railway Company may apply for or towards all or any of the purposes of this Act and for in each the general purposes of the Act capital is properly applicable case purposes to which capital is properly applicable by the Railway Company any sums of money which may be in their possession or under their control or any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Company
corporate
funds.

52. The powers granted to the Port Authority by the Port of London Act 1917 as extended by any Order under the Special Acts (Extension of Time) Act 1915 for the compulsory purchase of lands authorised by the said Act of 1917 are hereby further extended and the same may be exercised by the Port Authority during but not

Extension
of time for
purchase of
lands under
Act of 1917.

A.D. 1922. after the period of three years from the second day of August one thousand nine hundred and twenty-two.

Application
of Arbitra-
tion Act
1889.

53. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts shall apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Provision as
to general
Railway
Acts.

54. Nothing in this Act contained shall exempt the Railway Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges authorised to be taken by the Railway Company.

Saving for
Port
Authority.

55. Save as is in this Act expressly provided nothing in this Act shall prejudice lessen affect or derogate from any estates rights interests or privileges of the Port Authority.

Saving for
Railway
Company.

56. Save as is in this Act expressly provided nothing in this Act shall prejudice lessen affect or derogate from any estates rights interests or privileges of the Railway Company.

Saving for
War Office.

57.—(1) As from the date when the works authorised by this Act have been completed the indenture of lease hundred and eighty and ^{made between} of May one thousand eight Principal Secretary of State for the War Department (in this section called "the Secretary of State") of the one part and the London Tilbury and Southend Railway Company of the other part shall be read and construed as if the pontoon at the Tilbury Railway Station referred to in such indenture of lease were the Company's portion of the landing stage including the bridge or approach and roadway or approach thereto referred to in the section of this Act of which the marginal note is "Vesting of portion of landing stage in Company."

(2) The bridge to be constructed under the powers of this Act to the Company's portion of the landing

stage shall be of such strength and dimensions as the Secretary of State may reasonably require for the purposes mentioned in the said indenture of lease. A.D. 1922.
—

(3) Save as is in this section expressly provided nothing in this Act shall prejudice lessen affect or derogate from any provisions contained in the said indenture of lease.

(4) Nothing in this Act shall relieve the Port Authority or the Railway Company (as the case may be) from any liability for any injury caused to any lands or property of the Secretary of State by reason of the construction of the works which they are respectively authorised by this Act to carry out and to which they would have been subject if this Act had not been passed.

58. All costs charges and expenses preliminary to and of and incident to the preparing for obtaining and passing of this Act shall be paid by the Port Authority and the Railway Company in equal shares and the share of the Port Authority shall be defrayed by them out of the Port Fund. Costs of Act.

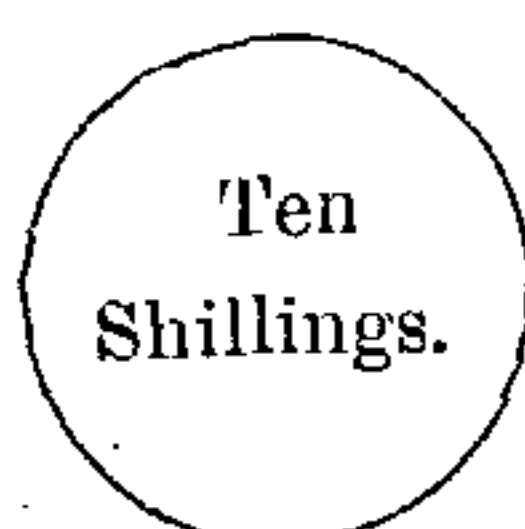
[Ch. lxx.]

Port of London and [12 & 13 GEO. 5,]
Midland Railway Act, 1922.

A.D. 1922. The SCHEDULES referred to in the foregoing
Act.

THE FIRST SCHEDULE.

Stamp:



AN AGREEMENT made this Thirtieth day of July One thousand nine hundred and twenty-one between the PORT OF LONDON AUTHORITY (hereinafter called "the Authority") of the one part and the MIDLAND RAILWAY COMPANY (hereinafter called "the Railway Company") of the other part :

WHEREBY IT IS AGREED AS FOLLOWS :—

1. The following works shall be carried out at Tilbury by and at the cost of the Authority west of the line A-B and south of the line B-C on the plan attached hereto :—

- (a) The existing landing stage shall be removed :
- (b) A new landing stage having a total length of one thousand seven hundred feet shall be erected in a position shown on the plan :
- (c) The construction of a Customs baggage hall about four hundred and forty feet in length and ninety-two feet in depth immediately to the west of the new circulating area which latter will form part of the station improvements to be made by the Railway Company hereafter referred to Convenient openings to be provided between the Customs baggage hall and the new circulating area :
- (d) A new private road commencing from opposite the north-east corner of the Board of Trade offices at the point marked D on the said plan and leading to the Customs baggage hall and the new circulating area and continuing along the north side of the Customs baggage hall to the point marked E on the said plan seventy-five feet west of the west end thereof This road shall be maintained by the Port Authority at their own expense and the Railway Company shall have full rights of user for themselves or their traffic over that portion between the Board of Trade offices and the new circulating area :

A.D. 1922.

- (e) A new private road (to be constructed however only if and to such extent as the Authority shall in their uncontrolled discretion think expedient) commencing from the point marked E about seventy-five feet west of the western end of the new Customs baggage hall and thence running west parallel with the river bank to a point shortly beyond the south-west corner of the Tilbury Hotel then turning north in a circular direction and terminating at a junction with the existing private road near the north-west corner of the Tilbury Hotel at the point marked F on the said plan. This road shall if and so far as constructed be maintained by the Authority at their own expense :
- (f) The diversion in a westerly direction of the existing road marked Ferry Road on the said plan from a point opposite the east side of the Tilbury Laundry marked G on the said plan extending in a southerly direction to the point marked D. This road shall be maintained by the Authority at their own expense but the Railway Company shall have full rights of user over it for themselves and their traffic :
- (g) A bridge and pier for vehicles and foot passengers between the points H and J on the said plan connecting the eastern portion of the landing stage with an intended private road of the Railway Company leading from Fort Road to the circulating area of the Railway Company. The Railway Company shall on demand pay the Authority the cost of that portion of the pier north of the line B-C :
- (h) A bridge marked K on the said plan for vehicles and foot passengers connecting the western portion of the landing stage with the private road of the Authority at a point immediately west of the western end of the Customs baggage hall :
- (i) Four bridges marked L on the said plan connecting the landing stage with the Railway Company's circulating area. Two are to be sixteen feet wide in the clear and to be suitable for vehicles and designed to carry a load of one and a quarter hundredweights per square foot and the other two are to be footbridges eight feet wide in the clear :
- (j) Conveyor bridges not exceeding five marked M on the said plan connecting the landing stage with the Authority's Customs baggage hall with suitable gangways for use of the working staff :
- (k) Other works indicated on the said plan west of the line A-B and south of the line B-C.

A.D. 1922.
—

2. The following works shall be carried out by and at the cost of the Railway Company east of the line A-B and north of the line B-C on the plan :—

- (a) The construction of a circulating area to the south of Tilbury Station in the position indicated on the said plan and at a level of about three feet above the railway lines :
- (b) The extension of the present and provision of additional lines of rail in a southerly direction with platform accommodation to the points shown approximately on the said plan :
- (c) The construction of a public road of a width of not less than thirty feet and gradients not steeper than one in thirty leading from a point in Ferry Road near the footbridge over the railway at the north end of the Tilbury Laundry at the point marked N on the said plan in a southerly direction crossing the north end of Tilbury Station by an overhead bridge and thence in a south-easterly direction to Fort Road to a point about seven hundred feet west of the World's End public-house marked O on the said plan :
- (d) A new private road of a width not less than thirty feet and a gradient not steeper than one in thirty commencing at the west end of the new bridge crossing the north end of Tilbury Station at the point marked P on the said plan and terminating by a junction with the Authority's private road near the north-east corner of the Board of Trade offices at the point marked D This road shall be maintained by the Railway Company at their own expense but the Port Authority shall have full rights of user over it for themselves and their traffic :
- (e) The construction of a private road between the points marked J and O on the said plan connecting Fort Road with the eastern side of the new circulating area and with the approach to the bridge for vehicles and foot passengers to the eastern portion of the new landing stage This road shall be maintained by the Railway Company at their own expense :
- (f) Other station railway and road works indicated approximately on the plan east of the line A-B and north of the line B-C.

3. Detail plans and sections of those parts of the works of either party which adjoin the works of or which are for the use of the other party to be approved by the engineers of both parties or failing such approval by an arbitrator to be appointed as hereinafter provided.

4. The Authority shall vest in the Railway Company the eastern end of the landing stage for a length of five hundred

feet together with the bridge and pier for vehicles and foot passengers leading thereto and the Railway Company shall be entitled to use it for any purpose they may consider necessary or desirable consistent with the powers and privileges they at present possess in connexion with the present Tilbury landing stage. Save as provided in this agreement no payment or other consideration shall be required of the Railway Company under any such of the provisions of sections 109 and 116 of the Thames Conservancy Act 1894 or any Act amending or re-enacting the same as would but for this agreement have been applicable to the construction and user of that portion of the landing stage which is to be vested in and occupied by the Railway Company. The Railway Company shall in all respects as heretofore continue to deal with both passenger and goods traffic in connexion with the Tilbury and Gravesend Ferry and also traffic which under the terms of their lease with the Secretary of State for War they are under an obligation to carry across the ferry. Any additional facilities on this portion of the stage shall be constructed by the Authority as the Railway Company require and the Railway Company shall bear the cost but such additional facilities only to be provided if in the opinion of the chief engineer of the Authority (or if his opinion is not accepted by the Railway Company of an arbitrator to be appointed as hereinafter provided) the stability of the stage is not adversely affected thereby and provided that the additional facilities are consistent with the terms of this agreement. The remaining length of the landing stage with all the connections thereto shall be vested in the Authority who will have consistent with its use by the Railway Company under clause 13 hereof full and free access to and from the Customs baggage hall over the new circulating area to and from the footbridges leading to this portion of the landing stage.

5. The Railway Company may at their own expense and in accordance with plans and sections to be previously submitted to and approved by the Authority (such approval not to be unreasonably withheld) extend in an easterly direction for a distance not exceeding one hundred and fifty feet the section of the landing stage to be occupied by them for the purpose of traffic of the same nature as that for which their section may be used as provided in clause 4 and the Authority will give such facilities as lie in their power for such extension. At the western end of the stage the Authority may make such extensions as they think fit.

6. Either party with permission to be obtained from time to time from the other may temporarily utilise such further section as may be agreed of that portion of the stage which is the property of the other and either party with permission to be obtained from time to time from the other may temporarily utilise the bridge for vehicles and foot passengers near the eastern

A.D. 1922. and western ends respectively of the landing stage with free access for that purpose over the private roads leading in the direction of the landing stage to and from the public roads.

7. The maintenance of that portion of the landing stage which is owned by the Railway Company and the bridge and pier for vehicles and foot passengers leading thereto shall be undertaken by the Authority the Railway Company reimbursing on demand all expenses incurred by the Authority in this respect. In the event of any difference between the parties in regard to the necessity for or the amount of such expenses the same to be settled by arbitration. In the event of the Authority being unable or unwilling to maintain any part of the work on the Railway Company's portion of the stage which the Railway Company may think necessary or desirable the Railway Company shall have the right to call on the Authority to carry out such maintenance work as they think necessary and failing compliance with such request shall have the right to do the work themselves or by their contractors.

8. Any dredging required by the Railway Company in front of that portion of the landing stage which is owned and occupied by them shall be carried out by the Authority on behalf and at the expense of the Railway Company.

9. The Authority shall insure and keep insured against fire marine and all other risks the whole of the landing stage and its connexions for account of both parties and the Railway Company shall repay to the Authority a part of the cost of such insurance proportionate as regards the landing stage and its connexions belonging to the Railway Company to the length thereof and as regards the buildings and fixtures thereof belonging to the Railway Company on the landing stage and its connexions to the value of such buildings and fixtures. All moneys recovered in respect of such insurance to be applied as soon as possible in the relative proportions in or towards the restoration of the damage caused. Should the proportion of such insurance money attributable to either section be insufficient to restore the damage caused to such section the deficiency shall be borne by the party by whom such section is occupied. All structural works and arrangements where necessary to be subject to the regulations of the Commissioners of Customs and Excise and Fire Offices Committee.

10. The working of tenders to and from ships and the stage shall be performed by the Railway Company with their boats. Of the net receipts the Railway Company to receive annually a fixed sum to be calculated according to the average net receipts from this source for the three years ended thirty-first day of December one thousand nine hundred and fourteen. The balance of such net receipts shall be divided equally between the Railway

Company, and the Authority Such net receipts in any one year A.D. 1922.
shall be assumed to be thirty-five per centum of the gross receipts
When tendering services to and from ocean-going vessels lying in
the river are performed by the Railway Company on behalf of the
Authority the tenders shall embark or disembark the passengers
and their baggage alongside the Authority's portion of the landing
stage.

11. Plans showing the temporary works and arrangements
for the continuance of the ferry and tender services are to be agreed
by the engineers of both parties or failing agreement by an arbi-
trator to be appointed as hereinafter provided In carrying out
the works referred to in clause 1 the Authority shall cause as
little interruption as possible to the conduct by the Railway Com-
pany of their ferry services between Tilbury and Gravesend and of
their steam or other services between Tilbury and Gravesend
and vessels lying in the river and shall indemnify and save
harmless the Railway Company from all claims and demands
arising out of the stoppage or delay of the ferry services that
may be occasioned by the negligence or default of the Authority
in carrying out the operations in connexion with the aforesaid
works Any additional cost incurred by or for the Railway
Company in consequence of the necessity for providing temporary
arrangements for the continuance of the ferry and tender services
during the construction of the works to be borne by the Railway
Company and the Authority in proportion to the length of their
respective sections of the landing stage viz. twelve seventeenths
by the Authority and five seventeenths by the Railway Company.

12. The Railway Company shall run express boat trains
in connexion with the arrival and departure of vessels at and
from the landing stage when in their opinion necessary or desirable
between St. Pancras (or such other London terminal station as
the Railway Company find convenient) and the Tilbury Station.

13. The Customs baggage hall shall be occupied and main-
tained by the Authority who will levy charges for its use but the
Railway Company may use it for the purpose of passing through
baggage landed at their section of the landing stage and requiring
Customs examination paying the Authority such charges as may
be agreed having regard to the services performed by the Railway
Company in the transference of such baggage between vessels
and Tilbury Station In respect of such baggage the Railway
Company shall have the right to pass it between the vessel and
the Customs baggage hall by means of the bridges and baggage
conveyors connecting therewith.

All baggage to and from the trains and the Customs baggage
hall shall be handled by the Railway Company.

14. The Authority and the Railway Company shall respec-
tively provide their own working staff and labour for the works

A.D. 1922.

and premises to be owned and occupied by them respectively other than for maintenance purposes so far as the landing stage is concerned and the staff of each party shall be kept separate and distinct and their services shall be confined to the works and premises owned and occupied by their respective employers.

15. Unless and until the portions used by the respective parties are separately assessed all outgoings in respect of the landing stage and its appurtenances shall be borne and paid by the Authority and the Railway Company respectively in the same proportions as the respective lengths of their sections of the landing stage viz. one thousand two hundred feet and five hundred feet. Outgoings in respect of portions of the work other than the work above referred to shall be borne by the Authority and Railway Company in proportion to their respective ownerships and occupation. The expression "outgoings" means all taxes rates duties charges assessments impositions and outgoings whatsoever whether parochial parliamentary or otherwise charged upon the landing stage or any part thereof or upon the owner or occupier in respect thereof including all private improvement rates imposed by virtue of the Public Health Act 1875 or any statutory amendment thereof and any local commission of sewers and all other rates taxes assessments and outgoings payable entirely or in part by the owner or occupier (except rates for water gas electricity and power used or consumed which are to be borne and paid for by the respective parties using the same).

16. In case any extension shall be made by the Authority or the Railway Company of their respective sections of the landing stage which would affect the proportions in which insurance cost of maintenance and other outgoings are to be borne by the parties respectively the proportion payable by each of the parties shall be adjusted by agreement if possible and failing agreement by arbitration.

17. The works referred to in clauses 1 and 2 hereof shall be commenced on a date to be agreed between the Authority and the Railway Company such date to be within three years from the date of this agreement.

18. Except as expressly provided under any of the foregoing heads nothing implied therein is to be deemed to modify or affect the existing statutory rights and obligations of either party.

19. This agreement shall continue in force for nine hundred and ninety-nine years.

20. All questions with respect to any exchanges of land that may be necessary or arise out of the intended occupation by either party hereunder of any lands or works at present belonging to the other and all other questions of difference between the

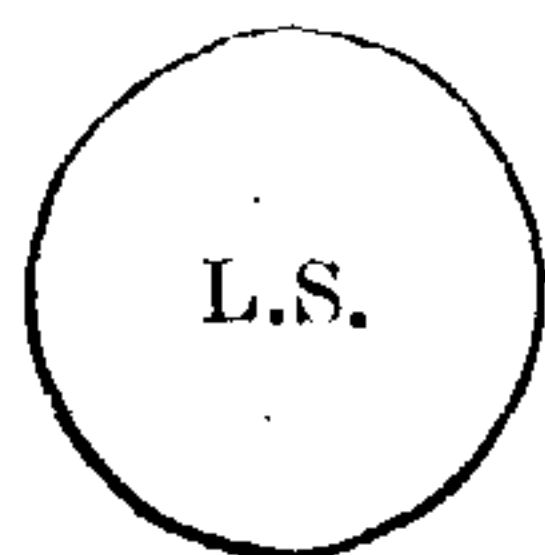
parties that may arise during or at the expiration of this agreement with respect to the construction meaning or effect of this agreement or any clause or provision herein contained or any matter arising thereout or as to the rights liabilities or obligations of either of the parties hereunder shall be referred to the arbitration of a single arbitrator under the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force the provisions whereof shall apply so far as applicable save that in the event of arbitration in respect of any engineering matter the arbitrator shall be appointed by the President for the time being of the Institution of Civil Engineers.

A.D. 1922.

21. The Authority and the Railway Company shall jointly apply to Parliament within such time as may be agreed between them for and will use their best endeavours to obtain all such powers as may be necessary for the construction of the works to be undertaken by them respectively and (in the case of the Authority) for levying such tolls rates or dues as may be necessary after consultation with the Railway Company as to the maximum amounts of any tolls rates or dues for which charging powers are sought and for the confirmation of this agreement. Provided that if Parliament shall in the opinion of either of the parties hereto make any material alteration in such Bill or in this agreement such party may withdraw from this agreement which shall be null and void and the said Bill shall be thereupon withdrawn.

In witness whereof the said parties to these presents have hereunto caused their respective common seals to be affixed the day and year first before written.

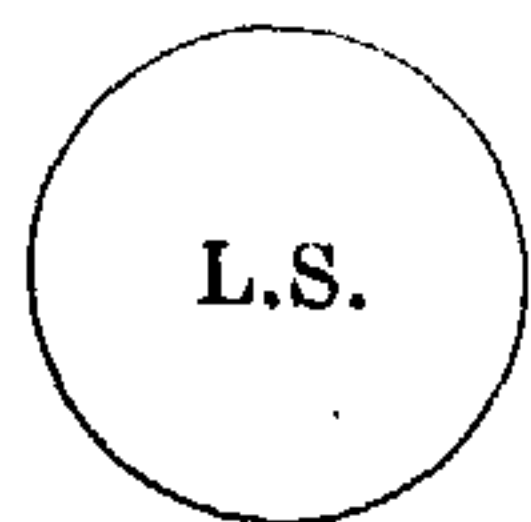
The common seal of the Port of London Authority
was hereunto affixed by order of the said
Authority in the presence of



FRANK AYLIFFE

Secretary.

The common seal of the Midland Railway Company
was hereunto affixed in the presence of



JAMES W. OXLEY

Director of the Company
Spentfield

Weetwood
near Leeds.

A.D. 1922.

SECOND SCHEDULE.

	s.	d.
For every passenger or other person who shall tranship or land from or embark on or board any vessel at or from the Port Authority's portion of the landing stage—		
From or for places within the United Kingdom for each time any sum not exceeding - - - - -		6
From or for all other places—		
(a) Saloon and second-class passengers any sum not exceeding - - - - -	2	0
(b) Third-class and steerage passengers any sum not exceeding - - - - -		6
For every other person using the Port Authority's portion of the landing stage for each time any sum not exceeding		6
For every motor vehicle not capable of seating more than three persons using the Port Authority's portion of the landing stage for each time any sum not exceeding -	1	0
For every motor vehicle capable of seating more than three but not more than seven persons using the Port Authority's portion of the landing stage for each time any sum not exceeding - - - - -	1	3
For every motor vehicle capable of seating more than seven persons using the Port Authority's portion of the landing stage for each time any sum not exceeding - - - - -	2	6
For every motor van or motor lorry using the Port Authority's portion of the landing stage for each time—		
If not exceeding two tons in weight any sum not exceeding - - - - -	2	0
If exceeding two tons in weight any sum not exceeding	3	0
For every motor bicycle or motor tricycle using the Port Authority's portion of the landing stage for each time any sum not exceeding - - - - -		9
For every bicycle or tricycle not being a motor bicycle or tricycle using the Port Authority's portion of the landing stage for each time any sum not exceeding - - - - -		6
For every other vehicle of whatever description using the Port Authority's portion of the landing stage for each time any sum not exceeding - - - - -	1	0

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased through any Bookseller or directly from
H.M. STATIONERY OFFICE at the following addresses:
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C. 2, and 28, ABINGDON STREET, LONDON, S.W. 1;
37, PETER STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT, CARDIFF;
or 23, FORTH STREET, EDINBURGH.