



### CHAPTER CXXV.

An Act to authorise the making of a Deep Water Harbour at Dover in substitution for the Deep Water Harbour now authorised to be made there and for other purposes.

A.D. 1891.

[21st July 1891.]

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

And whereas by the Dover Harbour Act 1882 the Harbour Board were authorised to make certain piers and works for the purpose of making a deep water harbour at Dover to form part of Dover Harbour within the meaning of the former Harbour Acts :

And whereas such piers and works would have necessitated a very large expenditure and have not been commenced and it would be of great local and public advantage if the Harbour Board were authorised to abandon the making thereof and to make in substitution therefor and at less cost the piers and works herein-after described for the purposes of making a deep water harbour to form part of Dover Harbour within the meaning of the former Harbour Acts and this Act and for the purpose of reclaiming land as herein-after mentioned and it is expedient that provision be made accordingly :

And whereas it is expedient that the Harbour Board be authorised to raise the money which they may borrow by the creation and issue of debenture stock :

And whereas it is expedient that the Harbour Board be empowered to enter into agreements with Her Majesty's Government for the transfer to the Harbour Board of the Admiralty Pier at Dover :

And whereas it is expedient that provision be made for preventing the piers and works hereby contemplated from interfering with

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injuring or prejudicing the present or any future Government works at Dover or the public service carried on thereat:

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

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

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

Short title.

1. This Act may be cited as the Dover Harbour Act 1891.

Repeal.

2. The Dover Harbour Act 1882 is hereby repealed.

Incorporation of Acts.

3. (1) The provisions of—

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

The Harbours Docks and Piers Clauses Act 1847 with respect to the construction of the harbour dock or pier (except sections 6 and 8 to 10) with respect to the construction of works for the accommodation of the officers of Customs with respect to lifeboats with respect to the construction of warehouses wharfs and other conveniences with respect to the collection and recovery of rates (except sections 34 to 36) and sections 29 50 52 to 54 82 to 84 99 and 100 of that Act;

are (except where expressly varied by this Act) incorporated with and form part of this Act:

(2) Provided that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats shall not be in force unless and until the Board of Trade under the hand of a secretary or an assistant secretary to that Board so require and that no byelaw made by the Harbour Board shall be in force until confirmed by the Board of Trade.

Interpretation.

4. In this Act unless the context otherwise requires "high-water mark" means high-water mark at ordinary spring tides and words and expressions to which meanings are assigned by any Act wholly

or partially incorporated with this Act or which have in any Act wholly or partially incorporated with this Act special meanings have the same respective meanings: A.D. 1891.

And in and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

5. Subject to the provisions of this Act the Harbour Board may by agreement (but not otherwise) purchase take hold and use such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for the purpose of making and maintaining the piers and works respectively to be made under the powers of this Act. Power to purchase lands referred by agreement.

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

7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Harbour Board any easement right or privilege not being an easement of water 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. Power to take easements &c. by agreement.

8. Subject to the provisions of this Act the Harbour Board may make and maintain in the lines and according to the levels shown on the deposited plans and sections— Power to make piers and works.

(1) For the purpose of making a deep-water harbour the following piers shown on the deposited plans:—

- (A) A pier wholly on the bed of the sea in continuation of the existing pier known as and in this Act called "the Admiralty Pier" extending eastward for five hundred and eighty feet or thereabouts and terminating in the sea; and
- (B) A pier in the parish of Saint James the Apostle Dover and on the foreshore and bed of the sea commencing at the termination of the approach road herein-after described

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and extending in a south-easterly direction for one thousand six hundred and fifty feet or thereabouts and thence extending and curving in a south-westerly direction for one thousand and ninety feet or thereabouts and terminating in the sea :

(2) For the purpose of reclaiming in the parish of Saint Mary the Virgin Dover and on the foreshore and bed of the sea adjacent thereto a portion of the foreshore and bed of the sea and existing revetment slope which is bounded on the north by the southern or seaward embankment of the existing flushing reservoir adjacent to the existing pier known as and in this Act called "the South Pier" and by the northward edge of the said revetment slope extending from the side of the said flushing reservoir to the inner end of the Admiralty Pier and on the west by a portion of the eastern face of the Admiralty Pier and on the south by the embankment or sea wall No. 1 (herein-after described) and on the east by the embankment or sea wall No. 2 (herein-after described) the following works shown on the deposited plans :—

(c) An embankment or sea wall (No. 1) in the bed of the sea commencing on the eastern side of the Admiralty Pier four hundred and twenty feet or thereabouts measured along that side from the turnstile at the inner end of the said pier and extending for six hundred and forty feet or thereabouts in a north-easterly direction and terminating in the sea ; and

(d) An embankment or sea wall (No. 2) in the bed of the sea commencing at the south-eastern end of the South Pier and extending for three hundred feet or thereabouts in a south-easterly direction and terminating at and by forming a junction with the north-eastern end of the said embankment or sea wall No. 1 : and

(3) The following road and piers shown on the deposited plans :—

(e) An approach road in the said parish of Saint James the Apostle and on the foreshore commencing one hundred feet or thereabouts seaward of the front of the house No. 18 Esplanade and extending in a south-easterly direction for one hundred and sixty feet or thereabouts and terminating sixty feet or thereabouts on the south-eastern side of the existing clock tower ;

(f) A pier or jetty (a) in the bed of the sea on the southern side of the said embankment or sea wall No. 1 commencing two hundred and twenty feet or thereabouts in a north-easterly direction from where that embankment or sea

wall will join the Admiralty Pier and extending in a south-easterly direction for four hundred and twenty-five feet or thereabouts and terminating in the sea; and

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- (c) A pier or jetty (b) in the bed of the sea on the southern side of the said embankment or sea wall No. 1 commencing five hundred and twenty feet or thereabouts in a north-easterly direction from where that embankment or sea wall will join the Admiralty Pier and extending in a south-easterly direction for four hundred and twenty-five feet or thereabouts and terminating in the sea.

**9.** In making the road piers and embankments to be made under the powers of this Act the Harbour Board may subject as hereinafter provided deviate from the levels shown on the deposited sections to any extent not exceeding in the case of the road and embankments two feet and in the case of the piers ten feet and from the lines shown on the deposited plans to any extent within the limits of deviation shown thereon. Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Limits of deviation.

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

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

**11.** Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Harbour Board may from time to time in connexion with or for the purposes of the piers and works to be made under the powers of this Act make execute maintain enlarge and alter temporarily or permanently such jetties groynes quays landing-stages wharfs viaducts sheds graving docks toll-houses water stations cuts locks warehouses cranes lifts pontoons roads approaches and other works and conveniences as they think fit. Provided that the works authorised by this section below high-water mark shall not be commenced without the consent in writing of the Board of Trade.

Power to make subsidiary works.

**12.** Subject to the provisions of this Act the Harbour Board may from time to time in connexion with and for the purposes of the works to be made under the powers of this Act stop up alter cross or divert temporarily the road on the western end of the Esplanade in the said parish of Saint James the Apostle.

Power to stop up a road.

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Power to  
dredge &c.

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

Lights on  
works.

**14.** The Harbour Board shall on the several piers and works to be made under the powers of this Act during the whole time of the making and altering or extending thereof exhibit and keep burning from sunset to sunrise at their own expense such lights (if any) as the Board of Trade may from time to time require or approve If the Harbour Board make default in complying with the provisions of this section they shall for each night in which they make such default be liable to a penalty not exceeding twenty pounds.

Permanent  
lights.

**15.** The Harbour Board shall at all times after the completion of each of the piers to be made under the powers of this Act at the outer extremity or other exterior part thereof exhibit and keep burning at their own expense from sunset to sunrise such lights or light (if any) as the Elder Brethren of the Trinity House of Deptford Strond may from time to time require or approve If the Harbour Board make default in complying with the provisions of this section they shall for each night in which they make such default be liable to a penalty not exceeding twenty pounds.

Provision  
against  
danger to  
navigation.

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

Period for  
completion  
of works.

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

**18.** If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a pier or work made by the Harbour Board on in over through or across tidal lands or tidal water or of the intended site of any such pier or work the Harbour Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Harbour Board to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Harbour Board.

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Survey of  
works by  
Board of  
Trade.

**19.** If any pier or work made by the Harbour Board under the powers of this Act is abandoned or suffered to fall into decay the Board of Trade may abate and remove it or any part of it and restore the site thereof to its former condition at the expense of the Harbour Board.

Abatement  
of works  
abandoned  
or decayed.

**20.** If in the construction of the piers and works to be made and done under this Act it shall become necessary to remove the watch-house occupied by the officers of Her Majesty's Customs or if it shall be notified to the Harbour Board by the Commissioners of Works that in the opinion of the Commissioners of Customs the said watch-house has been or will be rendered by the execution of the said works useless or inconvenient for the purposes for which it is required the Harbour Board shall accept from the Commissioners of Works a surrender of the lease of such watch-house dated the twenty-sixth day of November one thousand eight hundred and thirty-eight the costs of such surrender to be borne by the Harbour Board and shall forthwith erect and always thereafter repair and maintain a new watch-house to be so erected repaired and maintained in accordance with and subject to the provisions of the Harbours Docks and Piers Clauses Act 1847 Provided always that the Harbour Board shall not remove or otherwise interfere with the existing watch-house until a new watch-house shall have been erected and completed in accordance with the provisions of this section.

For protec-  
tion of  
Customs  
watch-house.

**21.** The piers and works made under and the land reclaimed by means of works made under the powers of this Act as well during the making and reclaiming respectively as after the completion and reclamation thereof respectively and all materials and things provided or had by the Harbour Board for the purposes thereof are hereby vested in the Harbour Board and that Board and their officers and servants shall have all such powers authorities and rights in respect thereof and of the deep water harbour made by means of such piers as if the same had been made provided and had by them by virtue or for the purposes of the former Harbour Acts and those piers and works and that reclaimed land and the whole area of land and water

Works  
part of  
Harbour.

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Authority of  
harbour  
master.

**22.** The powers and authorities given to the harbour master by the Dover Harbour Act 1828 shall and may be exercised within the Harbour and within the distance of two hundred yards in every direction seaward beyond the outer limits of that harbour:

Provided always that the powers of the harbour master under this section shall not apply to any officers agents contractors or servants in the employ of any department of Her Majesty's Government until a lease has been granted or an agreement come to as provided in the section of this Act the marginal note of which is “Power to agree for transfer of Admiralty Pier to Harbour Board” but this proviso shall not in any way affect the rights and powers of the harbour master under the Dover Harbour Act 1828.

Application  
of funds.

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

Abandon-  
ment of piers  
and works  
authorised by  
Act of 1882.

**24.** The Harbour Board shall abandon the making of the piers and works authorised to be made under the powers of the Dover Harbour Act 1882.

Power to  
create debenture  
stock.

**25.—**(1) Subject to and in accordance with the provisions of this Act the Harbour Board may from time to time raise any sum or sums not exceeding in the whole six hundred and sixty-one thousand seven hundred and thirty-seven pounds which they may from time to time require for the purposes of the former Harbour Acts or of this Act by the creation and issue of redeemable debenture stock to an amount not exceeding the amount which they shall be so authorised to raise at such price and generally on such terms and conditions not being inconsistent with the provisions of this Act as the Harbour Board may determine Provided always that the



Harbour Board shall not raise by debenture stock under the powers of this Act any sum in excess of six hundred thousand pounds unless they shall have paid off or except for the purpose of paying off a corresponding amount of their mortgage debts existing at the passing of this Act and then amounting together to the sum of sixty-one thousand seven hundred and thirty-seven pounds.

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(2) Of such stock a portion not exceeding four hundred thousand pounds shall if the Harbour Board resolve that the same and the interest thereon shall rank before and have priority over the remainder of such stock and the interest thereon bear interest at such a rate not exceeding five per centum per annum payable half-yearly as the Harbour Board shall by resolution determine and shall be called "Dover Harbour Redeemable First Debenture Stock" and the remainder shall bear interest at such a rate per centum per annum payable half-yearly as the Harbour Board shall by resolution determine and shall be called "Dover Harbour Redeemable Second Debenture Stock" Provided that all Dover Harbour Redeemable First Debenture Stock shall bear the same rate of interest and all Dover Harbour Redeemable Second Debenture Stock shall bear the same rate of interest.

(3) All debenture stock created and issued under this Act shall be redeemable at the option of the Harbour Board at such time (not exceeding sixty years from the time of first raising the money in respect of which such stock shall be issued) and upon such terms and in such manner as the Harbour Board shall by resolution passed before the creation of such stock declare and the Harbour Board shall not create any debenture stock under this Act until they shall have passed a resolution specifying that such stock is redeemable at the option of the Harbour Board and the time at which and the terms upon which and the manner in which the same shall be redeemable.

**26.**—(1) The debenture stock with the interest thereon shall be a charge on all the net revenues of the Harbour Board arising from their harbour undertaking and on all property belonging to them (not being property actually used in connexion with the harbour undertaking) in priority to all other charges or incumbrances thereon save only the principal and interest secured by such mortgages charges or assignments granted before the first issue of debenture stock as shall for the time being be subsisting but this priority shall not affect any claim against the Harbour Board or their property in respect of any rentcharge for the time being granted by them or in respect of any rent or sum reserved by or payable under any lease granted or made to them.

Charge and  
priority of  
stock.

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(2) As between the first debenture stock and the second debenture stock the first debenture stock and the interest thereon shall rank before and have priority over the second debenture stock and the interest thereon.

No priorities amongst holders of same class.

**27.** No holder of any portion of the debenture stock shall have any priority or preference over any holder of the same class of stock by reason of the creation and issue of such portion of stock before the creation or issue of any other portion of such stock.

Incidents of stock.

**28.** The debenture stock shall be and shall have all the incidents of personal estate and the Harbour Board shall not be bound to take notice of or see to the execution of any trust whether express implied or constructive to which any portion of the stock may be subject.

Register of stock.

**29.** (1) The Harbour Board shall keep a book to be called "the stock register" in which shall be entered the names and addresses of the holders from time to time of the debenture stock and the amounts held by them.

(2) The stock register so kept shall be evidence of all matters therein entered under the provisions of this Act.

(3) The stock register shall be accessible for inspection at all reasonable times to holders of the debenture stock without charge.

Certificates of stock.

**30.—**(1) The Harbour Board shall deliver to each holder of debenture stock a certificate stating the amount held by him and such certificate shall be admitted in all courts as *prima facie* evidence of the title of such holder his executors administrators successors or assignees to the sum therein specified and any such certificate may be in the form A in the First Schedule to this Act or to the like effect.

(2) If any such certificate be worn out or damaged then the same may on the production thereof be cancelled and a similar certificate may be given to the holder of the stock therein specified or if any such certificate be lost or destroyed then on proof thereof to the satisfaction of the Harbour Board a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made in the stock register.

Mode of transfer of stock.

**31.—**(1) The debenture stock shall be transferable by deed which may be in the form B in the said First Schedule or to the like effect but the Harbour Board shall not register any transfer except on the production of the certificate relating to the stock to be transferred or on proof to the reasonable satisfaction of the Harbour Board that such certificate has been lost or destroyed.

(2) The deed of transfer when duly executed shall be delivered along with the old certificate to and kept by the Harbour Board who

shall cause an entry thereof to be made in a book to be called "the register of transfers of stock" and a new certificate or certificates for the stock transferred shall be issued in exchange for the old certificate which shall be cancelled.

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**32.**—(1) The register of transfers of stock may be closed during such time (not exceeding fourteen days) immediately preceding each half-yearly payment of interest on the debenture stock as may be directed by the Harbour Board.

Closing of register of transfers.

(2) The persons who on the day after such closing are inscribed in the stock register as holders of stock shall as between them and their transferees of any stock be entitled to the interest then next payable on such stock.

**33.**—(1) The executors or administrators of a deceased holder of any debenture stock shall be the only persons recognised as having any title to the stock of such holder or any interest therein.

Transmission of stock.

(2) Any person becoming entitled to any stock in consequence of the death bankruptcy or insolvency of any holder or otherwise than by transfer of the stock shall produce such evidence of his title as may reasonably be required by the Harbour Board.

(3) The Harbour Board shall not be required to recognise any transfer of stock granted by any executors or administrators until the probate of the will of or the letters of administration to the deceased has or have been left with the Harbour Board for registration.

**34.** If two or more persons are registered as joint holders of any stock the first person named in the stock register may give effectual receipts for any interest on such stock unless notice to the contrary shall have been given to the Harbour Board by any other joint holder.

Receipts of joint holders for interest.

**35.** Fees not exceeding those specified in the Second Schedule to this Act may be taken by or on behalf of the Harbour Board in the cases therein mentioned and the same shall be applied to the general purposes of their undertaking.

Fees.

**36.** When any land rents or other property is or are sold or otherwise disposed of by the Harbour Board the same shall in the hands of any person or body corporate to whom the same shall have been sold or disposed of and his or their heirs executors administrators successors or assigns be absolutely free from all claims charges or obligations in respect of the debenture stock issued under this Act and such person or body corporate shall not be bound to see to or enquire into the application by the Harbour Board of the money arising from such sale or disposition or be in any way responsible therefor.

Land &amp;c. disposed of to be free from stock.

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Application  
of money  
raised by  
issue of stock.

Redemption  
fund for  
extinction of  
stock.

**37.** All money raised by the Harbour Board by the issue of debenture stock shall be applied only to purposes to which capital is properly applicable.

**38.** The Harbour Board shall within twelve months after the first issue of any portion of debenture stock and thence annually on the same day set apart as a sinking fund for the redemption thereof (herein-after called "the redemption fund") such a sum as will with accumulations thereon at compound interest calculated at the rate of three pounds and a half per centum per annum be sufficient to pay within a period not exceeding sixty years from the time of first raising the money in respect of which such stock was issued the amount of such stock and such sums shall be accumulated in the way of compound interest by investment in Exchequer Bills or Government securities or in any other securities in which trustees are by law for the time being authorised to invest trust moneys except securities of the Harbour Board.

Proceeds of  
sale &c. of  
lands to be  
paid into  
redemption  
fund.

**39.** The Harbour Board shall pay into the redemption fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Harbour Board on which any debenture stock is charged.

Application  
of redemp-  
tion fund.

**40.** The Harbour Board may from time to time apply the redemption fund in the purchase and redemption of debenture stock and no part of it shall under any circumstances be applied in any other way.

Annual  
return to  
Board of  
Trade with  
respect to  
redemption  
fund.

**41.** The Harbour Board shall within twenty-one days after the expiration of each year transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount if any which has been paid to the redemption fund as by this Act provided during the year preceding the making of such return and what portion thereof has been applied in redemption of debenture stock as by this Act provided during the same period and in the event of any wilful default in making such return the Board shall be liable to a penalty not exceeding twenty pounds. If it appear to the Board of Trade by such return or otherwise that the Harbour Board have failed to pay any sums required by this Act to be paid to the redemption fund or have applied any portion of the moneys paid to that fund or any interest thereof to any purposes other than those authorised by this Act the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be paid to such

redemption fund and such order shall be enforceable by writ of Mandamus to be obtained by the Board of Trade out of the High Court.

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**42.** The holders of debenture stock shall have power to enforce payment of arrears of interest by the appointment of a receiver of the net revenues of the Harbour Board arising from their harbour undertaking and other property belonging to them not being property actually used in connexion with the harbour undertaking.

Appointment of receiver.

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

Tonnage dues payable forthwith.

**44.** The Harbour Board may demand and take a sum not exceeding one shilling in respect of every person carried or about to be carried as a passenger in any vessel between Dover and any port or place on the continent and embarking or landing in the harbour as it will from time to time exist during the construction and after the completion of the piers and works hereby authorised or at any of such piers or works such sum to be paid if demanded before such person is allowed to embark or land in the harbour.

Passenger dues.

**45.** In addition to the remedies given by section 26 of the Dover Harbour Act 1828 and by section 44 of the Harbours Docks and Piers Clauses Act 1847 the Harbour Board may recover in a court of competent jurisdiction any dues payable to them under this Act and any tolls rates or dues payable to them under any of the former Harbour Acts whether the demands required by the said sections respectively shall have been made or not.

Recovery of dues.

**46.** Notwithstanding anything in any of the former Harbour Acts or in this Act contained it shall not be necessary that any rules byelaws or orders already made or hereafter to be made by the Harbour Board under the powers of those Acts should be painted on boards but all those rules byelaws and orders shall be printed or written in legible characters and be affixed in some conspicuous place near or adjoining the harbour.

Byelaws may be printed or written.

**47.** The Harbour Board shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants lodgers.

Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages

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but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power for agreements between Harbour Board and Railway Companies &c.

**48.** Subject to the provisions of this Act the Harbour Board may from time to time enter into and carry into effect agreements with the South-eastern Railway Company and the London Chatham and Dover Railway Company or any other railway company (in this section referred to as "the contracting party") with respect to the matters following or any of them (that is to say):—

With respect to the use by the contracting party of the piers and works authorised by this Act or any of them or any part thereof;

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

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

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

Power to agree for transfer of Admiralty Pier to Harbour Board.

**49.**—(1) The Harbour Board may from time to time and at any time accept and take from Her Majesty's Government or the Board of Trade who shall have power to grant the same to the Harbour Board a lease of all or any part of the Admiralty Pier at Dover and of the buildings landing places and conveniences connected therewith and may enter into agreements for the transfer to the Harbour Board of the management of the said pier and works on such terms and conditions as to rent consideration or otherwise as may be agreed upon between the Board of Trade and the Harbour Board.

(2) From and after the date of and during the continuance of every such lease or agreement the management and control of the Admiralty Pier and of the said buildings landing places and conveniences connected therewith and all rights powers privileges and authorities now belonging to or vested in or enjoyed by Her

Majesty's Government or the Board of Trade in respect of or in relation to the Admiralty Pier and works or so much thereof respectively as shall be thereby leased or the management of which shall be agreed to be transferred to the Harbour Board shall by virtue of this Act but subject to such terms and conditions as may be specified in such lease or agreement be transferred to and vested in the Harbour Board.

A.D. 1891.

(3) The Admiralty Pier and the said buildings landing places and conveniences or so much thereof respectively as shall from time to time be so leased to the Harbour Board or the management or the control of which shall be so transferred to the Harbour Board by any such lease or agreement shall from and after the date of such lease or agreement and during the continuance thereof subject to such terms and conditions as aforesaid be for all purposes deemed to be and be part of the harbour and the former Harbour Acts and this Act shall subject to such terms and conditions as aforesaid be read and construed and apply thereto as if the same had been by this Act authorised to be made and maintained by the Harbour Board and had been made by them under the powers of this Act Provided always that no lease or agreement shall be made by the Board of Trade in pursuance of this section except with the consent in writing of the Treasury.

**50.** Any agreement made in pursuance of the section of this Act the marginal note of which is "Power to agree for transfer of Admiralty Pier to Harbour Board" shall be null and void—

Provision as to avoidance of agreement.

- (a) If after the works by this Act authorised have been commenced the Harbour Board suspend (without the consent in writing of the Board of Trade) the execution thereof for a period of twelve months; or
- (b) If for any reason to be defined by the Board of Trade previous to the execution of and inserted in the agreement it may be considered necessary in the public interest to determine the same.

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

As to Government property.

**52.** In each year after the date of any lease to the Harbour Board or the date of any agreement for the transfer to the Harbour Board of the management of the Admiralty Pier but only during the continuance of such lease or agreement the Harbour Board shall invest a sum of five hundred pounds in Government or other securities and the dividends and interest arising from such

Reserved fund for extraordinary damage to Admiralty Pier.

A.D. 1891. securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to the sum of ten thousand pounds which fund shall be a reserved fund to defray in whole or in part the cost of making good any extraordinary damage which may during the continuance of such lease or agreement be done to the said pier otherwise than by some act of war and if such fund be at any time reduced it shall thereafter be again restored to the said sum in like manner as such fund was originally formed. Provided that no part of the said fund shall be applied as aforesaid unless it be certified by a secretary or assistant secretary of the Board of Trade that the amount so proposed to be applied is required for the purpose of defraying in whole or in part the cost of making good extraordinary damages within the meaning of this Act :

And provided that when such fund shall by accumulation or otherwise amount to the said sum of ten thousand pounds the interest and dividends thereon shall no longer be invested but shall be applied to any of the general purposes of the former Harbour Acts and this Act :

And provided lastly that on the expiration or determination of any such agreement or lease which shall not be immediately renewed such fund shall be forthwith transferred to the Dover Harbour Board.

Harbour Board to make return to Board of Trade as to reserved fund.

**53.** The Harbour Board shall within thirty days after the expiration of each year during which any sum is required to be set apart for a reserved fund under this Act transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such reserved fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes if any to which any portion of the moneys invested for the reserved fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the Harbour Board shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Board of Trade by such return or otherwise that the Harbour Board have failed to set apart the sum required by this Act for the reserved fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act or the former Harbour Acts the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall



be set apart and invested as part of the reserved fund and such order may be enforced by writ of Mandamus to be obtained by the Board of Trade out of the High Court. A.D. 1891.  
—

54. The Harbour Board shall if and so soon as the Admiralty Pier shall have been leased to or the management thereof transferred to them pension the resident engineer of the said pier and shall also pay to other the officers or servants (not exceeding eight in number) such gratuities as they would have received on retirement if they had continued in the service of the Board of Trade and such pension and gratuities shall be calculated on the scale and according to the regulations applicable to the Civil Service in force at the time of the passing of this Act. As to pen-  
sions &c. to  
certain  
officers.

55. Nothing in this Act contained shall in any manner affect or interfere with the agreement dated the first day of May one thousand eight hundred and seventy-one and made between the Harbour Board of the first part and the London Chatham and Dover Railway Company of the second part and the South-eastern Railway Company of the third part with reference to the use of the existing Dover Harbour and the dues to be levied on vessels of the said companies or either of them using the same and goods landed from or embarked thereon. Saving  
agreement of  
1st May  
1871.

56. Notwithstanding anything in this Act contained officers naval and military and officers of Customs and of the Board of Trade being in the execution of their duty shall at all times have free ingress passage and egress into on along through and out of the piers works lands and property of the Harbour Board by land and with vessels and otherwise without payment and without being subject to any control and vessels or goods under seizure by the officers of revenue for offences against the revenue shall not be liable to any due. Naval  
military  
Customs and  
Board of  
Trade officers  
to have free  
access to  
works.

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

A.D. 1891. — matters to be done in pursuance of those Acts by or by order of the Harbour Board shall during the continuance of such war or during the period specified in such proclamation be done by or by order of the Admiralty and those Acts shall during such continuance or period be read and construed as if the Admiralty were thereby empowered to act in the execution of the same instead of the Harbour Board and the Admiralty may also during such continuance or period exercise such further powers as Her Majesty may have been pleased to confer and to specify in such proclamation.

For protection of the Admiralty.

**58.**—(1) The pier (A) by this Act authorised in continuation of the existing Admiralty Pier shall be constructed by the Harbour Board within the limits of deviation shown upon the deposited plans on a line to be approved of by the Admiralty.

(2) In the event of the existing Admiralty Pier being leased or the management thereof transferred to the Harbour Board the Harbour Board shall provide and thereafter maintain a berth either alongside the Admiralty Pier or alongside the western side of the proposed East Pier of a length of six hundred feet with a depth of water of not less than twenty feet at low water ordinary spring tides and the Admiralty shall have the right to use such berth whenever the same shall be required for any of Her Majesty's ships.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

**59.** And whereas it is necessary that the Dover Pier Battery lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that—

(A) Nothing in this Act contained shall authorise the Harbour Board to enter upon use or interfere with the said battery or with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Harbour Board ;

(B) The said Principal Secretary for the time being shall notwithstanding anything in this Act contained be at liberty to complete certain work now in progress at the outer or east end of the Dover Pier Battery and on the completion of such work the Harbour Board shall on demand in writing pay to the said Principal Secretary for the time being the contract cost

of so much of such work as shall in the opinion of the said Principal Secretary for the time being form part of the proposed extension of the Admiralty Pier authorised by this Act; A.D. 1891.

(c) If the Harbour Board refuse to approve the sum demanded by the said Principal Secretary for the time being as the sum payable by the Harbour Board the sum so payable shall be determined by a submission to arbitration under the Arbitration Act 1889.

**60.** In the event of the Admiralty Pier being leased to or the control or management thereof being transferred to the Harbour Board under this Act the following provisions shall take effect as to the turret battery on that pier:— As to turret battery.

The turret battery and the site thereof and all buildings and works used in connexion therewith shall remain under the exclusive control of Her Majesty's Principal Secretary of State for War and the Harbour Board or their servants or workmen shall not in any way interfere therewith except with his approval;

All officers non-commissioned officers and soldiers or other persons in the employ of Her Majesty in the execution of their duty shall at all times have free access to the Admiralty Pier for the purpose of passing to and from the said battery;

Her Majesty's Principal Secretary of State for War shall have at all times the right to lay telegraph or other wires along or below the surface of the said pier or to erect thereon other apparatus which may be deemed expedient for an armed battery and to use for the purposes of the turret battery the existing rails on the said pier or any rails hereafter to be substituted for them but such wires or apparatus shall be so laid or erected and the said rails shall be so used as not in any way to obstruct the use of the Admiralty Pier or the rails thereon for the landing or embarking of passengers or goods or the passage of trains carriages or trucks thereon:

Provided always that whenever any wires or other works are laid under the surface of the said pier the said Principal Secretary shall at his own cost restore the surface of the ground and all rails and works (if any) thereon to its former condition and shall thereafter be responsible for and make good to the Harbour Board all costs losses and damages which may be occasioned to them by reason of the execution or failure of any works so laid by or by the authority of the said Principal Secretary.

**61.** Nothing in this Act contained shall authorise the Harbour Board to take use or in any manner interfere with any portion of Saving rights of the Crown

A.D. 1891.  
in the fore-  
shore.

the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of that Board on behalf of Her Majesty (which consent that Board may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving other  
rights of the  
Crown.

**62.** Nothing in this Act contained shall authorise the Harbour Board to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent those Commissioners are hereby respectively authorised to give) nor shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights  
of Crown  
under  
29 & 30 Vict.  
c. 62.

**63.** Nothing in this Act contained or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Costs of Act.

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

The SCHEDULES to the foregoing Act.

A.D. 1891.

THE FIRST SCHEDULE.

FORM A.

*Form of Debenture Stock Certificate.*

DOVER HARBOUR.

Number

£

This is to certify that (A B) of \_\_\_\_\_ is the proprietor of \_\_\_\_\_ pounds of Dover Harbour Redeemable First Debenture Stock [or Second Debenture Stock as the case may be] issued under the powers of the Dover Harbour Act 1891

The above-mentioned stock is redeemable at the option of the Harbour Board [state time terms and manner].

Given under the common seal of the Dover Harbour Board this day of \_\_\_\_\_ 18 .

FORM B.

*Form of Deed of Transfer of Debenture Stock.*

I (A B) of \_\_\_\_\_ in consideration of the sum of \_\_\_\_\_ pounds paid to me by (C D) of \_\_\_\_\_ (herein-after called the said transferee) do hereby transfer to the said (C D) his executors administrators and assigns the sum of \_\_\_\_\_ Dover Harbour Redeemable First Debenture Stock [or Second Debenture Stock as the case may be] standing in my name in the register of such stock.

To hold to the said transferee his executors administrators and assigns subject to the several conditions on which I held the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

A B  
C D

Witness to the signature of the }  
said A B

Witness to the signature of the }  
said C D

A.D. 1891.

## THE SECOND SCHEDULE.

## FEES.

					s.	d.
On original issue of stock certificate	-	-	-	-	2	6
On any new stock certificate	-	-	-	-	2	6
On transfer including certificate	-	-	-	-	5	0

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T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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