

**CHAPTER ccxiii.**

An Act for the protection reclamation and improvement
of the Undercliff near Dover and lands adjoining the
same and for other purposes. [7th August 1896.]

A.D. 1896.

WHEREAS the sea is gradually encroaching upon the undercliff
and lands adjoining the same in the neighbourhood of Dover
and it is expedient that provision be made for the prevention of
such encroachment and for reclaiming from the sea the foreshore
and lands fronting the said undercliff and for the improvement
thereof :

And whereas the persons herein-after named with others are
willing to undertake such reclamation defence and improvement and
it is expedient that they be incorporated into a company (in this
Act called "the Company") and that the powers herein-after
contained in that behalf with respect to the said foreshore undercliff
and adjoining lands be conferred upon them :

And whereas it is expedient to authorise such agreements between
the Company and the public bodies herein-after mentioned as by
this Act provided :

And whereas plans and sections showing the line and level of the
said embankment or sea wall and the lands to be taken and improved
under the powers of this Act and a book of reference to such plans
containing the names of the owners and lessees or reputed owners
and lessees and of the occupiers of such lands 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
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 Queen's most Excellent Majesty by and with
the advice and consent of the Lords Spiritual and Temporal and

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Act, 1896.

A.D. 1896. 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 Undercliff Reclamation Act 1896.

Incorporation of Acts. 2. The Lands Clauses Acts the Companies Clauses Consolidation Act 1845 Part I (relating to cancellation and surrender of shares) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 so far as applicable and except where varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the works" means the embankment or sea wall by this Act authorised and any works of reclamation or defence connected therewith ;

The expression "the undertaking" shall mean and include the reclamation improvement and dealing with the undercliff foreshore and lands shown on the deposited plans and described in the deposited book of reference ;

The expression "superior courts" or "court of competent jurisdiction" or any other like expression 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.

Company incorporated. 4. Sir William Henry Crundall Sir John Jackson Clement Walsh Bagshawe George Frederick Fry John Proffitt Charles Charleton and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the works by this Act authorised and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Dover Undercliff Reclamation Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take and dispose of lands and other property for the purposes of this Act.

Power to execute works. 5. Subject to the provisions of this Act the Company may make and maintain the embankment or sea wall in the county of Kent herein-after described in the line and in accordance with the levels

shown on the deposited plans and sections together with all proper banks sluices cuts drains culverts openings jetties dams gates groynes walls roads grounds and other works and conveniences connected therewith (that is to say) :—

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An embankment or sea wall commencing in the parish of Guston at the eastern end of East Cliff Terrace Dover passing thence from through or into the parishes of Guston Saint Margaret-at-Cliffe (detached) West Cliffe and Saint Margaret-at-Cliffe and terminating at or about the point called Ness Point in the parish of Saint Margaret-at-Cliffe.

6. The capital of the Company shall be four hundred thousand pounds in forty thousand shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one fifth paid up.

8. One fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall intervene between successive calls and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

9. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole one hundred thousand pounds and of that sum they may from time to time borrow any sums not exceeding fifty thousand pounds in respect of each two hundred thousand pounds of their capital but no part of any such sum of fifty thousand pounds shall be borrowed until the whole of the capital in respect of which it is borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for such portion of capital have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors, or Power to borrow on mortgage.

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Act, 1896.

A.D. 1896. assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof Provided that no money shall be borrowed until the embankment or sea wall before described has been constructed from its commencement at Dover as far as the South Foreland Lighthouse.

Arrears may be enforced by appointment of a receiver.

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

Power to create debenture stock.

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

Receipt in case of persons not *sui juris*.

12. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

15. The number of directors shall be six but the Company may from time to time reduce and again increase the number of directors provided that the number be not more than six nor less than three.

Qualification of directors.

16. The qualification of a director shall be the possession in his own right of not less than fifty shares.

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17. The quorum of a meeting of directors shall be three.

Quorum of
directors.First
directors.

18. Sir William Henry Crundall Sir John Jackson Clement Walsh Bagshawe George Frederick Fry John Proffitt and Charles Charleton shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained of increasing or reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of
directors.

19.—(1) The embankment or sea wall by this Act authorised shall be so constructed as not in any manner in the opinion of the Secretary of State for War to interfere with the rifle or artillery fire of the garrison as at present carried out :

For the pro-
tection of the
War Depart-
ment.

(2) Nor to create any difficulty not now subsisting in effecting any defence works which may be rendered necessary as a result of any enlargement of the harbour of refuge by or on behalf of the Admiralty :

(3) The Company shall pay to the Secretary of State for War the cost of any defence works which may in his opinion be rendered necessary by the construction of the before-mentioned embankment or sea wall.

20.—(1) If and so soon as the embankment or sea wall by this Act authorised shall be completed the Company shall make and maintain thereon for the entire length thereof a public carriage road at least thirty feet in width :

Public
carriage
road &c.

(2) The Company shall also preserve and maintain in perpetuity a public right of way on the top and throughout the entire length of any cliff to be acquired under the provisions of this Act and shall not make or erect or permit to be made or erected any enclosure or building within forty feet of the edge of any such cliff.

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Power to deviate.

21. In constructing the embankment or sea wall by this Act authorised the Company may deviate laterally from the line thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the level thereof as shown on the deposited sections to any extent not exceeding five feet upwards :

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.

Period for completion of works.

22. If the embankment or sea wall by this Act authorised and shown on the deposited plans and sections are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to acquire lands.

23. Subject to the provisions of this Act the Company may enter upon take and use the lands delineated on the deposited plans and described in the deposited book of reference or any of them or any part or parts thereof respectively and all such lands including all lands reclaimed from the sea by means of the works by this Act authorised shall for the estates terms and interests therein so acquired by the Company and in accordance with the terms and conditions on which they are so acquired be vested in them as their absolute property and the Company may from time to time level lay out improve build upon and deal with such lands and may do all things which they think proper for the purpose and may sell lease or otherwise dispose of such lands (except the part or parts thereof forming the site of or occupied by the embankment or sea wall or any road made under the provisions of this Act) or any building thereon or any such estate term or interest therein upon such terms and conditions and at and for such time or times and to such persons as they may think fit.

Power to take additional lands by agreement.

24. The Company may from time to time for the purposes of their undertaking purchase by agreement any lands not exceeding one thousand acres in addition to the lands which they are authorised by this Act to take compulsorily but the Company shall not create or permit any nuisance on any such lands Provided that the Company shall not acquire any such additional lands until the embankment or sea wall by this Act authorised has been constructed from its commencement at Dover as far as the South Foreland Lighthouse.

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Errors and omissions in plans &c. to be corrected by justices who shall certify the same.

25. 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 Company may after ten days notice to the owners lessees and occupiers of the lands in question apply to two justices for the correction thereof and if it appear to such justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such 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 Kent and such certificate shall be kept by such clerk of the peace along 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 the Company may take the lands and execute the works in accordance with such certificate.

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

Restriction on taking houses of labouring class.

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

27. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

28. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the grant have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-

Power to take easements &c. by agreement.

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charges 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.

Agreements
with public
bodies.

29. The Company may from time to time enter into and carry into effect contracts and agreements with the Dover Harbour Board (herein-after called "the harbour board") and the Corporation of Trinity House (herein-after called "the Trinity House") or either of them for or with respect to the construction and maintenance of the works or any of them and the acquisition or appropriation of any lands or property and any incidental matters.

If so agreed
public bodies
to make
works and
certain
powers of
Act to be
exercised by
them.

30. If it shall be agreed between the Company and the harbour board and the Trinity House or either of them that the works or any of them or any part or parts thereof respectively shall be constructed or maintained by the harbour board and the Trinity House or either of them then all the powers by this Act conferred upon the Company for constructing and maintaining such works and for entering upon taking and purchasing lands or such of those powers as shall not be excepted or reserved to the Company by the agreement shall upon and subject to the terms and conditions of the agreement be transferred to and become vested in the harbour board and the Trinity House or either of them as the case may be as if the same had been by this Act directly conferred upon them and may be exercised and enforced by them accordingly And in the event of any such agreement being entered into the harbour board and the Trinity House or either of them as the case may be may apply their respective funds and revenues towards the making and maintaining of the works by this Act authorised or any of them or any part or parts thereof respectively the purchase of lands or otherwise carrying out such agreement and may raise any moneys they may require for such purposes by mortgage of all or any of their property rates and revenues.

To protect
Admiralty
interests.

31. Notwithstanding any of the powers conferred by this Act for the acquisition of land or foreshore and the construction of an embankment or sea wall thereon no such land or foreshore shall be acquired between the Castle Jetty and the Cornhill Coastguard Station and no such embankment or sea wall shall be constructed thereon without the previous consent in writing of the Lords Commissioners of the Admiralty.

Works below
high-water
mark not to
be com-
menced

32. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous

consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

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without consent of Board of Trade.

33. If a work constructed by the Company 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 Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

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

Survey of works by Board of Trade.

35. Nothing contained in this Act shall authorise the Company 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 without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such commissioners are hereby authorised to 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 rights of the Crown.

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Saving rights
of the Crown
in the fore-
shore.

36. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any 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 the Board of Trade on behalf of Her Majesty (which consent the Board of Trade 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.

Security for
maintenance
of works by
Company.

37. Before commencing the construction of any work by this Act authorised through or across tidal lands or tidal waters the Company shall invest and keep invested in two and three-quarters per cent. consolidated stock or other Government securities in the joint names of the permanent secretary of the Board of Trade and the chairman of the Company for the time being (who or their successors in office are in this section called "the trustees") the sum of twenty thousand pounds which sum shall be and be continued a fund to be applied as follows:—

(1) In removing and restoring as the Board of Trade may direct the site of any work constructed through or across tidal lands or tidal waters which may be abandoned or suffered to fall into decay :

(2) In case the Company do not within ten years after the passing of this Act complete the said works then the said fund may be applied pursuant to an order of the Board of Trade in or towards removing to such an extent as the Board of Trade direct such parts of such works (if any) as are then made but left unfinished or in restoring the site thereof as nearly as may be to its condition at the passing of this Act.

The Company may at any time after the expiration of two years from the completion of the said works apply to the Board of Trade for the return of the said sum of money and if and when the Board of Trade are satisfied that the position and arrangements of the Company constitute a sufficient security for the maintenance of the works in accordance with the provisions in that behalf contained in this Act the Board of Trade shall by order direct the trustees to repay or retransfer the said sum of twenty thousand pounds or so much thereof as shall then remain in the names of the trustees to the Company. Provided that the Board of Trade may order such return at any earlier period if they think fit and the trustees shall

on any such order being made repay or retransfer the same A.D. 1896.
accordingly to the Company or as the Company may direct.

(A) An order of the Board of Trade under this section shall be in writing under the hand of a secretary or assistant secretary of the Board of Trade:

(B) The interest or dividends on the securities in which the said sum shall be from time to time invested shall belong to the Company and be paid to them from time to time by the trustees.

38. Whereas by section 16 of the Lands Clauses Consolidation Act 1845 it is provided that where the undertaking is intended to be carried into effect by means of a capital to be subscribed by the promoters of the undertaking the whole of the capital or estimated sum for defraying the expenses of the undertaking shall be subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums by them respectively subscribed before it shall be lawful to put in force any of the powers of the said Act of 1845 or the special Act or any Act incorporated therewith in relation to the compulsory taking of land for the purposes of the undertaking and section 17 of the said Act of 1845 provides that a certificate under the hands of two justices certifying that the whole of the prescribed sum has been subscribed shall be sufficient evidence thereof Therefore be it enacted that such certificate as aforesaid shall be obtained before the Company acquire any land under the provisions of this Act either compulsorily or by agreement. Certificate as to raising capital before exercise of powers of taking land.

39. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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