

**CHAPTER xxxiii.**

An Act to authorise the Great Eastern Railway Company to construct additional works in connexion with Lowestoft Harbour and for other purposes.

A.D. 1897.

[3rd June 1897.]

**W**HEREAS it is expedient that the Great Eastern Railway Company (herein-after called "the Company") be authorised to construct the additional works herein-after described in connexion with their Lowestoft Harbour :

And whereas it is expedient that the Company be empowered to apply their funds and raise further money for the purposes of this Act :

And whereas plans and sections of the works authorised by this Act the plans showing also the lands required for the purposes of the said works and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of Suffolk and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the objects aforesaid 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 (that is to say) :—

1. This Act may be cited as the Great Eastern Railway (Lowestoft Harbour) Act 1897. Short title.

2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by Incorporation of

A.D. 1897. this Act) are hereby incorporated with and shall be part of this Act  
(that is to say) :—

general  
enactments.

The provisions of the Companies Clauses Consolidation Act 1845  
with respect to the several matters following namely—

- The distribution of the capital of the Company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and the means of enforcing  
the payment of calls ;
- The forfeiture of shares for non-payment of calls ;
- The remedies of creditors of the Company against the  
shareholders ;
- The borrowing of money ;
- The conversion of the borrowed money into capital ;
- The consolidation of the shares into stock ;
- The making of dividends ;
- The giving of notices ; and
- The provision to be made for affording access to the special  
Act :

And Parts I. II. and III. of the Companies Clauses Act 1863  
(as amended by subsequent Acts) relating respectively to  
cancellation and surrender of shares to additional capital and  
to debenture stock :

The Lands Clauses Acts :

The Harbours Docks and Piers Clauses Act 1847 with the  
exception of sections 16 to 19 unless the Board of Trade shall  
otherwise require.

Interpreta-  
tion.

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

Power to  
execute  
works shown  
on plans and  
sections.

4. Subject to the provisions of this Act the Company may make  
and maintain the works described in this section together with all  
necessary and convenient groynes works stages breakwaters and  
other works and conveniences connected therewith respectively and  
may enter on take and use such of the lands delineated on the

deposited plans and described in the deposited books of reference as may be required for those purposes. A.D. 1897.

The works herein-before referred to and authorised by this Act are the following (that is to say):—

- (1.) A sea wall or pier commencing at or near the north end of the concrete wall on the east side of the new basin of the Company's Lowestoft Harbour and terminating at a point about six chains south-eastward from the north-eastern end of the north pier extension at the entrance of the same harbour authorised by the Great Eastern Railway Act 1877 as extended under the powers of the Great Eastern Railway (General Powers) Act 1878:
- (2.) An extension eastward for the distance of about 11 chains of the existing south pier (Lowestoft Pier) at the entrance of the same harbour.

5. In constructing the works by this Act authorised the Company may deviate laterally from the lines 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 levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards. 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.

6. If the works shown on the deposited plans and sections and by this Act authorised be not completed within five 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. Period for completion of works.

7. The works by this Act authorised and the area between the same and the existing harbour of the Company at Lowestoft shall for the purposes of tolls rates and charges byelaws rules and regulations the powers and duties of the harbour master and in all other respects form part of the existing harbour and of the existing south pier (Lowestoft Pier) herein-before mentioned and of the Company's fish market at Lowestoft and the Acts relating to the said existing harbour pier and fish market so far as they are now in force shall be applicable to and within the works by this Act authorised as if they had been specifically re-enacted and made applicable thereto by this Act. New works at Lowestoft to form part of existing harbour &c.

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Power to take easements &c. by agreement.

8. 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 persons 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.

Period for compulsory purchase of lands.

9. 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.

Power to excavate and dredge certain areas &c.

10. The Company may remove all or any works of or connected with the harbour as existing at the passing of this Act the maintenance of which may be rendered unnecessary by or the removal of which may be considered expedient in consequence of the construction of the works by this Act authorised and may excavate and dredge the area between the site of the works by this Act authorised and the harbour as existing at the passing of this Act and also the area to the eastward of the works by this Act authorised so far as may be necessary for making and maintaining sea approaches to the harbour as extended by the works by this Act authorised or the Company may use and maintain the existing sea-wall as a part of their fish market or for other purposes in connexion therewith.

Company to exhibit lights.

11. The Company shall at the outer extremity below high water of their works hereby authorised exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of the Trinity House of Deptford Strond shall from time to time direct. If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on works.

12. The Company shall on or near the works below high-water mark hereby authorised during the whole time of their construction exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve. If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

**13.** If any of the works constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them 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.

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Abatement  
of works  
abandoned  
or decayed.

**14.** 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.

Works below  
high-water  
mark not to  
be com-  
menced  
without con-  
sent of Board  
of Trade.

**15.** 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 under the powers of this Act on in over through or across tidal lands or tidal waters 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  
work by  
Board of  
Trade.

**16.** The Company shall defray all the costs and expenses of the surveys aforesaid from time to time and all other expenses which may be incurred by any inquiry which the Board of Trade shall at any time require to be made in order to determine any matter in relation to the said waters within the specified limits and the amount thereof shall be a debt due to Her Majesty from the

Cost of sur-  
veys to be  
paid to the  
Board of  
Trade.



A.D. 1897. Company and if not paid on demand may be recovered as a debt due to the Crown with costs of suit in any court of competent jurisdiction.

Provision  
against  
danger to  
navigation.

17. In case of injury to or destruction or decay of the pier or works or any part thereof the Company 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 Company 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.

Saving  
rights of the  
Crown in the  
foreshore.

18. 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.

Any land  
reclaimed by  
the works  
not to be  
taken with-  
out the  
consent of  
the Board of  
Trade.

19. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the sea in the vicinity of the said works belonging to Her Majesty shall be inned gained or reclaimed from the water the said Company shall not have or exercise any right upon the same or in respect thereof and shall not enter upon take use or interfere with the land so inned gained or reclaimed for any purpose whatsoever without the consent in writing of the Board of Trade on behalf of Her Majesty but such inned gaining or reclamation shall enure absolutely for the benefit of the Queen's Majesty.

Saving rights  
of Crown  
under Crown  
Lands Act.

20. Nothing contained in this Act 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 twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Power to  
apply exist-  
ing funds.

21. The Company may raise and apply for or towards any of the purposes of this Act to which capital is properly applicable any money which they are already authorised to raise or may be

authorised to raise by any other Act of the present session and which may not be required by them for the special purposes (if any) for which that money was authorised to be raised. Provided always that when by any existing Act relating to the Company the amount which the Company may raise and apply for any specified purpose is limited nothing in this section shall authorise the Company to raise or apply for such purpose any sum beyond the amount so limited.

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**22.** The Company may for the purpose of raising additional sums of money for the purposes of this Act and of any of their existing Acts and of any other Act which may be passed in the present session relating to the Company and for other purposes of their undertaking from time to time create and issue shares or stock not exceeding in the whole in nominal amount seventy-five thousand pounds and such shares or stock may be either wholly or partly preference shares or preference stock or wholly or partly ordinary shares or ordinary stock and with any fixed fluctuating contingent preferential perpetual terminable deferred or other dividend or interest and with or without provision for the amalgamation of any such shares or stock with the ordinary stock for the time being of the Company. And the provisions contained in the seventy-eighth and eighty-third sections of the Great Eastern Railway Act 1876 shall be applicable with respect to any shares or stock which may be created under this section and sections eighty-one and eighty-two of the said Act shall also be applicable with respect to any shares so created.

Power for  
Company to  
raise capital  
by shares or  
stock.

**23.** All shares or stock created by the Company under this Act shall subject to the provisions of this Act form part of the general capital of the Company.

Shares or stock  
to form part  
of Company's  
general capital.

**24.** The Company may in respect of the additional capital of seventy-five thousand pounds which they are by this Act authorised to raise by the creation and issue of stock from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole twenty-five thousand pounds but no part of that sum shall be borrowed until the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the said additional capital has been created and issued and is fully paid up 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 certificate shall be sufficient evidence thereof.

Power to  
borrow on  
mortgage.

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Existing mortgages to have priority.

**25.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and existing at the passing hereof shall during their continuance and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repealing provisions of former Acts for appointment of a receiver.

**26.** The provisions of all former Acts relating to the Company authorising the appointment of a receiver for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of such appointment and in force or pending at the time of the passing of this Act.

For appointment of a receiver.

**27.** The mortgagees of the Company 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 ten thousand pounds in the whole.

Debenture stock.

**28.** The Company may create and issue debenture stock to the same nominal amount as they are by this Act authorised from time to time to borrow on mortgage subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by subsequent Acts but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of capital under Act.

**29.** All moneys raised under this Act whether by shares stock mortgages or debenture stock shall be applied only to the purposes authorised by this Act or by any other Act or Acts relating to the Company already passed or to be passed during the present session of Parliament and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Interest not to be paid on calls paid up.

**30.** No interest or dividend shall be paid out of any share stock or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls



made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

**31.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

**32.** Nothing in this Act contained shall exempt the Company or any other railway company or their undertaking from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future Session of Parliament.

Provision as to general Railway Acts.

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

Expenses of Act.

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