



CHAPTER cxxxvii.

An Act to authorise the Company of Proprietors of the Margate Pier and Harbour to construct works to raise additional capital and for other purposes relating to the undertaking of the Company.

A.D. 1900.

[30th July 1900.]

WHEREAS by the Act 52 George III. cap. 186 (herein-after called “ the Act of 1812 ”) intituled “ An Act for separating “ the management of the Harbour of Margate in the county of Kent “ from the paving and lighting of the town of Margate and for “ vesting the future management of the said harbour in a joint stock “ company of proprietors ” it was recited that it was expedient and necessary that the pier and harbour therein referred to should be transferred to and vested in a joint stock company of proprietors (meaning the Company of Proprietors of the Pier and Harbour of Margate herein-after called “ the Company ”):

And whereas by the Margate Pier and Harbour Act 1871 (herein-after called “ the Act of 1871 ”) the Company were authorised to construct additional works and to raise additional capital not exceeding fifteen thousand pounds and to borrow on mortgage any sum or sums not exceeding in the whole three thousand seven hundred and fifty pounds:

And whereas by the Pier and Harbour Orders Confirmation Act 1878 (No. 1) (herein-after called “ the Act of 1878 ”) the Company were authorised to construct further works and to raise additional capital not exceeding thirteen thousand five hundred pounds and to borrow any sum not exceeding in the whole four thousand five hundred pounds:

And whereas the capital of the Company is as follows:—

	£	£
Under the Act of 1812 ordinary capital	30,000	
Under the Act of 1871	-	15,000
Under the Act of 1878	-	13,500
		58,500

And the Company now owe on mortgage the sum of

40,950

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And whereas the Company notwithstanding the fact that the dividends have for many years fallen short of the maximum dividend authorised by the Act of 1812 have out of revenue from time to time enlarged and improved the undertaking and have greatly increased the earning power thereof:

And whereas the traffic of and from the undertaking has of late years greatly increased and is still increasing and it is necessary for the due and proper conduct of the same that the Company should be empowered to construct the works herein-after described and to raise additional capital as herein-after enacted:

And whereas plans and sections showing the lines and levels of the works by this Act authorised to be constructed and the lands which may be taken for the purposes thereof together with a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands have been deposited for public inspection with the clerk of the peace for the county of Kent and those plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference:

And whereas the objects of this Act cannot be attained 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):—

Short title.

1. This Act may be cited for all purposes as the Margate Pier and Harbour Act 1900.

Incorporation of Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act namely:—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

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 by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested; and

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

The Lands Clauses Acts;

Sections 13 18 and 19 of the Railways Clauses Act 1863; and

The Harbours Docks and Piers Clauses Act 1847 (except unless otherwise required by the Board of Trade the provisions with respect to life-boats and with respect to keeping a tide and weather gauge).

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:

Interpreta-
tion.

The expression "the Company" means the Company of Proprietors of the Margate Pier and Harbour;

"The special Act" means this Act;

"The undertaking" means the undertaking of the Company as extended by this Act;

"The recited Acts" means the Acts recited or referred to in the preamble of this Act.

4. Subject to the provisions of this Act the Company may extend enlarge and widen their high-water landing pier or jetty construct a pier (to be called "the South Pier") sluicing basin and landing stages and construct and maintain the works within the limits of deviation and according to the levels severally shown on the deposited plans and sections with all proper works and conveniences connected therewith and may from time to time enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose and the Company may subject to the provisions of the next following section lay down work and maintain a tramway on the jetty which they are empowered to widen under this Act and may levy and recover a toll not exceeding twopence for each person using the said widened portions of the jetty and for each person parcel or article

Power to
construct
works and
levy tolls.

A.D. 1900. conveyed on the said tramway a toll not exceeding twopence and the like toll for each person using or resorting to the South Pier other than for seafaring purposes :

Provided that the enlargement and widening of the jetty shall be of open work and the South Pier and sluicing basin shall be of solid work :

Provided also that any line of tramway constructed under the powers of this Act shall not be used for the public conveyance of passengers unless and until the same has been inspected and certified by the Board of Trade to be fit for such traffic.

As to
widening
of jetty.

5. In the event of the Company widening the jetty in pursuance of the powers of this Act a width of not less than 15 feet on each side of the jetty shall notwithstanding anything contained in this Act be left open for the whole length of the jetty to which the public now have access without payment and the public shall at all times have free access to such widths without restriction and without payment of tolls and no tramways shall be constructed on such widths. Provided that the Company may exercise in regard to the part of the jetty situate between such widths the powers relating to the construction of a tramway and the taking of tolls conferred by the section of this Act whereof the marginal note is "Power to construct works and levy tolls."

Works to be
deemed to
be within
borough and
parish.

6. The works authorised by this Act and all works forming part of the pier and harbour undertaking of the Company shall for all purposes be deemed to be within the borough of Margate and from and after the 25th day of March 1902 within the parish of St. John the Baptist (Margate).

Period for
completion
of works.

7. If the works by this Act authorised are 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 works or otherwise in relation thereto shall cease except as to so much thereof as is then completed and also except so far as may be necessary for preventing any works in course of construction from being dangerous or a nuisance.

Power to
erect and
let offices
&c.

8. The Company may erect and maintain on and in connexion with their existing undertaking and the works hereby authorised all such offices buildings refreshment and other rooms as they may consider expedient for the accommodation comfort and entertainment of passengers and persons using the high-water landing pier or jetty or the enlargement and extension thereof by this Act authorised and they may make such charge for admission to any such buildings and rooms as they may think fit and may let such offices buildings

refreshment and other rooms and take and receive rent for the same. A.D. 1900.

9. The works by this Act authorised shall be deemed and taken to be part of the Margate pier jetty and harbour within the meaning of the recited Acts and except so far as the same are not varied altered or repealed by this Act all and every provision and power in the said recited Acts now in force relating to the undertaking shall be applicable to and shall be applied to the works by this Act authorised.

Works to be deemed part of Margate pier and harbour.

10. The Company shall not by reason of the works by this Act authorised or otherwise impede or diminish the facilities now enjoyed by the Isle of Thanet Gaslight and Coke Company with respect to unloading barges or vessels conveying coal consigned to them.

For protection of Isle of Thanet Gaslight and Coke Company.

11. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole sixty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any shares of less nominal value than ten pounds nor shall any 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 shall have been paid in respect thereof.

Power to raise additional capital.

12. The Company shall not in any year declare or make out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than five pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

Limit of dividend on preference capital.

13. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or stock to be subject to same incidents as other shares or stock.

14. The capital in new shares or stock so created shall form part of the capital of the Company.

New shares or stock to form part of capital of Company.

15. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the capital of the Company and shall be entitled to a dividend with the

Dividends on new shares or stock.

A.D. 1900.

other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

16. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New and existing shares or stock may be of same class.

17. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

New shares or stock to be offered by auction or tender.

18. Notwithstanding anything in this Act contained the Company shall when any shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares of the Company are at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner. And provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock in the Company may be accepted in preference and preference may in like manner be given to any employee of the Company whose bid or offer is the same in amount as any bid or offer made by any other person not being a holder of shares or stock in the Company.

Shares or stock not sold by

19. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold

the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares of the Company in manner provided by the Companies Clauses Act 1863 or to the employees of the Company Provided always that if any shares or stock so offered be not accepted within the time prescribed by the said Act the Company may withdraw the same and again offer it for sale by public auction or by tender at such time and at such price as they shall think fit.

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auction or
tender to be
offered to
shareholders.

20. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that the premium received from the sale of shares or stock by auction or tender as herein-before provided shall for the purpose of determining the powers of the Company to raise money by borrowing be reckoned as part of the paid-up capital Provided also that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of sixty thousand pounds.

Application
of premium
arising on
issue of
shares or
stock.

21. It shall be one of the conditions of any sale of shares or stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Purchase
money of
shares or
stock sold to
be paid within
three months.

22. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the borough of Margate and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

Notice to
be given as
to sale of
shares or
stock.

23. The Company may in respect of the additional capital of sixty thousand pounds borrow on mortgage of the undertaking any sum not exceeding in the whole fifteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the

Power to
borrow.

A.D. 1900.

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 the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted (and to the extent aforesaid paid up) bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or 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 certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

24. All mortgages and bonds duly granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over all mortgages granted by virtue of this Act.

As to application of sinking fund.

25. No part of the sinking fund formed in pursuance of section 66 of the Act of 1812 shall be used in any year for the purpose of defraying the expenses of any repairs or improvements of the pier and harbour and the works belonging thereto unless all the sums received for the rates and duties payable to the Company and other sums of money received by them under and by virtue of the recited Acts or this Act during the year shall have been expended in paying interest on moneys due on the credit of the rates and duties referred to in the said section in paying interest on money borrowed by the Company under the recited Acts or this Act and in payment of the charges and expenses of carrying on completing finishing maintaining regulating repairing and preserving the said pier and harbour and the works belonging thereto.

As to reduction of dues.

26. The Company shall not at any time reduce the tolls dues and charges from time to time levied by them below the respective amounts levied on the 31st day of March 1900 unless with the

consent of the Board of Trade but with such consent they may make such reduction in the said tolls dues and charges as that Board may authorise. A.D. 1900.

27. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the works of the Company and not breaking bulk while making use thereof be exempt from rates leviable under the recited Acts or this Act. Certain fishing vessels under stress of weather exempt from rates.

28. All persons going to or returning from any life-boat or using any apparatus for saving life and being persons either belonging to the crew of the life-boat or being persons for the time being actually employed in saving life or in exercising or using the life-boat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the pier and works of the Company without payment. Life-boat crew exempt from tolls.

29. The officers of the coastguard and all other persons for the time being actually employed in connexion with the life-boat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier. Life-saving apparatus may be attached to pier.

30. The Company shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. Lights during construction.

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

31. The Company shall at the outer extremity of their works below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct. Lights after completion of works.

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

Restriction
on taking
houses of
labouring
class.

32. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district 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.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means 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 The expression "house" means any tenement separately occupied by any person or persons.

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

33. 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 as a Crown debt or summarily.

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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 as a Crown debt or summarily.

Survey of works by Board of Trade.

35. 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 as a Crown debt or summarily.

Abatement of work abandoned or decayed.

36. The Company shall at all times keep at and on the pier a sufficient number of efficient lifebuoys and lines in good order and fit and ready for use.

Lifebuoys.

37. 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 and 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.

Provision against danger to navigation.

38. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Act shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of any Government Departments specially named in those sections.

Extension of 10 & 11 Vict. c. 27. (ss. 28 99) to all Government Departments.

39. 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

Saving rights of Crown in foreshore

A.D. 1900. — 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 the said Act or Acts 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.

Saving
rights of
Crown under
Crown
Lands Act.

40. 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.

Expenses of
Act.

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

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