

# Dover Harbour Consolidation Act, 1954

2 & 3 ELIZ. 2 Ch. iv

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## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short title.
2. Act divided into Parts.
3. Incorporation of Acts.
4. Interpretation.

### PART II

#### CONSTITUTION AND APPOINTMENT OF BOARD

5. Present Board continued in office.
6. Constitution of Board.
7. Board to continue incorporated.
8. Appointment of members of Board.
9. As to qualifications of members of Board.
10. Disability of members of Board for voting on account of interest in contracts etc.
11. Meetings of Board.
12. Property to continue vested in Board.
13. As to existing officers books and byelaws.

### PART III

#### WORKS AND LANDS

14. Power to make authorised works.
15. Power to reclaim land from sea.
16. Additional works.
17. Power to deviate.
18. Period for completion of works.
19. Correction of errors in deposited plans and book of reference.

Section

20. Power to develop specified lands.
21. Power to make subsidiary works.
22. Alteration and improvement of works.
23. Works to form part of undertaking.
24. Certain works to be within parish and borough of Dover.
25. Power to stop up streets.
26. Works below high-water mark to be subject to approval of Minister.
27. Lights on works during construction and alterations.
28. Permanent lights on works.
29. Provision against danger to navigation.
30. Abatement of work abandoned or decayed.
31. Survey of works by Minister.
32. Power to acquire lands by agreement.
33. Power to dispose of land.
34. Power to acquire Admiralty Harbour.
35. Power to acquire Admiralty Pier.
36. Grant of easements.

PART IV

GENERAL POWERS AND DUTIES OF THE BOARD

37. Power to appoint and remove officers.
38. Power to make contracts etc.
39. Limits of harbour-master's jurisdiction.
40. Directions of harbour-master.
41. Orders of harbour-master need not be in writing.
42. Harbour-master may prevent sailing of vessels.
43. Control of seashore and promenade.
44. Application of Local Government Act 1933 to byelaws.
45. Board may provide dredgers tugs etc.
46. Power to dredge etc.
47. Power to construct warehouses etc.
48. Power to lease warehouses cranes etc.
49. Warehouses etc. may be insured.
50. Board may act as warehousemen etc.
51. Board may issue certificates of deposited goods and warrants for delivery of goods.
52. Effect of certificate.
53. Effect of warrant.
54. Warrants etc. signed by duly authorised officers effectual.
55. Rates on warehoused goods to be paid within one year or otherwise goods to be sold for payment of rates etc.
56. Warehouses to be used as bonded warehouses.
57. Board may give bond for duties on goods warehoused.
58. Board may give security for bonded warehouses.

Section

59. Warehouses to be secured.
60. Power to hire cranes.
61. Board's liability for goods.
62. Power to exclude dangerous articles.
63. Removal of sunk stranded or abandoned vessels.
64. As to vessels in which the Crown have an interest.

PART V

RATES AND CHARGES

65. Harbour and light dues.
66. Dock dues and rents.
67. Rates and rents on goods.
68. Charges for slipways.
69. Rates on seaplanes.
70. Poll tax.
71. Charges for use of tugs etc.
72. Power to Dover Corporation to transfer dues to Board.
73. Use of works etc. by public.
74. Rates for services and accommodation not otherwise provided for.
75. Special agreements with commission.
76. Recovery of rates.
77. Revision of rates.

PART VI

FINANCIAL

78. Interpretation of Part VI.
79. Power to raise debenture stock.
80. Power to reborrow.
81. Charge and priority of stock.
82. Power to revoke resolution creating stock.
83. Power to cancel the one million pounds debenture stock.
84. Incidents of stock.
85. Certificates of stock.
86. Mode of transfer of stock.
87. Register of stock.
88. Closing of register of transfers.
89. Transmission of stock.
90. Receipts of joint holders for interest.
91. Fees.
92. Power to issue debenture stock certificates to bearer.
93. Effect of debenture stock certificate.

Section

94. Entries in register on issue of debenture stock certificate.
95. Registration of debenture stock on surrender of certificate.
96. Loss or destruction of debenture stock certificate to bearer or coupon.
97. Trustees unless expressly authorised not empowered to hold debenture stock certificates to bearer.
98. Provision in case of applications to Parliament affecting rights of holders of debenture stock.
99. Endorsement of provisions on debenture stock certificates to bearer.
100. Redemption fund for redemption of the one million pounds debenture stock.
101. Redemption of the seven hundred thousand pounds debenture stock.
102. Redemption of second debenture stock.
103. As to formation of redemption fund for second debenture stock.
104. Power to pay off second debenture stock by annual drawings or by purchase.
105. Further power to pay off second debenture stock.
106. Priority of redemption.
107. Application of proceeds of sale of land.
108. Annual return to Minister with respect to redemption fund.
109. Appointment of receiver.
110. Land etc. disposed of to be free from stock.
111. Power to charge interest to capital.
112. Application of funds.
113. Separate accounts.
114. Saving for powers of Treasury.
115. Power to make superannuation and other allowances.
116. Contributory pensions fund.

PART VII

PROTECTIVE PROVISIONS AND SAVINGS

117. For protection of Admiralty.
118. For protection of War Department.
119. For protection of Postmaster-General.
120. For further protection of Postmaster-General.
121. Right of access for Crown servants.
122. Crown rights.
123. Certification by Minister.
124. For protection of Dover Corporation.
125. For protection of South Eastern Gas Board.
126. For protection of South Eastern Electricity Board.
127. Saving for town and country planning.

PART VIII

MISCELLANEOUS

Section

- 128. Confirmation of agreement with Admiralty.
- 129. Confirmation of agreement with commission.
- 130. Preference for cross-channel traffic.
- 131. Power to the commission to run over Board's railways toll free.
- 132. Inquiries by Minister.
- 133. Recovery of penalties etc.
- 134. Several sums in one summons.
- 135. Repeals.

SCHEDULES:

First Schedule—Streets and parts of streets in the borough which may be stopped up.

Second Schedule.

Third Schedule—Dues on vessels entering using or leaving the harbour.

Fourth Schedule—Dock dues and rents payable in respect of every vessel entering or lying in the Granville or Wellington docks.

Fifth Schedule—Wharfage rates on goods.

Sixth Schedule—Quay and shed rents payable in respect of goods not removed within twenty-four hours.

Seventh Schedule—Charges for use of slipways.

Eighth Schedule.

Ninth Schedule—Fees.

Tenth Schedule.

Eleventh Schedule—Former Harbour Acts.

Twelfth Schedule—Repeals.





#### CHAPTER iv

An Act to consolidate the Dover Harbour Acts 1828 to 1953 and certain provisions of the Harbours and Passing Tolls &c. Act 1861.     [14th April, 1954]

**W**HEREAS the Dover Harbour Board (hereinafter referred to as "the Board") were constituted and incorporated by the Harbours and Passing Tolls &c. Act 1861 and by virtue of that Act and of a royal charter dated the sixth day of October sixteen hundred and six and of the other Acts set out in the Eleventh Schedule to this Act the Board and their predecessors were authorised to administer maintain and improve the Dover Harbour as existing from time to time and certain property powers rights authorities privileges duties and obligations were vested in or transferred to or conferred or imposed upon the Board:

And whereas the issued capital of the Board now consists of seven hundred and thirty-eight thousand nine hundred and forty-six pounds redeemable debenture stock being the amount now outstanding of the sum of one million four hundred thousand pounds redeemable debenture stock created and issued by the Board under the powers conferred upon them by the Dover Harbour Act 1891 and the Dover Harbour Act 1901 and of seven hundred thousand pounds Dover Harbour Board second redeemable debenture stock created and issued by the Board under the power conferred upon them by the Dover Harbour Act 1920:

And whereas the existing borrowing powers of the Board remain unexercised to the extent of three million three hundred thousand pounds which they are authorised to raise by the creation and issue of second redeemable debenture stock:

And whereas it is expedient that the Acts relating to the Board set out in the said Eleventh Schedule so far as the same are still in force should be consolidated:

**Ch. iv**                      *Dover Harbour Consolidation Act, 1954*                      2 & 3 ELIZ. 2

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 :—

PART I  
PRELIMINARY

**Short title.**                      **1.** This Act may be cited as the Dover Harbour Consolidation Act 1954.

**Act divided into Parts.**                      **2.** This Act is divided into Parts as follows :—  
Part I.—Preliminary.  
Part II.—Constitution and appointment of Board.  
Part III.—Works and lands.  
Part IV.—General powers and duties of the Board.  
Part V.—Rates and charges.  
Part VI.—Financial.  
Part VII.—Protective provisions and savings.  
Part VIII.—Miscellaneous.

**Incorporation of Acts.**                      **3.** The following Acts and parts of Acts so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (namely) :—

(1) The Commissioners Clauses Act 1847 except sections 6 to 36 sections 39 and 40 sections 42 and 43 section 46 section 48 sections 53 and 54 sections 56 and 57 sections 61 to 65 sections 68 to 98 and sections 104 to 109 :

Provided that—

(i) in construing the Commissioners Clauses Act 1847 the expression “ the commissioners ” shall mean the members of the Board the expression “ the special Act ” shall mean this Act and the expression “ the clerk ” shall include the register ;

(ii) section 55 of the Commissioners Clauses Act 1847 shall be read and have effect as if the words “ or of the next succeeding meeting ” were inserted therein after the words “ at which the proceeding took place ” ;

(iii) section 58 of the Commissioners Clauses Act 1847 shall be read and have effect as if the word “ such ” wherever it occurs were omitted :



(2) The Harbours Clauses Act 1847 except section 12:

PART I  
—cont.

Provided that—

(i) in construing the Harbours Clauses Act 1847 the expression “the harbour dock or pier” shall mean the harbour the expression “the special Act” shall mean this Act and the expression “vessel” shall have the meaning assigned to it by the following section of this Act;

(ii) the provisions of sections 16 to 19 of the Harbours Clauses Act 1847 shall not be in force unless and until the Board shall be required by the Minister to provide and maintain a lifeboat tide gauge and a barometer;

(iii) nothing in the Harbours Clauses Act 1847 shall require or authorise the harbour-master or any other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane;

(iv) no byelaws made by the Board shall affect any interest of the War Department of the Admiralty or of the Postmaster-General unless assent in writing thereto has been previously given by Her Majesty’s Principal Secretary of State for the War Department by the Admiralty or by the Postmaster-General as the case may be:

(3) The Lands Clauses Acts except sections 128 to 132 of the Lands Clauses Consolidation Act 1845:

Provided that the bond required by section 85 of that Act shall be under the common seal of the Board and shall be sufficient without the addition of the sureties mentioned in that section:

(4) The Railways Clauses Consolidation Act 1845 and Part I (relating to the construction of a railway) of the Railways Clauses Act 1863:

Provided that nothing in the Railways Clauses Consolidation Act 1845 or in this Act shall constitute the Board a railway company within the meaning of the Railway and Canal Traffic Act 1888 or any Act amending or enlarging that Act.

4. In this Act unless there be something in the subject or Interpretation. context repugnant to such construction—

“the authorised works” means the works described in and authorised by section 14 (Power to make authorised works) of this Act;

PART I  
—cont.

- “ the Board ” means the Dover Harbour Board ;
- “ the borough ” means the borough of Dover ;
- “ the commission ” means the British Transport Commission ;
- “ the council ” means the council of the Dover Corporation ;
- “ the deposited plans of 1950 ” “ the deposited sections of 1950 ” and “ the deposited book of reference of 1950 ” mean respectively the plans sections and book of reference deposited in connection with the Bill for the Dover Harbour Act 1950 ;
- “ the Dover Corporation ” means the mayor aldermen and burgesses of the borough ;
- “ enactment ” means any Act of Parliament whether public general local or private any order or scheme made under an Act of Parliament or any provision in an Act of Parliament or any such order or scheme ;
- “ the former Harbour Acts ” means the Dover Harbour Acts 1828 to 1953 and the Harbours and Passing Tolls &c. Act 1861 so far as it relates to the harbour ;
- “ the harbour ” means Dover Harbour the limits whereof are shown within the red line delineated on the signed plan ;
- “ the Harbours Clauses Act 1847 ” means the Harbours Docks and Piers Clauses Act 1847 ;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 the Town and Country Planning Act 1947 and the Lands Tribunal Act 1949 ;
- “ master ” when used in relation to any vessel means the person having the command or charge of the vessel for the time being ;
- “ the Minister ” means the Minister of Transport and Civil Aviation ;
- “ seaplane ” includes a flying boat and any other aircraft designed to float or manœuvre on water ;
- “ signed plan ” means Admiralty Chart No. 1698 (edition of 24th December 1943) signed in quadruplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to whom the Bill for the Dover Harbour Act 1949 was referred one copy of which chart has been deposited in each of the following offices :—
- (i) the Parliament Office of the House of Lords ;
  - (ii) the Private Bill Office of the House of Commons ;
  - (iii) the principal office of the Board ;

- “ statutory security ” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Board ;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878 ;
- “ the undertaking ” means the undertaking of the Board as authorised from time to time ;
- “ vessel ” includes any vessel ship lighter keel barge boat raft pontoon and craft of any kind however navigated propelled or moved and any seaplane on the surface of the water ;
- “ the 1932 works ” means the widening of Clarence Quay and the dock authorised by the Southern Railway Act 1932.

PART I  
—cont.

## PART II

### CONSTITUTION AND APPOINTMENT OF BOARD

5. Notwithstanding any repeal effected by this Act each of the persons holding office as a member of the Board at the passing of this Act shall (unless he shall previously die or resign or become disqualified to be a member) continue to hold that office as in this section provided (namely)—

Present Board  
continued in  
office.

- of the members appointed by the Minister Henry Thomas Hawksfield until and including the first day of January nineteen hundred and fifty-five and The Right Honourable the Viscount Simon until and including the twentieth day of December nineteen hundred and fifty-eight ;
- the member appointed by the Admiralty until and including the seventeenth day of January nineteen hundred and fifty-five ;
- the members appointed by the Dover Corporation until and including the thirty-first day of July nineteen hundred and fifty-four ;
- the members appointed by the commission during the pleasure of the commission.

**Ch. iv** *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

PART II  
—*cont.*  
Constitution  
of Board.

6. The Board shall consist of eight members appointed as follows:—

- two members appointed by the Minister ;
  - one member appointed by the First Lord of the Admiralty ;
  - three members appointed by the commission ;
  - two members appointed by the council ;
- four of whom shall form a quorum.

Board to  
continue  
incorporated.

7. Notwithstanding any repeal effected by this Act the several persons who from time to time are under this Act or any subsequent Act amending or extending this Act holding office as members of the Board which was incorporated for the purpose of administering maintaining and improving the harbour shall (subject to the provisions of any such subsequent Act) continue incorporated by the name of “ the Dover Harbour Board ” and by that name continue to be a body corporate with perpetual succession and a common seal and by that name may sue and be sued and have power to purchase take on lease hold and dispose of land and other property for the purposes of this Act and to put into execution the provisions of this Act so far as they are to be executed by the Board.

Appointment  
of members  
of Board.

8.—(1) The appointments of members of the Board which may from time to time be made after the passing of this Act shall be made as follows:—

- (a) appointments made by the Minister and the First Lord of the Admiralty for a period of five years from the date of the appointment ;
- (b) appointments made by the council for a period of three years from the date of the appointment ; and
- (c) appointments made by the commission during the pleasure of the commission.

(2) The members appointed from time to time by the council shall be burgesses of the borough.

(3) On the expiry of his term of office a member of the Board appointed by the Minister the First Lord of the Admiralty or the council shall if qualified be eligible for reappointment.

(4) In the event of the commission failing or declining to appoint a member of the Board within one calendar month after being required so to do by the Minister the Minister shall be entitled to make the necessary appointment.

As to  
qualifications  
of members

9. A person shall be disqualified for being elected or appointed or being a member of the Board if he holds any paid office under the Board.

**10.**—(1) If a member of the Board has any pecuniary interest direct or indirect in any contract or proposed contract with the Board relating to the execution of works for or on behalf of the Board or the supply of materials to the Board and is present at a meeting of the Board or of any committee or sub-committee of the Board at which the contract is the subject of consideration he shall at the meeting as soon as practicable after the commencement thereof disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract.

PART II  
—cont.  
Disability of  
members of  
Board for  
voting on  
account of  
interest in  
contracts etc.

(2) For the purposes of this section a person shall (subject as hereafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract if—

- (a) he or any nominee of his is a member of the company or other body with which the contract is made or is proposed to be made;
- (b) he is a partner or is in the employment of the person with whom the contract is made or is proposed to be made:

Provided that—

- (i) this subsection shall not apply to membership of or employment under any public body;
- (ii) a member of the company or other body shall not by reason only of his membership be treated as being so interested if he has no beneficial interest in any shares of that company or other body.

(3) Where a member of the Board has indirectly a pecuniary interest in a contract and would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body then if the total nominal value of those shares does not exceed two hundred pounds or one-hundredth of the total nominal value of the issued share capital of the company or body whichever is the less so much of subsection (1) of this section as prohibits him from taking part in the consideration or discussion of and from voting on any question with respect to the contract shall not apply to him without prejudice however to the duty of disclosure imposed by the said subsection (1):

Provided that where the share capital of the company or other body is of more than one class this subsection shall not apply if the total nominal value of all the shares of any one class in which he has a beneficial interest exceeds one-hundredth part of the total issued share capital of that class of the company or

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

PART II  
—cont.

(4) In the case of married persons living together the interest of one spouse shall if known to the other be deemed for the purposes of this section to be also the interest of that other spouse.

(5) A general notice given in writing to the register by a member of the Board to the effect that he or his spouse is a member of or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person shall unless and until the notice is withdrawn be deemed to be a sufficient disclosure of his interest in any contract or proposed contract relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(6) The register shall record in a book kept for the purpose particulars of any disclosure made under subsection (1) of this section and of any notice given under subsection (5) thereof and the book shall be open at all reasonable hours to the inspection of any member of the Board.

(7) If any person fails to comply with the provisions of subsection (1) of this section he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds unless he proves that he did not know that a contract or proposed contract in which he had a pecuniary interest was the subject of consideration at the meeting.

(8) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(9) The Board may by resolution provide for the exclusion of a member from a meeting of the Board or of any committee or sub-committee of the Board whilst any contract or proposed contract in which he has such an interest as aforesaid is under consideration.

(10) In this section—

the expression "shares" includes stock and the expression "share capital" shall be construed accordingly; and

the expression "public body" has the same meaning as in the Local Government Act 1933.

Meetings of  
Board.

11. Meetings of the Board shall be held on such days and at such times as the Board shall from time to time appoint and the annual meeting shall be held on the first Monday in September in each year or on such other day in September as the Board shall from time to time appoint.

12. Notwithstanding any repeal effected by this Act all the estate right title and interest of the Board in and to all real and personal property which were immediately before the passing of this Act vested in the Board shall continue vested in them as if this Act had not been passed.

PART II  
—cont.  
Property to continue vested in Board.

13. Notwithstanding any repeal effected by this Act—

As to existing officers books and byelaws.

- (1) every officer and servant of the Board appointed or continued in his employment by virtue of or acting under any of the enactments repealed by this Act shall hold and enjoy his office and employment with the salary and emoluments thereunto annexed and be an officer or servant of the Board as the case may be until he shall vacate or be removed from such office or employment and he shall have the same rights and privileges and be subject to the same conditions of service powers of removal rules regulations pains and penalties as he would have had or been subject to if this Act had not been passed subject nevertheless and without prejudice to any powers authorities obligations pains or penalties vested in him or to which he may be subject under any provisions of this Act ;
- (2) all books and documents which if this Act had not been passed would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed ;
- (3) all byelaws rules regulations and rates made or imposed by the Board under any enactment so repealed and now enforceable by the Board shall so far they are not inconsistent with the provisions of this Act and until repealed altered or superseded remain in force in like manner and to the like extent as if this Act had not been passed.

### PART III

#### WORKS AND LANDS

14. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and within the limits of deviation shown on the deposited plans of 1950 and according to the levels shown on the deposited sections of 1950 the following works in the parish and borough of Dover in the county of Kent (that is to say) :—

Power to make authorised works.

Work No. 1 A solid embankment on the south-eastern side of and parallel with the existing retaining wall commencing by a junction with the West Jetty at a point 55 feet or thereabouts south-east of the junction of the

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

PART III  
—cont.

eastern side of the West Jetty with the said wall and terminating at a distance of 185 feet or thereabouts measured in a north-easterly direction from the first-mentioned junction :

Work No. 2 A quay being a widening and improvement of the West Jetty on its eastern side for a distance of 1160 feet or thereabouts commencing at a point 10 feet or thereabouts north-east of the commencement of the said Work No. 1 and terminating at or near the southern extremity of the said jetty :

Work No. 3 A pier or jetty on the eastern side of and parallel with the West Jetty commencing at the termination of the said Work No. 1 and terminating at a point 390 feet or thereabouts seaward from the point of commencement :

Work No. 4 A pier or jetty on the south-easterly side of and parallel with the said Work No. 1 commencing at the said Work No. 2 and terminating at the said Work No. 3 :

Work No. 5 A pier or jetty between and parallel with the said Work No. 2 and the said Work No. 3 commencing by a junction with the said Work No. 4 and terminating at a point 400 feet or thereabouts seaward from the point of commencement.

Power to  
reclaim land  
from sea.

15. The Board may by means of Work No. 1 authorised by section 14 (Power to make authorised works) of this Act enclose and reclaim from the sea the bed and foreshore of the harbour within the limits of deviation for that work as shown on the deposited plans of 1950.

Additional  
works.

16. The Board may from time to time within a radius of two hundred and fifty yards from the southern extremity of the West Jetty provide place and maintain on and in the bed of the harbour and remove and renew such dolphins piles fenders buoys marks and lights as may be necessary for the safety and convenience of vessels navigating to and from the authorised works.

Power to  
deviate.

17. The Board may in constructing the authorised works deviate from the lines thereof to the extent of the limits of deviation shown on the deposited plans of 1950 and may deviate from the levels thereof shown on the deposited sections of 1950 to any extent not exceeding ten feet upwards or downwards :

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Minister.



**18.** If the authorised works are not completed within ten years from the twenty-eighth day of July nineteen hundred and fifty or such extended time as the Minister may upon the application of the Board allow then on the expiration of that period or such extended time (as the case may be) the powers by this Act granted for the making thereof shall cease except as to so much thereof as is then completed :

PART III  
—cont.  
Period for completion of works.

Provided that the Board may at any time and from time to time within the limits of deviation shown on the deposited plans of 1950 relating to the authorised works make and maintain all such extensions improvements and enlargements of those works as they find requisite.

**19.**—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans of 1950 or in the deposited book of reference of 1950 the Board after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the borough for the correction thereof.

Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the Kent County Council and a copy thereof shall be deposited with the town clerk of Dover and thereupon the deposited plans of 1950 and the deposited book of reference of 1950 shall be deemed to be corrected according to the certificate and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section shall be kept by such clerks respectively with the other documents to which it relates.

**20.**—(1) In this section the expression “ the specified lands ” means the lands belonging to the Board in the Eastern Docks the limits whereof are shown on the deposited plans of 1950 and thereon delineated as “ Limit of lands referred to as ‘ the specified lands ’ in the clause of the Dover Harbour Bill of which the marginal note is ‘ Power to develop specified lands ’ ”.

Power to develop specified lands.

(2) The Board may in connection with the authorised works lay out adapt and develop the specified lands and may provide construct and maintain on those lands and may furnish stock equip manage operate lease or license offices warehouses

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

PART III  
—cont.

refreshment rooms bars shops garages and other buildings parking places for vehicles and public conveniences and may enter into and carry into effect vary or rescind contracts and agreements with any association body corporate or person for or in relation to the management use or operation of any such buildings or parking places for vehicles.

(3) The Board and any such association body corporate or person as is referred to in subsection (2) of this section may make and recover reasonable charges for the use of any facilities provided by any of them under this section on the specified lands.

(4) Nothing in this section shall affect the provisions of any enactment relating to the sale of intoxicating liquor or tobacco.

power to make  
subsidiary  
works.

**21.**—(1) The Board may upon lands belonging to them or in their occupation construct all such viaducts railways sidings junctions turntables traversers stations approaches roads crossings footpaths gates warehouses sheds toll-houses toll-gates buildings sewers drains culverts quays wharves wharf walls locks retaining walls river walls basins dams embankments sluices jetties piers groynes shipping places staithes stairs stages gantries cranes hoists drops dolphins moorings buoys lights lighthouses beacons fixed and movable bridges caissons dock gates transporters coal hoists tips oil tanks reservoirs pipelines hydraulic gas and electric mains and other works and conveniences as they shall think necessary for the improvement or maintenance of the harbour :

Provided that any electric mains and works executed by the Board under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line :

Provided further that the Board shall not under the powers of this section alter any public highway.

(2) Nothing in this section shall relieve the Board from any obligation to obtain the consent of the Admiralty or any other authority body or person to the execution of any works which consent they would have been required to obtain if this section had not been enacted.

alteration and  
improvement  
of works.

**22.** The Board may from time to time maintain renew enlarge and alter temporarily or permanently all works now or hereafter constructed or acquired by them under the powers of the former Harbour Acts or this Act :

Provided that nothing in this section shall—

- (i) authorise the Board to deviate laterally or vertically beyond the limits of deviation prescribed by any enactment authorising the construction of the said works ;

- (ii) relieve the Board from any obligation to obtain the consent of the Admiralty or any other authority body or person to the execution of any works which consent they would have been required to obtain if this section had not been enacted.

PART III  
—cont.

**23.** All works now or hereafter constructed or acquired by the Board under the powers of the former Harbour Acts or this Act the 1932 works and each and every of them and any works connected therewith respectively shall for the purposes of dues rates rents and charges and for all other purposes be deemed to be part of the undertaking and of the harbour.

Works to  
form part of  
undertaking.

**24.** So much of the authorised works now or hereafter constructed by the Board as shall be upon the foreshore and bed of the harbour and are not included in any parish shall on and after the completion thereof be deemed to be for all purposes within the parish and borough of Dover.

Certain works  
to be within  
parish and  
borough of  
Dover.

**25.**—(1) The Board may stop up the whole or such portion or portions as they may from time to time think fit of the streets or parts of streets mentioned in the First Schedule to this Act and thereupon all rights of way over the street or the portion thereof stopped up and other rights in respect thereof shall be extinguished but the Board shall not stop up any street or portion thereof unless they are owners in possession of all houses and lands (other than lands forming part of any street) on both sides of the street or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree:

Power to stop  
up streets.

Provided that the Board shall make compensation to all parties interested in respect of any private rights of way extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(2) If the Board are the owners in fee simple of the site and soil of any street or portion of a street stopped up under—

(a) this section; or

(b) any other enactment under which highways may be permanently stopped up or diverted or public rights of way may be extinguished;

they may appropriate and use such street or portion thereof for the purposes of the undertaking and any such street or portion of a street so appropriated shall for all purposes be part of the undertaking and of the harbour.

**Ch. iv** *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

**PART III**  
—cont.

(3) No portion of the streets or parts of streets mentioned in the First Schedule connecting the Esplanade and Snargate Street shall be stopped up until a footpath has been dedicated for public use along the line shown coloured red on the plan (hereafter in this section referred to as “the street plan”) signed in quadruplicate by Sir Charles MacAndrew the chairman of the committee of the House of Commons to whom the Bill for the Dover Harbour Act 1950 was referred one copy of which plan has been deposited in the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons one at the principal office of the Board and one at the office of the town clerk of the borough which said footpath as far as may be possible shall have a minimum width of six feet.

(4) The Board may—

- (a) in dedicating the said footpath alter the line (but not the width) thereof as shown on the street plan between the point marked “A” on the street plan and Snargate Street; and
- (b) carry the said footpath by means of a footbridge constructed between the said point marked “A” and Snargate Street.

(5) The right of the public to use the said footpath as so dedicated shall be subject to and exercised so as not to interfere with the exercise or fulfilment of the powers rights and duties of the Board with respect to the provision and maintenance of railway lines and other works the operation of rail and dock traffic and the maintenance operation and opening of Wellington Bridge.

(6) If any portion of the said streets or parts of streets connecting the Esplanade and Snargate Street is stopped up under the provisions of this section (the portion or portions of the said streets or parts of streets stopped up as aforesaid being hereafter in this section referred to as “the stopped-up street”) the Board shall permit the use by vehicular traffic of so much of the stopped-up street and of the adjoining lands as may be reasonably necessary to enable vehicular traffic conveniently to pass and repass between the Esplanade and Snargate Street between the hours of seven o'clock in the morning and eleven o'clock in the evening:

Provided that—

- (a) such traffic shall not interfere with the exercise or fulfilment of the powers rights and duties of the Board

dock traffic and the maintenance operation and opening of Wellington Bridge ;

- (b) nothing in the foregoing provisions of this subsection shall be construed as preventing the Board from providing and as occasion may require operating control barriers at each end of the public highway referred to in paragraph (1) of the First Schedule to this Act for the purpose of more effectively preventing interference by vehicular traffic with the exercise or fulfilment of the powers rights and duties of the Board referred to in the last foregoing paragraph ; and
- (c) nothing in the foregoing provisions of this subsection shall be deemed to constitute the stopped-up street or the adjoining lands a public highway.

(7) If by reason of the development of the undertaking or the trade thereof or through any other factor the volume of dock road and rail traffic increases so that in the opinion of the Board the passing and repassing of vehicular traffic under the last foregoing subsection interferes unduly with the efficient and economical development maintenance or management of the undertaking the Board may by order made and submitted to the Minister for confirmation by him prohibit such vehicular traffic either entirely or to the extent and otherwise as may be specified in the order.

(8) Before submitting an order to the Minister for confirmation under this section the Board shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the borough a notice—

- (a) stating the general effect of the order ;
- (b) specifying a place in the borough where a copy of the order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice ;
- (c) stating that the order is about to be submitted to the Minister for confirmation and that within the said period any person may by notice to the Minister object to the confirmation of the order.

(9) During the said period of twenty-eight days a copy of the notice shall be exhibited in such manner and in such positions on or near the stopped-up street as may be reasonably sufficient for notifying persons affected of the application to the Minister.

(10) Not later than the date on which the said notice is first published the Board shall serve a copy thereof and a copy of the order on the town clerk of the borough.

PART III  
—cont.

(11) If no objection is duly made or if all objections so made are withdrawn then the Minister may if he thinks fit confirm the order with or without modification but in any other case unless it appears to him that the objection is of a trivial nature he shall before confirming the order cause a public inquiry to be held and shall consider any objection not withdrawn and the report of any person who held the inquiry and may then confirm the order with or without modification.

(12) For the purpose of the last foregoing subsection an objection shall not be deemed to be duly made unless—

(a) it is made within the time and in the manner specified in the notice referred to in subsection (8) of this section ; and

(b) the objection comprises or there is submitted therewith a statement in writing of the grounds thereof.

(13) As soon as may be after an order has been confirmed by the Minister the Board shall publish in one or more local newspapers circulating in the borough a notice stating that the order has been confirmed and naming the place where a copy of the order as confirmed may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the Minister of his objection to the confirmation of the order appeared at the public inquiry in support of his objection.

(14) A copy of a newspaper containing a notice published in pursuance of this section shall be sufficient evidence of the publication of the notice.

(15) An order to which this section applies shall come into operation upon but not until such date as may be specified in the order as confirmed.

(16) Where upon the submission of an order under this section the Minister either decides not to confirm the order or confirms it with modifications the Board shall not submit a further order to the Minister for confirmation within twelve months from the date of the Minister's decision or (as the case may be) the date upon which the first-mentioned order came into operation.

Works below  
high-water  
mark to be  
subject to  
approval of  
Minister.

26.—(1) Subject to the provisions of this Act any work authorised by this Act so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall only be constructed in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Board and the amount of such cost shall be due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

PART III  
—cont.

27.—(1) The Board shall at or near such part of any works constructed or acquired by them under the powers of the former Harbour Acts or this Act as shall be below high-water mark of ordinary spring tides during the whole time of any construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister shall from time to time require or approve.

Lights on works during construction and alterations.

(2) If the Board fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

28.—(1) The Board shall at the outer extremity of any works constructed or acquired by them under the powers of the former Harbour Acts or this Act below high-water mark of ordinary spring tides 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 of Deptford Strond shall from time to time direct.

Permanent lights on works.

(2) If the Board fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

29.—(1) In case of injury to or destruction or decay of any works constructed or acquired by the Board under the powers of the former Harbour Acts or this Act or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the 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 the corporation for directions as to the means to be taken.

Provision against danger to navigation.

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

PART III  
—cont.

(2) If the Board fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Statement  
work  
abandoned  
decayed.

**30.**—(1) Where any work constructed or acquired by the Board under the powers of the former Harbour Acts or this Act situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Board at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Board they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Board and the amount of such expense shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Survey of  
works by  
Minister.

**31.** If at any time the Minister deems it expedient for the purposes of this Act to order a survey and examination of any work constructed or acquired by the Board under the powers of the former Harbour Acts or this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.



32.—(1) In addition to the lands to be acquired by the Board under section 34 (Power to acquire Admiralty Harbour) and section 35 (Power to acquire Admiralty Pier) of this Act the Board may by agreement acquire (whether by lease purchase or exchange) and hold any land which in their opinion it is desirable that they should acquire for or in connection with any of the purposes of the undertaking :

PART III  
—cont.  
Power to  
acquire lands  
by agreement.

Provided that the Board shall not acquire under this section more than thirty acres of land above high-water mark of ordinary spring tides.

(2) In this section and section 33 (Power to dispose of land) of this Act the expression “ land ” includes any estate or interest in land and land covered with water.

33.—(1) The Board may dispose of any land for the time being vested in them which may not be required by them in such manner (whether by way of sale exchange lease the creation of any easement right or privilege or otherwise) for such period and upon such conditions and for such consideration as they may think fit :

Power to  
dispose of  
land.

Provided that the Board shall not—

- (a) except with the consent of the Admiralty sell or lease for a period exceeding ninety-nine years any land transferred to them by the Admiralty under the provisions of clause I of the agreement between the Admiralty and the Board set out in the Second Schedule to this Act ; or
- (b) sell any land to which the provisions of sections 127 to 131 of the Lands Clauses Consolidation Act 1845 apply otherwise than in accordance with those provisions so far as applicable.

(2) Nothing in this section shall be construed as conferring on the Board power—

- (i) in the case of any land vested in them subject to any right or interest therein of any other person or to the performance of any obligation in force at the date of alienation and to be performed by the Board under any enactment deed agreement or other instrument to alienate such land otherwise than subject to such right interest or obligation ; or
- (ii) in the case of land vested in them subject to any restriction on alienation to alienate the land in contravention of that restriction.

(3) In a lease or agreement for a lease granted by the Board for a term exceeding twenty-one years of any land transferred to them by the Admiralty under the provisions of clause I of the said agreement between the Admiralty and the Board there shall

PART III  
—cont.

be deemed to be included and by virtue of this section be implied a covenant by the lessee with the Admiralty that the lessee and the persons deriving title under him will not construct any new works or make any alterations to existing works on the property leased without the prior consent in writing of the Admiralty:

Provided always that such consent shall not be unreasonably withheld in respect of the areas coloured red and coloured red hatched red on the plan marked "A" referred to in the said agreement.

Power to  
acquire  
Admiralty  
harbour.

**34.** The Admiralty are hereby authorised and empowered to transfer to the Board and the Board are hereby authorised and empowered to accept from the Admiralty a transfer upon such terms and conditions for such consideration and subject to such reservations if any as may be agreed between the Admiralty and the Board (subject to any terms and conditions affecting the same in the hands of the Admiralty and operating for the protection or benefit of other persons) of those parts of the Admiralty Harbour undertaking at Dover which are referred to in clause I of the agreement between the Admiralty and the Board set out in the Second Schedule to this Act (including the railway referred to in the said clause) and the Admiralty Pier extension together with such lands waters other railways buildings structures moorings buoys oil tanks works and apparatus incidental thereto or connected therewith and belonging to the Admiralty.

Power to  
acquire  
Admiralty  
pier.

**35.** The Board are hereby authorised and empowered to accept from the Commissioners of Crown Lands a transfer upon such terms and conditions for such consideration and subject to such reservations (if any) as may be agreed between the commissioners and the Board of the Admiralty Pier at Dover and such lands railways buildings structures moorings works and apparatus incidental thereto or connected therewith belonging to the commissioners as may be agreed between the commissioners and the Board.

Grant of  
easements.

**36.**—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Board any easement or right required for the purposes of the authorised works and the works referred to in section 16 (Additional works) and section 20 (Power to develop specified lands) of this Act in or over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

PART IV

GENERAL POWERS AND DUTIES OF THE BOARD

37.—(1) The Board may from time to time appoint employ suspend and remove as they shall think fit a treasurer register additional register clerk harbour-master and such superintendents dock-masters collectors receivers and other officers and servants as they may from time to time find necessary (including where necessary the deputies and assistants of such officers) and may pay or allow to them respectively such salaries allowances recompense and superannuation during and after their respective periods of service or employment as the Board from time to time think reasonable and the Board may take from their collectors receivers and other officers such security for the due execution of the duties of their respective offices as the Board think fit.

Power to  
appoint and  
remove  
officers.

(2) Any provision in this Act or in any other enactment or in the charter of the Board with respect to the register of the Board shall extend and apply to the additional register and the execution by the additional register of any power vested in the register by any enactment document or instrument shall be a valid and effectual execution of such power.

38. The Board may from time to time with any government department the commission the Dover Corporation or any other person enter into and carry into effect and vary or rescind contracts agreements and arrangements or confirm and make binding on the parties thereto any agreements or contracts which have been entered into prior to the passing of this Act with respect to the construction tenure and user by them or any or either of them of the works and railways constructed or acquired by the Board the 1932 works or any of them or any part thereof or with respect to the user of the harbour or any part thereof or with respect to the application by the Board of the revenues of the undertaking or any part thereof or with respect to the cancellation of the one million pounds Dover Harbour redeemable debenture stock or the seven hundred thousand pounds Dover Harbour Board second redeemable debenture stock created and issued under the former Harbour Acts and for the time being outstanding or with respect to the raising of further moneys by the Board under the provisions of this Act or in relation to the dues rates rents charges and taxes levied or to be levied by the Board or with respect to any commutation thereof:

Power to make  
contracts etc.

Provided that no such contract agreement or arrangement shall prejudice or affect the rights or interests of persons other than the parties thereto without the consent in writing of such persons.

PART IV  
—cont.

imits of  
rbour-  
aster's  
isdiction.

**39.** The jurisdiction of the harbour-master for the purposes of this Act and the Harbours Clauses Act 1847 shall be the harbour and the sea within a distance of four hundred yards from the seaward limits of the harbour.

rections  
harbour-  
aster.

**40.** Section 52 of the Harbours Clauses Act 1847 in its application to the Board and the harbour-master shall extend to empower the harbour-master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour.

iders of  
rbour-  
aster need  
t be in  
iting.

**41.** Section 53 of the Harbours Clauses Act 1847 in its application to the Board and the harbour-master shall not be construed to require the harbour-master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master but a notice that is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.

harbour-  
aster may  
event sailing  
vessels.

**42.** The harbour-master may prevent the removal or sailing from within the limits of the harbour of any vessel in respect of which or of the goods imported or exported wherein any rates are payable until evidence has been produced to him of the payment of those rates to the collector.

ontrol of  
ashore and  
promenade.

**43.**—(1) In this section the expression “the controlled land” means the land situate between the seaward end of the North Pier and the boundary groyne and comprising the seashore promenade and works connected therewith belonging to the Board which land is shown coloured green on the signed plan and includes so much of the railway as is coloured green on the signed plan and “the railway” means the railway described in paragraph (b) of subsection (1) of section 131 (Power to the commission to run over Board’s railways toll free) of this Act.

(2) The Board may from time to time make such byelaws as they think fit for all or any of the following purposes (namely):—

- (a) for regulating the use of the controlled land for riding and driving;
- (b) for prohibiting regulating or controlling the keeping or landing of boats on such parts of the controlled land as shall be specified in such byelaws;
- (c) for requiring boats of any specified class or description to be kept on such parts of the controlled land as may be specified in such byelaws;
- (d) for regulating the selling or hawking of any article commodity or thing on the controlled land;

(e) for regulating on such terms and subject to such conditions as may be specified in such byelaws the erection or placing on the controlled land or such part or parts thereof as may be so specified of any booths tents sheds stands or stalls (whether fixed or movable) or vehicles for the sale or exposure of any article or thing or any photographic appliances shows exhibitions performances swings roundabouts or other erections vans or other vehicles whether drawn or propelled by animals persons or mechanical power:

PART IV  
—*cont.*

Provided that the foregoing provisions of this section and of any byelaws made thereunder shall not apply to the selling or hawking of newspapers or periodicals by such vendors of newspapers or periodicals as shall carry on their businesses without the use of any barrow or other vehicle.

(3) Nothing in paragraph (e) of subsection (2) of this section shall be deemed to confer on the Board power to make any byelaw under the subsection authorising the erection or placing of any of the things referred to in that paragraph other than stands and stalls on any part of the controlled land except the seashore.

(4) Nothing in this section shall authorise the Board to create or authorise the creation of any obstruction of any highway.

(5) The Board may on any part of the controlled land (except the railway and the promenade) provide facilities for bathing and may demand take and recover rents or charges for the use thereof or admission thereto.

(6) No person shall without the consent of the Board remove sand or gravel from any part of the controlled land and any person who shall contravene the provisions of this subsection shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(7) The Board shall cause a copy of any byelaws made under this section so long as they are in operation to be displayed in legible characters in some conspicuous place on or adjoining the controlled land.

(8) The powers conferred by this section shall be in addition to and not in derogation of any right power or authority exercisable by the Board as owners of the controlled land or otherwise.

(9) No erection or placing on the controlled land or any part or parts thereof of any of the things referred to in paragraph (e) of subsection (2) of this section in pursuance of any byelaw made

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

PART IV  
—cont.

under that paragraph shall be commenced or carried out without any permission that may be required under the Town and Country Planning Act 1947 having been first obtained.

(10) Nothing in this section shall be deemed to confer on the Board any right title or interest in or to any land for the time being forming part of the bed of the sea.

Application  
of Local  
Government  
Act 1933 to  
byelaws.

**44.**—(1) All byelaws made by the Board after the passing of the Dover Harbour Act 1949 under any enactment shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) and (7) of section 250 (Procedure &c. for making byelaws) and in sections 251 (Fines for offences against byelaws) and 252 (Evidence of byelaws) of the Local Government Act 1933 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the Board were a local authority within the meaning of those sections and the register of the Board were the clerk of the local authority.

(2) The confirming authority for the purposes of the said section 250 shall be the Minister.

Board  
may provide  
dredgers  
tugs etc.

**45.**—(1) The Board may from time to time build purchase contract for or hire and may maintain and use tugs hoppers barges or other power—

(a) as may be necessary or expedient for or in relation to any of the purposes mentioned in section 46 (Power to dredge etc.) of this Act ; and

(b) for the use and accommodation of vessels frequenting the harbour and for this purpose they may let the same.

(2) In addition to the purposes referred to in paragraph (a) of subsection (1) of this section the Board may purchase hire provide and may maintain and use all necessary dredging and other machines engines craft machinery and appliances as may be necessary or expedient.

Power to  
dredge etc.

**46.**—(1) The Board may enter upon and from time to time dredge scour deepen and improve the bed and foreshore of the harbour or any part or parts thereof and the channels and approaches thereto and blast any rock and remove carry away and dispose of any chalk gravel rock or other materials taken up or collected by means of such dredging scouring or blasting.

(2) All chalk gravel rock and other materials dredged up or removed by the Board in the exercise of the powers of this section shall be the property of the Board and they may use the same or any part thereof for the purposes of or in connection

with the reclamation of the portion of the bed and foreshore of the harbour within the limits of deviation for Work No. 1 authorised by section 14 (Power to make authorised works) of this Act as shown on the deposited plans of 1950 or they may sell or otherwise dispose of or remove or deposit the same as they think fit:

PART IV  
—cont.

Provided that no such materials shall be laid down or deposited in any place below high-water mark of ordinary spring tides other than within the said limits of deviation without the consent in writing of the Minister having been first obtained.

(3) Nothing herein contained shall be deemed to authorise in relation to any foreshore or bed of the sea vested in the Crown within the limits of this Act the removal of any such materials by the Board or their licensees otherwise than to the extent hereinbefore mentioned.

(4) The powers of the Board under this section shall be exercisable subject to the provisions of section 122 (Crown rights) of this Act and in particular without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands on behalf of Her Majesty may be given subject to such restrictions and conditions including the payment by the Board to the Commissioners of Crown Lands of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Board under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands.

47. The Board may construct and maintain such warehouses storehouses sheds and other buildings and works as they may deem necessary for the accommodation of goods shipped or unshipped within the harbour and may for the like purpose construct and maintain upon the quays closed or unclosed sheds and may erect or provide such cranes hoists jiggers weighing and other machines weights and measures as they think necessary for loading unloading measuring or weighing such goods.

Power to construct warehouses etc.

48. The Board may lease or grant the use or occupation of any warehouses buildings sheds cranes hoists jiggers and weighing or other machines provided by them at such rents and upon such terms and conditions as shall be agreed upon between the Board and the persons taking using or occupying the same.

Power to lease warehouses cranes etc.

49. The Board may if they shall think fit insure against loss or damage by fire all or any of the warehouses sheds buildings machinery and other property for the time being vested in or belonging to them.

Warehouses etc. may be insured.

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

PART IV  
—cont.  
Board may  
act as  
warehousemen  
&c.

**50.** The Board may within the harbour act as warehousemen wharfingers and storekeepers and render such services as are usually rendered by dock companies on payment by the owners of the goods warehoused or deposited or the person in charge of such goods of such rents or charges as shall from time to time be fixed by the Board.

Board may  
issue  
certificates  
of deposited  
goods and  
warrants for  
delivery of  
goods.

**51.** The Board shall from time to time at the request of any person warehousing or depositing goods in any warehouse or vault or on or in any of the quays or yards of the Board specially appropriated for the purpose or entitled to any goods so warehoused or deposited issue and deliver to him a certificate of the goods or a warrant for delivery of the goods so warehoused or deposited or any specified part thereof.

Effect of  
certificate.

**52.** Goods specified in any such certificate or in any such certificate issued under the former Harbour Acts shall for all purposes of this Part of this Act be deemed the property of the person in that behalf named in the certificate.

Effect of  
warrant.

**53.** Every such warrant for delivery shall be transferable by special endorsement and every such endorsement shall be recorded in the books of the Board and thereupon shall entitle the person named therein or the last endorsee thereof named in the endorsement to the delivery of the goods specified therein and the following rules shall have effect with reference to the issue of such warrants (namely):—

- (1) No warrant shall be given unless and until all liens and claims for freight and all other liens or claims to which the goods were liable while on board any vessel and before the warehousing or depositing thereof and of which the Board have notice in writing before the date of such warrant are paid and discharged and the goods mentioned in such warrant shall not be delivered up until all harbour rates on the goods and all rents charges and expenses payable to the Board with respect to the warehousing or depositing of the goods or for services performed by the Board in respect thereof are paid or discharged:
- (2) Before a warrant is issued the certificate (if any such has been issued) shall be delivered up to the Board to be cancelled and retained by them:
- (3) If the warrant is for delivery of part only of the goods the Board shall issue to the person delivering up the certificate a new certificate if asked for with respect to the goods not specified in the warrant.



**54.** All certificates delivery warrants transfer certificates and other documents relating to goods in the custody of the Board or to the management of the business of the harbour if signed and issued by any officer duly authorised in that behalf shall be effectual in law and binding on the Board and all other parties interested without any other signature and without any seal.

PART IV  
—cont.  
Warrants etc. signed by duly authorised officers effectual.

**55.** The importer or importers proprietor or proprietors consignee or consignees of any goods wares or merchandise warehoused stored or yarded within the harbour shall before the expiration of one year to be computed from the day of the first entry thereof pay such rates rents and charges as shall be then due and payable on such goods wares and merchandise and in case such importer or importers proprietor or proprietors consignee or consignees or his or their agents shall fail or neglect so to do before the expiration of such one year the Board or such person as shall be appointed by them may cause all such goods wares or merchandise to be publicly sold first paying customs duties excise duties and purchase tax (if any) payable thereon and the produce of such sale shall be applied first in payment of the rates rents and charges imposed by the former Harbour Acts and this Act or of any other sums which may be owing to the Board or for which they may be liable or have undertaken liability and the overplus arising from such sale shall be paid to such importer or importers proprietor or proprietors consignee or consignees or his or their agents :

Rates on warehoused goods to be paid within one year or otherwise goods to be sold for payment of rates etc.

Provided that the said goods wares and merchandise shall not be sold until the Board shall have given one month's previous notice in writing to such importer or importers proprietor or proprietors consignee or consignees and shall have inserted such notice twice at least in a newspaper published in the borough and have affixed the same in a conspicuous place in the office of the Board.

**56.** The Board may at their discretion use as a bonded warehouse any of their warehouses or any part thereof which may be duly approved by the Commissioners of Her Majesty's Customs and Excise when such are intended for the deposit of goods liable to customs duties excise duties or purchase tax.

Warehouses to be used as bonded warehouses.

**57.** The Board may if required give to the Commissioners of Her Majesty's Customs and Excise general security by bond under their common seal for payment of duties on or for the due exportation of goods deposited in their warehouses and yards.

Board may give bond for duties on goods warehoused.

**58.** The Board may give such bonds or securities under their common seal as may be required by the laws for the time being in force relating to bonded warehouses and bonding yards.

Board may give security for bonded warehouses.

PART IV  
—cont.  
Warehouses to  
be secured.

**59.** All warehouses belonging to the Board in which goods prohibited to be used for home consumption or liable to customs duties excise duties or purchase tax may be deposited shall if required by the Commissioners of Her Majesty's Customs and Excise be secured in such manner as shall be approved by such commissioners.

Power to  
hire cranes.

**60.** The Board may let upon hire on such terms as they think fit the cranes hoists and other appliances belonging to or leased by them.

Board's  
liability  
or goods.

**61.**—(1) The Board shall have no responsibility for or in regard to the safety of any goods deposited in their sheds yards buildings quays or other premises except goods warehoused by the Board in any shed yard or building specifically set apart by the Board for the purpose of so warehousing.

(2) The provisions of this section shall not relieve the Board from liability for damage to or loss of any goods so deposited if such damage or loss is caused by the act or neglect of the Board or their servants and is damage or loss for which apart from this section the Board would be liable.

Power to  
exclude  
dangerous  
articles.

**62.**—(1) The Board shall not be compellable to receive within the harbour or upon or in any wharf berth quay pier shed or other work of the Board any articles which in their opinion would endanger the safety of the harbour or of vessels or goods.

(2) The Board shall from time to time publish in such manner as the Minister may direct a schedule of such articles as they refuse so to receive and every person who after such publication brings or causes or permits to be brought within the harbour or on or in any wharf berth quay pier shed or other work of the Board any such article shall for every such offence be liable to a penalty not exceeding one hundred pounds and the Board may remove the article and may recover the costs of such removal and of placing or storing the same elsewhere from the owner or offender.

(3) This section shall not apply to any articles in respect of the carriage conveyance loading discharging or handling of which within the harbour special provision (either for the safety of the harbour or of vessels or goods therein or by way of exemption from the operation of safety provisions which save for the exemption would apply) is made by or under any enactment for the time being in force.

Removal of  
sunk stranded  
or abandoned  
vessels.

**63.**—(1) Whenever any vessel is sunk stranded or abandoned in any part of the harbour or in or near any approach thereto the Board may if they think fit cause the vessel or any part thereof to be raised removed blown up or destroyed.

(2) The Board may recover from the owner of any such vessel all expenses incurred by the Board in respect of the raising removal blowing up or destruction thereof or any part thereof or in raising removing saving or storing any furniture tackle and apparel thereof or any cargo goods chattels and effects raised removed or saved therefrom or in marking lighting watching buoying or otherwise controlling such vessel either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction:

PART IV  
—cont.

Provided always that the Board may if they think fit and shall if so required by the owner of the vessel cause such vessel and any furniture tackle apparel cargo goods chattels and effects or any part of the same respectively so raised removed saved or stored as aforesaid to be sold in such manner as they think fit and out of the proceeds of the sale may after paying any customs duties excise duties or purchase tax which shall be payable in respect of the said cargo goods chattels and effects reimburse themselves for any such expenses and duties and shall hold the surplus if any of those proceeds in trust for the persons entitled thereto and in case such proceeds shall be insufficient to reimburse the Board such expenses and duties the deficiency may be recovered by the Board in manner aforesaid.

(3) The Board shall (except in any case which in their opinion is a case of emergency) before raising removing blowing up or destroying any vessel under the provisions of this section give to the owner of the vessel twenty-four hours' notice of their intention so to do and if within twelve hours after the expiration of such notice the owner gives to the Board notice in writing of his intention himself to raise and remove the vessel he shall be at liberty to do so in lieu of the Board:

Provided that if the owner gives any such notice as last aforesaid—

- (a) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by or on behalf of the Board for the purpose of preventing interference with navigation; and
- (b) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal be not completed within seven days after the giving of such notice by the owner such notice shall be null and void and the Board shall be at liberty to cause the vessel to be raised or removed or blown up or otherwise destroyed in accordance with the provisions of this section as if the owner had not given such notice.

PART IV  
—cont.

(4) The Board shall (except in any case which in their opinion is a case of emergency or when required by the owner to sell) before selling any vessel under the provisions of this section give to the owner seven days' notice of their intention so to do.

(5) Any notice given by the Board pursuant to subsection (3) or subsection (4) of this section shall be given by delivering the same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Board then by exhibiting such notice at the principal office of the Board for twenty-four hours in the case of a notice given under the said subsection (3) or for seven days in the case of a notice given under the said subsection (4).

(6) In this section the expression—

“owner” in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of that vessel at the time the said expenses were incurred by the Board or if there was then no owner of the vessel the owner of the vessel at the time of the sinking stranding or abandonment thereof;

“vessel” includes a seaplane and other aircraft.

(7) The powers conferred on the Board by this section shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks.

(8) Except for the purpose of removing any obstruction to the harbour nothing in this section shall entitle the Board to remove any wreck (as defined in section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the Receiver of Wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Board shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

(9) The powers conferred on the Board by this section shall not be exercisable in relation to any vessel which was sunk stranded or abandoned before the twenty-sixth day of November one thousand nine hundred and forty-nine.

(10) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her Majesty or held by any person on behalf of or for the benefit

of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for any expenses incurred by the Board except where such consent is given as is provided for in section 64 (As to vessels in which the Crown have an interest) of this Act and the vessel was not such a vessel as aforesaid at any such time as is mentioned in subsection (6) of this section.

PART IV  
—cont.

64.—(1) The Board shall before taking possession of raising removing blowing up or destroying any vessel sunk stranded or abandoned under the powers conferred upon them by this Act or by any other enactment give to the Admiralty and to the Minister notice in writing of their intention so to do and if within fourteen days after the receipt of such notice the Admiralty or the Minister gives to the Board—

As to vessels in which the Crown have an interest.

- (a) a certificate that the vessel was sunk stranded or abandoned by a person acting on behalf of Her Majesty or otherwise by an officer or servant of the Crown acting in the course of his duty as such and that it is not in the national interest that the Board should take possession of the vessel or that the vessel should be raised removed or blown up or destroyed ; or
- (b) a notice that the exercise by the Board of the rights of recovery conferred by subsection (2) of section 63 (Removal of sunk stranded or abandoned vessels) of this Act would render the Crown liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for all or a substantial proportion of the expense incurred by the Board ;

the Board shall not without the consent in writing of the authority by whom the certificate was issued or the notice given take possession of raise remove blow up or destroy such vessel :

Provided that in any case which in their opinion is a case of emergency the Board may take possession of raise remove blow up or destroy any vessel without giving notice of their intention so to do to the Admiralty or to the Minister and in that event the Board shall not be entitled to recover from any person the expenses incurred by them in so doing if the effect of such recovery would be to render the Crown so liable.

(2) If the Board shall mark light watch buoy control or give warning to shipping of the presence of any vessel in respect of which the Admiralty or the Minister have refused their consent under subsection (1) of this section the Board shall not be entitled to recover the expenses of so doing from the owner of the vessel

PART IV  
—cont.

but may apply to the Admiralty or to the Minister as the case may be for the reimbursement of the expenses reasonably incurred by them in so doing and the Admiralty or the Minister as the case may be may make such payment as the Treasury may determine.

## PART V

## RATES AND CHARGES

Harbour and  
light dues.

**65.** The Board may demand and take in respect of every vessel other than a seaplane entering using or leaving the harbour any sum not exceeding the dues and rents stated in the Third Schedule to this Act subject to the exemptions regulations and conditions specified in that schedule.

Dock dues  
and rents.

**66.** The Board may demand and take in respect of every vessel for entering the Granville Dock or the Wellington Dock or for lying therein in addition to any other dues rates rents and charges authorised by this Act any sum not exceeding the dues and rents stated in the Fourth Schedule to this Act subject to the regulations and conditions specified in that schedule.

Rates and  
rents on goods.

**67.**—(1) The Board may demand and take in respect of all goods discharged shipped or received within the harbour rates not exceeding those specified in the Fifth Schedule to this Act subject to the exemptions regulations and conditions specified in that schedule.

(2) If any goods remain on or in any wharf berth quay pier shed or other work of the Board for more than twenty-four hours after the time when the goods are placed thereon or therein the Board may demand and take in respect of such goods quay or shed rent not exceeding the amounts specified in the Sixth Schedule to this Act subject to the exemptions regulations and conditions specified in that schedule.

Charges for  
slipways.

**68.** The Board may demand and take for the use by vessels of any slipway belonging to the Board any sums not exceeding the several hauling and launching charges and rents stated in the Seventh Schedule to this Act subject to the regulations and conditions specified in that schedule.

Rates on  
seaplanes.

**69.**—(1) Subject to the provisions of the Civil Aviation Act 1949 the Board may demand levy collect and receive on and in respect of seaplanes entering or using or leaving the harbour such reasonable rates as may from time to time be approved by the Minister.

(2) The rates authorised by this section in respect of seaplanes shall be paid by or be recoverable from either the owner or the pilot or other person in charge of such seaplane as the Board may determine.

PART V  
—cont.

**70.** The Board may demand and take—

Poll tax.

- (a) in respect of every person carried or about to be carried as a passenger in any vessel engaged in a cross-channel service between Dover and any port or place in Holland or Belgium or on the north coast of France and embarking or landing in the harbour a sum not exceeding three shillings ; and
- (b) in respect of every other person carried or about to be carried as a passenger in any vessel between Dover and any foreign port or place and embarking or landing in the harbour a sum not exceeding five shillings ;

such sums to be paid if demanded before any such person is allowed to embark or land in the harbour.

**71.**—(1) The Board may demand and take such reasonable rates and charges as they may from time to time determine for or in respect of the use of tugs, hoppers, barges or other power maintained used or let by the Board and such rates or charges shall be paid by the owner, agent, master, consignee or other person having charge of the vessel obtaining or requesting the assistance of such tug, hopper, barge or other power to the Board or to the person with whom the Board contract as the case may be and such rates and charges shall be due and payable whether such tug, hopper, barge or other power shall be actually employed or not provided the assistance thereof shall have been requested and shall in consequence of a request have been tendered by the Board or by the master or other person having command of such tug, hopper, barge or other power.

Charges for  
use of tugs etc.

(2) The raising of steam or any other act of preparation done in consequence of and with a view to complying with a request for assistance shall be deemed to constitute the tendering of assistance notwithstanding that such request is cancelled or withdrawn before the tug, hopper, barge or other power leaves the berth or place at which it was lying at the time when the request for assistance was received.

**72.**—(1) The Dover Corporation may at any time hereafter by deed under their common seal transfer to the Board to be applied by them to the purposes of the harbour all or any of their powers, rights and privileges of levying rates and dues on coal, culm and coke imported and thereupon the Board may exercise the powers, rights and privileges so transferred in as full a manner as but for such transfer the said corporation might have exercised the same.

Power to  
Dover  
Corporation  
to transfer  
dues to Board.

PART V  
—cont.

(2) The Dover Corporation and the Board may on any such transfer as aforesaid enter into such arrangements as they may think fit for the apportioning as between themselves the incidence of any debt charged on the rates and dues so transferred and for granting indemnities to each other for the purpose of carrying such arrangements into effect.

(3) Any creditor shall in respect of any advance made by him on the security of the rates and dues by this section authorised to be transferred to the Board have the same claim against the said rates and dues when transferred to the Board and against the Board to the extent of the rates and dues so transferred as he would if such transfer had not been made have had in respect of the same debt against such rates and dues in the hands of the Dover Corporation and against the said corporation in respect thereof.

Use of works  
etc. by public.

**73.** On any occasion when the Board allow the use by the public of—

- (a) the Prince of Wales Pier for the purposes of promenading pleasure and fishing ; or
- (b) the eastern arm or the detached mole (commonly known as the Southern Breakwater) for the purposes of fishing ;

the Board may (but subject nevertheless to such byelaws as to the user thereof as may from time to time be in force) demand and take such reasonable sums as they from time to time think fit and direct for the admission to the works mentioned in paragraphs (a) and (b) of this section of persons vehicles and things for the aforementioned purposes and may exclude therefrom all persons vehicles and things by whom or in respect of which the sums directed to be demanded and taken shall not have been paid.

Rates for  
services and  
accommodation not  
otherwise  
provided for.

**74.**—(1) The Board may (so far as the dues rates rents and charges specified in the Fourth Fifth Sixth and Seventh Schedules to this Act do not extend) demand and take such reasonable rates as they may from time to time determine for the use of any sheds buildings yards weighing-machines moorings cranes buoys works and conveniences belonging to or provided by the Board or in respect of any services rendered by them in connection with the harbour.

(2) All such rates shall be respectively recoverable from the owner of the goods or other articles dealt with or from the owner of any vessel using or applying for the use of such plant appliances conveniences or services or from any person who may so apply.



**75.**—(1) Notwithstanding anything in this Act or any enactment incorporated herewith or applying to the harbour the Board and the commission may from time to time enter into and carry into effect special agreements with reference to the dues rates rents and charges which the Board may demand take and recover in respect of vessels belonging to or operated by the commission and engaged in any cross-channel service to and from Dover and in respect of goods loaded into or discharged from such vessels and the Board may recover the amounts stipulated to be paid in any such special agreement in the same manner in all respects as the dues rates rents and charges authorised by this Act are recoverable.

PART V  
—cont.  
Special agreements with commission.

(2) Any such special agreement may contain provisions with respect to the compounding for or commutation of dues rates rents and charges by payment of fixed or other sums of money or otherwise.

**76.** In addition to the remedy given by section 44 of the Harbours Clauses Act 1847 and whether the demand required by that section has been made or not the Board may recover any dues rates rents charges and taxes which by this Act they are authorised to demand and take or any arrears of tolls rates dues and taxes payable to them under any enactment repealed by this Act as a debt in any court of competent jurisdiction.

Recovery of rates.

**77.**—(1) If it is represented by application in writing to the Minister—

Revision of rates.

- (a) by the commission or any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose ; or

- (b) by the Board ;

that under the circumstances then existing the authorised rates or any of them should be revised the Minister if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section.

(2) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application for revision of authorised rates or an authorised rate an order has been made or the Minister has decided not to make an order no further application for a

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

PART V  
—cont.

revision of the authorised rates or rate to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall cause an inquiry to be held in reference thereto and the provisions of section 132 (Inquiries by Minister) of this Act shall apply to such inquiry as if it were an inquiry held in pursuance of that section :

Provided that in cases where no objection has been made to the application or where any objection which has been made has either been withdrawn or appears to the Minister to be of a trivial nature the Minister may if he thinks fit dispense with such inquiry.

(5) No order shall be made under subsection (1) of this section for reduction of the sums which the Board are authorised to demand and take by section 70 (Poll tax) of this Act nor shall the Minister refuse to make an order authorising all or part of any increase in the said sums which may be the subject of an application under the said subsection if in the opinion of the Minister the net available income of the Board from all sources would in consequence of such reduction or without such increase (as the case may be) be insufficient to enable the Board to pay by regular half-yearly payments the interest and sinking fund payments on any debentures or debenture stock guaranteed by the commission.

(6) So long as the commission are liable in respect of any guarantee of the interest and sinking fund payments on any debentures or debenture stock issued by the Board no application shall be made under subsection (1) of this section for any increase in the sums which the Board are authorised to demand and take by the enactment referred to in the last preceding subsection except by the commission or the Board with the consent of the commission.

(7) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Board being insufficient or more than sufficient to enable the Board with efficient management of their undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the undertaking including interest on loan capital (regard being had by him to any capital which the Board may reasonably be expected to expend) making good depreciation providing for any contributions which the Board may reasonably

and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue :

PART V  
—cont.

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking taking into account its financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may subject to subsection (5) of this section revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Board being insufficient to enable the Board to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(8) In this section the expression “ authorised rates ” means the dues rates rents charges and taxes which the Board for the time being are authorised to demand and take.

(9) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

PART VI  
FINANCIAL

78. In this Part of this Act—

Interpretation  
of Part VI.

- “ debenture stock ” means the one million pounds debenture stock the seven hundred thousand pounds debenture stock and the second debenture stock and includes any part thereof ;
- “ debenture stock certificate to bearer ” means a certificate issued pursuant to section 92 (Power to issue debenture stock certificates to bearer) of this Act ;
- “ second debenture stock ” means the second redeemable debenture stock which the Board are empowered to create and issue by section 79 (Power to raise debenture stock) of this Act and includes any part thereof ;
- “ the one million pounds debenture stock ” means the one million pounds Dover Harbour redeemable debenture stock created and issued under the provisions of the former Harbour Acts and includes any part thereof ;
- “ the seven hundred thousand pounds debenture stock ” means the seven hundred thousand pounds Dover Harbour Board second redeemable debenture stock created and issued under the provisions of the former Harbour Acts and includes any part thereof.

PART VI  
—cont.Power to raise  
debenture  
stock.

**79.** Notwithstanding the repeals effected by section 135 (Repeals) of this Act the Board may continue and they are hereby authorised to raise on such terms and conditions as they think fit in addition to the one million pounds debenture stock and the seven hundred thousand pounds debenture stock any sum or sums not exceeding in the whole three million three hundred thousand pounds which they may from time to time require for the purposes of this Act and for that purpose they may create and issue second redeemable debenture stock at such price and generally on such terms and conditions not being inconsistent with the provisions of this Act as the Board may determine.

Power to  
reborrow.

**80.** If the Board pay off the one million pounds debenture stock or any part thereof (including the cancellation thereof or some part thereof under the provisions in that behalf contained in section 83 (Power to cancel the one million pounds debenture stock) of this Act) out of moneys borrowed by them under this Act they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the period prescribed in respect of the one million pounds debenture stock and shall be deemed to form the same loan as that stock and the obligation of the Board with respect to the repayment of that stock and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Charge and  
priority of  
stock.

**81.**—(1) The seven hundred thousand pounds debenture stock shall rank both as to capital and interest next after the one million pounds debenture stock.

(2) Second debenture stock shall rank both as to capital and interest next after the seven hundred thousand pounds debenture stock.

(3) Subject as aforesaid—

(a) no holder of any portion of debenture stock shall have priority or preference over any holder of the same stock by reason of the creation and issue of such portion of stock before the creation and issue of any other portion of such stock :

Provided that the Board may by the resolution creating any portion of second debenture stock determine that the holders thereof shall have priority over the holders of any second debenture stock which may be created and issued after the creation and issue of the portion of the stock to which the resolution relates and any second debenture stock created and issued after the creation and issue of the stock to which the resolution relates shall rank both as to capital and interest after the last-mentioned stock ;

(b) debenture stock with interest thereon shall be a charge on all the net revenues of the Board arising from the undertaking and on all property belonging to them (not being property actually used in connection with the undertaking) in priority to all other charges or incumbrances thereon but this priority shall not affect any claim against the 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.

PART VI  
—cont.

82. The Board may by resolution revoke at any time in whole or in part any prior resolution for the creation of second debenture stock if and so far as the resolution has not been acted on by the issue of stock thereunder.

Power to  
revoke  
resolution  
creating stock.

83.—(1) Subject to the provisions hereinafter contained the Board may at any time after giving three months' notice in writing to the holders thereof cancel the one million pounds debenture stock upon payment of the amount thereof at not less than par.

Power to cancel  
the one million  
pounds  
debenture  
stock.

(2) It shall be lawful for the Board on the one hand and any holder of the said stock on the other hand to enter into and carry into effect any agreement for the issue by the Board of and acceptance by such stockholder of second debenture stock issued under the provisions of this Act in exchange for the amount of one million pounds debenture stock held by him on such terms and conditions as may be agreed. The Board shall as soon as may be after the expiration of the three months' notice in writing hereinbefore mentioned give notice that they will on and after a day to be fixed in the notice distribute to such of the holders of the one million pounds debenture stock as shall not have agreed to accept second debenture stock issued under the provisions of this Act in lieu of payment the amount of money to which they will be entitled on production and delivery of the certificate of such stock and the said notice shall be advertised once in the London Gazette and in two or more London daily newspapers and a circular letter shall be sent to the said stockholders whose addresses appear on the register of the said stock and the said notice shall specify the place and time at which the payment will be made. If the Board are unable for six calendar months to ascertain the person to whom any part of the moneys payable under the provisions of this section should be paid or when any part thereof is payable to a person who or whose committee or guardian cannot give an effectual receipt for the same the Board may at any time thereafter pay the same into the High Court or if not exceeding five hundred pounds into the county court

PART VI  
—*cont.*

of the county of Kent holden at Dover under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the Board from all further liability with respect to the money so paid. Any of the one million pounds debenture stock in respect of which second debenture stock is accepted in lieu of payment under the provisions of this section or which is paid off or in respect of which money is paid into court under those provisions shall be cancelled and upon such cancellation the liability of the Board to repay the capital secured by such stock or to pay interest thereon shall cease.

(3) The powers of the Board under this section shall only be exercisable with and subject to the approval of the holders of the one million pounds debenture stock present in person or by proxy at a meeting convened for the purpose of approving the proposed cancellation of the said stock and holding not less than three-fourths in value of the said stock represented at such meeting which said approval shall be subject to the condition that the proposed cancellation of the said stock shall be effected not later than six months after the date of the giving of such approval or such longer period as may be approved in manner aforesaid. The provisions of section 98 (Provisions in case of applications to Parliament affecting rights of holders of debenture stock) of this Act shall apply to such meeting as though such meeting were a meeting convened for the purpose therein mentioned and in addition the Board shall send a notice convening such meeting to each stockholder of the one million pounds debenture stock whose address appears on the register of the said stock not less than ten days before the holding of such meeting enclosing a blank form of proxy with proper instructions for the use of the same and also enclosing if the Board thinks fit a memorandum explaining the proposed cancellation and the purpose and effect thereof and the same form of proxy and the same instructions and the same memorandum and none other shall be sent to every such stockholder but no such form of proxy shall be stamped before it is sent out nor shall the funds of the Board be used for the stamping of any proxies nor shall intimation be sent as to any person in whose favour the proxy may be granted and no other notice or memorandum or form of proxy relating to such meeting shall be sent to any such stockholder from the office of the Board or by any member or officer of the Board so describing himself. The names of the stockholders present in person or by proxy at such meeting and the names of such proxies and the votes given by such stockholders respectively in person or by their proxies at the meeting shall be recorded by the Board. The chairman at the meeting shall be such person as the Board may in writing appoint.

**84.** Debenture stock shall be and shall have all the incidents of personal estate and the 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. PART VI  
—cont.  
Incidents of stock.

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

(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 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.

**86.**—(1) Debenture stock shall be transferable by deed which may be in the form “ B ” in the Eighth Schedule to this Act or to the like effect but the 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 Board that such certificate has been lost or destroyed. Mode of transfer of stock.

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

**87.**—(1) The 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 debenture stock and the amounts held by them. Register of stock.

(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 debenture stock without charge.

PART VI  
—cont.  
Closing of  
register of  
transfers.

**88.**—(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 Board.

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

Transmission  
of stock.

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

(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 be reasonably required by the Board.

(3) The 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 Board for registration.

Receipts of  
joint holders  
of interest.

**90.** If two or more persons are registered as joint holders of debenture 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 Board by any other joint holder.

Fees.

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

Power to issue  
debenture stock  
certificates  
to bearer.

**92.** The Board may with respect to the whole or any portion of debenture stock created or to be created by them and subject to such regulations as may from time to time be made by the Board issue under their common seal a certificate stating that the bearer of the certificate is entitled to the portion of debenture stock therein specified and may provide by coupons whether attached to such certificate or not for the payment of interest on the portion of stock included in the certificate.

Effect of  
debenture stock  
certificate.

**93.** A debenture stock certificate to bearer shall entitle the bearer thereof to the portion of debenture stock therein specified and such portion may be transferred by delivery of the certificate.



94. On the issue of a debenture stock certificate to bearer in respect of any portion of debenture stock the Board instead of making in the stock register with reference to such portion of debenture stock the entries provided for by this Act shall strike out of such register the name of the person (if any) then entered therein as holding such portion of debenture stock and shall enter in the register the following particulars:—

PART VI  
—cont.

Entries in register on issue of debenture stock certificate.

- (a) the fact of the issue of the certificate ;
- (b) a statement of the amount of the portion of debenture stock included in the certificate ;
- (c) the date of the issue of the certificate.

95. The bearer of a debenture stock certificate to bearer shall on—

Registration of debenture stock on surrender of certificate.

- (a) surrendering such certificate with all coupons issued in respect thereof and for the time being outstanding for cancellation ;
- (b) complying with such regulations as may from time to time be made by the Board for the purpose of enabling the Board to ascertain the name address and description of such bearer and for obtaining a specimen of his signature ;
- (c) paying to the Board all stamp or other government duties (if any) which may be payable by the Board in consequence of such surrender ;
- (d) paying to the Board such fee not exceeding five shillings as the Board may prescribe ;

be entitled to have his name entered in the stock register and the Board shall be responsible for any loss incurred by any person by reason of the Board entering in that register the name of any bearer of a debenture stock certificate to bearer in respect of the portion of stock therein specified without the certificate and such coupons as aforesaid being surrendered and cancelled.

96. If a debenture stock certificate to bearer or coupon is lost or destroyed then upon—

Loss or destruction of debenture stock certificate to bearer or coupon.

- (a) proof to the satisfaction of the Board of the ownership of such lost or destroyed certificate or coupon and of the loss or destruction thereof ;
- (b) such indemnity being given to the Board as they deem adequate ;
- (c) payment of all stamp and other government duties (if any) payable in respect of the new certificate or coupon together with a fee of five shillings ;

a new debenture stock certificate to bearer or coupon as the case may be in lieu of the certificate or coupon so lost or destroyed

PART VI  
—cont.

shall be issued by the Board and a due entry of the issue of such new debenture stock certificate to bearer or coupon shall be made by the register of the Board in the stock register.

Trustees unless expressly authorised not empowered to hold debenture stock certificates to bearer.

**97.** A trustee unless authorised by the terms of his trust shall not apply for or hold a debenture stock certificate to bearer issued under the authority of this Act or of the former Harbour Acts but nothing in this section shall impose on the Board or any person authorised to issue any such debenture stock certificate to bearer any obligation to inquire whether the person applying for a debenture stock certificate to bearer is or is not a trustee or subject them to any liability in the event of their issuing a debenture stock certificate to bearer to a trustee nor invalidate a debenture stock certificate to bearer if issued to a trustee.

Provision in case of applications to Parliament affecting rights of holders of debenture stock.

**98.** If and so often as any application shall be made to Parliament for an Act affecting the rights of the holders of any class of debenture stock which shall for the time being have been issued by the Board and be outstanding and in respect whereof or any part whereof debenture stock certificates to bearer shall be then outstanding the following provisions shall have effect (that is to say):—

- (1) In this section the following expressions shall have the following meanings unless repugnant to the context:—
  - “the bearer debenture stock” means such of the debenture stock as shall for the time being be comprised in debenture stock certificates to bearer;
  - “the bearers” means the bearers for the time being of debenture stock certificates to bearer and “bearer” means one of the bearers;
  - “registered holders” means the registered holders for the time being of debenture stock;
  - “meeting” means a meeting of the registered holders and the bearers under this section;
  - “voting certificate” means a voting certificate issued in pursuance of this section:
- (2) Any meeting convened for the purpose of approving any such application to Parliament as aforesaid or any Bill for such Act as aforesaid shall so far as the bearers are concerned be duly convened by advertising the notice convening the same once in two newspapers published in London and once in the same two newspapers in the next week following the publication of the first advertisement:

Provided the same shall be convened for a date not less than twenty-one days nor more than forty days after the last insertion of the advertisement thereof in

such two newspapers. It shall also be lawful for but not obligatory on the Board to advertise such notice as last aforesaid in any other newspaper or newspapers either in the United Kingdom or abroad. Every such advertisement as aforesaid shall state the name and address of a bank in London and if the Board think fit so to do but not otherwise of any other bank or banks either in the United Kingdom or abroad at which the bearers may not less than forty-eight hours before the time for holding the meeting or any adjournment thereof deposit their debenture stock certificates to bearer and obtain voting certificates in respect thereof:

- (3) At a meeting or any adjournment thereof the bearer of a debenture stock certificate to bearer shall be treated as the legal holder thereof whether such bearer shall or shall not be the owner thereof and for all the purposes of the meeting or any adjournment thereof the bearer of a voting certificate issued under this section in respect of a debenture stock certificate to bearer shall be deemed to be the bearer of such debenture stock certificate to bearer:
- (4) Prior to convening a meeting the Board shall make such arrangements as will entitle any bearer who shall not less than forty-eight hours before the time for holding such meeting or any adjournment thereof deposit a debenture stock certificate to bearer in the bank or one of the banks to be named for that purpose in the notice convening the meeting to receive from the bank with whom such deposit is made—

(a) a receipt for the debenture stock certificate to bearer so deposited such receipt to be in such form as (subject to the provisions of the next succeeding subsection) will entitle the bearer thereof to have the debenture stock certificate to bearer in respect of which the same was given delivered to him in exchange therefor by the bank with whom such debenture stock certificate to bearer was deposited whether such bearer be or be not in fact the true owner of such debenture stock certificate to bearer; and

(b) a voting certificate;

which receipt and voting certificate shall be signed by some official of such bank and shall specify the denoting number of the debenture stock certificate to bearer so deposited and the amount of the debenture stock comprised therein. A voting certificate shall not

PART VI  
—cont.

except as provided by subsection (3) of this section confer any title on the holder thereof to the debenture stock certificate to bearer or to the debenture stock referred to therein:

- (5) A debenture stock certificate to bearer deposited as last aforesaid shall be deposited subject to (amongst others) the condition that the same shall be retained by the bank with which the same is so deposited until the meeting has been held or abandoned or until the receipt given by such bank therefor and the voting certificate issued by such bank in respect thereof shall be delivered to such bank whichever shall be the earlier.

Endorsement of provisions on debenture stock certificates to bearer.

99. A copy of the following sections of this Act shall be endorsed on every debenture stock certificate to bearer which shall be issued by the Board (namely):—

Section 95 (Registration of debenture stock on surrender of certificate):

Section 97 (Trustees unless expressly authorised not empowered to hold debenture stock certificates to bearer): and

Section 98 (Provision in case of applications to Parliament affecting rights of holders of debenture stock).

Redemption fund for redemption of the one million pounds debenture stock.

100.—(1) The Board shall annually on the thirty-first day of March pay into the redemption fund formed for the redemption of the one million pounds debenture stock such a sum as will in addition to the sum standing to the credit of the said fund at the date of the passing of this Act with any accumulations thereon at compound interest be sufficient to pay by the first day of April nineteen hundred and seventy-four the amount of such stock as shall be then outstanding and such sums shall be accumulated in the way of compound interest by investment in statutory securities.

(2) The said fund may be applied by the Board in the purchase and redemption of the one million pounds debenture stock and in the event of the Board exercising the powers contained in section 83 (Power to cancel the one million pounds debenture stock) of this Act it shall be applied (so far as it will extend) towards the cancellation of the said stock and no part of it shall under any circumstances be applied in any other way.

Redemption of the seven hundred thousand pounds debenture stock.

101.—(1) Subject as hereinafter mentioned the seven hundred thousand pounds debenture stock shall be repaid by the Board by the first day of February nineteen hundred and ninety-three by annual instalments commencing with an instalment payable on the first day of February nineteen hundred and fifty-four in respect of the year ending on the thirty-first day of

January nineteen hundred and fifty-four and the provisions of section 104 (Power to pay off second debenture stock by annual drawings or by purchase) of this Act shall subject as hereinafter mentioned apply to such instalments:

Provided that in the years nineteen hundred and fifty-four nineteen hundred and fifty-five and nineteen hundred and fifty-six the annual instalments shall be of the nominal amount of one pound.

(2) Notwithstanding the provisions of subsection (1) of this section the Board may redeem the seven hundred thousand pounds debenture stock for the time being outstanding or such portion thereof as they may desire to pay off upon the following terms:—

- (a) after the thirty-first day of January nineteen hundred and seventy-eight and on or before the thirty-first day of January nineteen hundred and eighty-eight at one hundred and two pounds ten shillings per centum;
- (b) after the thirty-first day of January nineteen hundred and eighty-eight at par;
- (c) at any time by agreement with any holder of the stock and upon such terms and in such manner as may be agreed:

Provided that before redeeming the said stock pursuant to the powers contained in paragraphs (a) or (b) of this subsection the Board shall give to the holders thereof not less than three months' notice of their intention to redeem the said stock.

(3) In the application of the said section 104 to the seven hundred thousand pounds debenture stock subsection (2) of that section shall be read and have effect as if the reference to second debenture stock were a reference to the seven hundred thousand pounds debenture stock.

**102.** Subject to any conditions as to time or terms of repayment upon which the stock shall be created and issued second debenture stock which may be created and issued by the Board shall be redeemable at the option of the Board by any one or more of the following means:—

Redemption of  
second  
debenture  
stock.

- (1) by means of a redemption fund formed in pursuance of section 103 (As to formation of redemption fund for second debenture stock) of this Act;
- (2) by annual instalments in accordance with subsection (1) of section 104 (Power to pay off second debenture stock by annual drawings or by purchase) of this Act;
- (3) by the purchase and redemption of the stock in accordance with subsection (4) of the said section 103 of this Act or subsection (2) of the said section 104 of this Act;

PART VI  
—cont.

- (4) by paying off the whole or part of the stock in accordance with the provisions of section 105 (Further power to pay off second debenture stock) of this Act ;
- (5) by redemption at such time and upon such terms and in such manner as may be agreed between the Board and any holder of the stock :

Provided that all money borrowed by the Board by the creation and issue of second debenture stock shall be paid off within sixty years from the date of borrowing.

As to  
redemption of  
second  
debenture  
stock.

**103.**—(1) If by the resolution creating any second debenture stock the Board determine that the stock so created shall be redeemable by accumulations of the sums appropriated to the redemption fund hereinafter mentioned and the stock is issued so as to be redeemable as aforesaid the Board shall at yearly or half-yearly intervals appropriate to a fund for the redemption of the stock so issued such sums as with any accumulations thereof will be sufficient to pay off within sixty years from the date of borrowing the money in respect of which such stock was issued.

(2) It shall not be obligatory on the Board to make any appropriation under this section until after the expiration of five years from the date of borrowing.

(3) Pending or in default of any application of any money held on account of the said fund to the purposes authorised by this Act the Board shall invest that money in statutory securities and the interest or annual proceeds received from the money and investments held on account of the redemption fund shall be accumulated in the way of compound interest by investment in statutory securities.

(4) The said fund may be applied by the Board in the purchase and redemption of second debenture stock and no part of it shall under any circumstances be applied in any other way.

Power to pay  
off second  
debenture stock  
by annual  
drawings or  
by purchase.

**104.**—(1) If by the resolution creating any second debenture stock the Board determine that the stock so created shall be paid off by annual instalments and the stock is issued subject to repayment by annual instalments the Board shall annually draw by lot such amount of stock as shall be equivalent to the instalment to be repaid in that year and the Board shall cause a notice signed by the register to be given to the persons entitled to the stock to be paid off pursuant to such lot and such notice shall state the sum proposed to be paid off and that the same will be paid together with the interest due thereon at a place and time to be specified.

(2) The Board may in any year instead of drawing the amount of the instalment to be repaid in that year use the whole or part of that instalment in the purchase and redemption of second debenture stock.

(3) Any second debenture stock paid off or purchased and redeemed under the provisions of this section shall thereupon be cancelled by the Board and on such cancellation the stock and all interest thereon which has not already become payable shall be by virtue of this subsection extinguished and the borrowing powers of the Board shall be extinguished to the extent of the total nominal amount of the stock paid off or purchased and redeemed.

PART VI  
—*cont.*

**105.** Subject to any conditions as to time or terms of repayment upon which any second debenture stock shall have been created and issued the Board may at any time pay off so much of the stock as for the time being shall be outstanding or such portion thereof as they may desire to pay off.

Further power  
to pay off  
second  
debenture  
stock.

**106.** Notwithstanding anything contained in this Act the Board shall not in any year make any appropriations to a redemption fund formed under the powers contained in section 103 (As to formation of redemption fund for second debenture stock) of this Act nor shall they pay off any second debenture stock or any portion thereof by annual drawings or otherwise until they have set apart for that year firstly such sum as is required by section 100 (Redemption fund for redemption of the one million pounds debenture stock) of this Act to be paid into the fund formed for the redemption of the one million pounds debenture stock and secondly the amount of the instalment which by section 101 (Redemption of the seven hundred thousand pounds debenture stock) of this Act is required to be made for paying off the seven hundred thousand pounds debenture stock.

Priority of  
redemption.

**107.** 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 valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Board on which debenture stock is charged shall be applied in the order and in the manner following (that is to say):—

Application of  
proceeds of  
sale of land.

- (a) Whilst the redemption fund formed for the redemption of the one million pounds debenture stock is in being the money shall be paid into that fund but so that taking into account any further accumulations of interest thereon the fund shall not exceed an amount equal to the amount of such stock as shall be then outstanding ;
- (b) Any surplus of the money above the amount paid into the fund under paragraph (a) of this section or if the fund formed for the redemption of the one million

PART VI  
—cont.

pounds debenture stock is no longer in being the money shall be applied in the purchase and redemption of the seven hundred thousand pounds debenture stock or invested by the Board in any statutory security ;

- (c) Any surplus of the money above the amount applied or invested under paragraph (b) of this section or the money as the case may be shall subject to the terms and conditions upon which any second debenture stock is created and issued be applied in the manner following (that is to say) :—

(i) if the Board have formed a redemption fund in pursuance of section 103 (As to formation of redemption fund for second debenture stock) of this Act the surplus or the money shall be paid into that fund ; or

(ii) if no such redemption fund has been formed the surplus or the money shall be applied in the purchase and redemption of second debenture stock or invested by the Board in any statutory security.

Annual return  
of Minister  
with respect to  
redemption  
fund.

**108.** The Board shall within twenty-one days after the expiration of each year transmit to the Minister a return in such form as may be prescribed by the Minister and verified by statutory declaration if so required showing the amount (if any) which has been paid to any redemption fund formed in pursuance of the provisions of the former Harbour Acts or this Act during the year preceding the making of such return and what portion thereof has been applied in redemption of debenture stock 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 Minister by such return or otherwise that the Board have failed to pay any sums required to be paid to a 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 Minister 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 order of mandamus to be obtained by the Minister out of the High Court.

Appointment  
of receiver.

**109.**—(1) The holders of the one million pounds debenture stock shall have power to enforce payment of arrears of interest by the appointment of a receiver of the net revenues of the Board arising from the undertaking and other property belonging to them not being property actually used in connection with the undertaking.



(2) Subject to the provisions of section 81 (Charge and priority of stock) of this Act the holders of the seven hundred thousand pounds debenture stock and of second debenture stock shall have power to enforce payment of arrears of interest by the appointment of a receiver of the said net revenues of the Board after all claims of the commission on such net revenues in respect of their guarantee for payment of interest on the one million pounds debenture stock have been paid and satisfied.

PART VI  
—cont.

**110.** When any land rents or other property is or are sold or otherwise disposed of by the 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 debenture stock and such person or body corporate shall not be bound to see to or inquire into the application by the Board of the money arising from such sale or disposition or be in any way responsible therefor.

Land etc.  
disposed of  
to be free  
from stock.

**111.** The Board may during the whole or any part of the period of construction of any work which they are authorised to construct and from which revenue may after its completion be derived charge as capital expenditure and as part of the costs of constructing the work interest at such rate as the Board may determine but not exceeding the rate of interest payable by the Board on any money borrowed by them and expended on capital account in the construction of the work and the acquisition of lands for the purpose :

Power to  
charge interest  
to capital.

Provided that interest shall not be so charged for a period exceeding five years from the commencement of the construction of the work.

**112.** The Board may apply—

- (a) to the purposes of this Act or to the general purposes of the undertaking to which capital is properly applicable any moneys which they have in their hands and which may not be required for the purposes to which such moneys were by any of the former Harbour Acts made specially applicable ; and
- (b) to the general purposes of the undertaking to which capital is properly applicable any moneys which by section 79 (Power to raise debenture stock) of this Act they are authorised to raise by the creation and issue of second debenture stock.

Application  
of funds.

**113.** Separate accounts of the receipts and expenditure credits and liabilities of the Board shall be kept and audited and a proper abstract of all such accounts in such form and manner

Separate  
accounts.

PART VI.  
—cont.

as the Minister from time to time directs or approves and duly certified to by the register of the Board and by the auditors shall be annually furnished by the Board to the Minister.

aving for  
owers of  
reasury.

**114.** It shall not be lawful to exercise the powers conferred on the Board by this Part of this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946 or otherwise than in compliance with the provisions of the Exchange Control Act 1947 and any order made thereunder.

ower to make  
perannuation  
d other  
allowances.

**115.**—(1) The Board may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employees of the Board or where in their opinion adequate provision is not otherwise made to the widow or family or any dependants of any such employee.

(2) The Board may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employees widow family or dependants as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the revenues of the Board.

ontributory  
ensions fund.

**116.**—(1) In addition to the powers conferred on the Board by the last preceding section of this Act the Board may if they think fit establish and maintain a fund to be called “the pensions fund” and pay out of the pensions fund gratuities of any sum or pensions or other allowances or benefits to any employees of the Board who may be contributors to the fund or to the widow family or dependants of such employees and the pensions fund shall be applicable only for the payment of such gratuities pensions allowances and benefits as aforesaid and for no other purpose whatsoever.

(2) The Board may also prepare put in force and from time to time modify alter or rescind a scheme prescribing the terms and conditions on which the employees of the Board or any classes of such employees may or shall become contributors to the pensions fund and the contributions to be made by such employees and the gratuities pensions allowances or benefits to which such contributors shall be entitled.

(3) The Board may apply the revenues of the Board for all or any of the purposes of this section including the purpose of maintaining the pensions fund at an adequate amount.

(4) No employee of the Board shall be required to become a contributor to any pensions fund established under this section until the fund has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

PART VII

PROTECTIVE PROVISIONS AND SAVINGS

**117.**—(1) No landing stage building structure or erection shall be erected adjoining or upon the Admiralty Pier extension unless the plans of such landing stage or other work shall have first been submitted to and approved by the Admiralty. For protection of Admiralty.

(2) The Board shall maintain along the eastern side of the Admiralty Pier and of the Admiralty Pier extension the depths of water as shown on the edition of Admiralty Chart No. 1698 dated the twenty-seventh day of June nineteen hundred and fifty-two as amended by Admiralty Notice to Mariners No. 1506 of 1952 at the datum shown on the said chart which is 8.42 feet below ordnance datum (Liverpool).

**118.** Notwithstanding anything contained in this Act the following provisions for the protection of the War Department shall unless otherwise agreed in writing between the Board and the War Department apply and have effect:— For protection of War Department.

(1) In this section—

“ the Secretary of State ” means Her Majesty’s Principal Secretary of State for the War Department ;

“ War Department land ” means for the purposes of paragraphs (3) (5) and (6) any land in the harbour leased to or vested in the Secretary of State and for the purposes of paragraphs (2) (4) and (7) the said land and any land so leased or vested adjacent thereto or in the neighbourhood thereof ;

“ War Department works ” means works from time to time constructed in or on War Department land :

(2) No rate or other charge shall be payable by the War Department in respect of any munitions stores goods or materials carried into and out of the property of the Board for use in connection with any War Department works situated in or within five hundred yards of any part of the harbour :

(3) The War Department may erect upon War Department land any additional works or buildings which the Secretary of State shall deem necessary and neither the Board nor any person or persons claiming under the Board shall be entitled to any compensation for any loss or damage resulting from the erection of such works or buildings :

Provided that before erecting any such works or buildings the Secretary of State shall consult the Board

PART VII  
—cont.

and the works or buildings shall be erected in such a position as not to interfere with the navigational control of the harbour by the Board :

- (4) (a) The War Department shall at all times be entitled to construct and maintain in connection with War Department works all necessary conduits cables and pipes in or through the property of the Board which the Secretary of State shall deem necessary for the operation of any such works ;
- (b) Any conduits cables and pipes constructed under this paragraph shall be constructed in such a position as to interfere as little as possible with the use by the Board or their lessees or tenants of the property of the Board ;
- (c) As soon as reasonably practicable after the completion of any such works of construction or maintenance the War Department shall at their own cost restore to its former condition the surface of any ground in the harbour which has been disturbed by such works ;
- (d) The War Department shall compensate the Board for all costs losses and damage which they may sustain by reason of the construction maintenance or failure of any conduit cable or pipe so laid by or by the authority of the War Department :

Provided that if by agreement with the War Department the Board is permitted to lay cables in any conduit constructed by the War Department or otherwise to use any conduit cable or pipe constructed by the War Department the War Department shall not be liable for any costs losses or damage sustained by the Board owing to the construction maintenance or failure of any such conduit cable or pipe so far as such costs losses or damage arise as a result of the Board having used any such conduit cable or pipe or from the interruption or discontinuance of the use of any such conduit cable or pipe by reason of the failure thereof :

- (5) The Board shall not erect any works or buildings which in the opinion of the Secretary of State would interfere with the fire from any defence works situated upon War Department land :
- (6) Neither the Board nor any person or persons claiming under them shall be entitled to any compensation for any loss or damage due to the firing of guns or similar instruments from the defence works now or hereafter erected upon War Department land :
- (7) The War Department shall be entitled to exclude unauthorised persons from entering any works situated on War Department land and to prohibit the taking of

photographs or the making of any sketches thereof and shall be entitled to erect all such notices on or upon any property of the Board adjacent to such works as the Secretary of State shall deem necessary :

PART VII  
—cont.

Provided that nothing in this paragraph shall interfere with the use of the harbour for commercial purposes :

- (8) The Board shall provide transportation and haulage (within the limits of their capacity from time to time) for all War Department explosives goods and materials over any railway line operated by the Board as may be necessary on payment by the War Department of the usual rates from time to time current for transportation and haulage of goods on the railway lines operated by the Board.

**119.**—(1) Where in the exercise of the powers conferred by section 25 (Power to stop up streets) of this Act any highway or portion of a highway is stopped up the following provisions shall unless otherwise agreed in writing between the Board and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or portion of a highway at the time of such stopping up :—

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or portion of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Board of his intention to remove the line or that part thereof as the case may be ;
- (b) The Postmaster-General may by notice to the Board in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) The Postmaster-General shall be entitled to recover from the Board the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require ;

PART VII  
—cont.

(d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Board and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any highway has been stopped up the Board shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

For further  
protection of  
Postmaster-  
General.

**120.**—(1) For the removal of doubts it is hereby declared that nothing in this Act contained authorises the Board to obstruct or in any way interfere with the unrestricted right of the Postmaster-General to the use in common of the camber or submarine harbour and the wharves and jetties therein for berthing vessels belonging to or chartered by the Postmaster-General together with the right of ingress or egress, at all times from or to the outer harbour.

(2) The Board shall not berth or permit to be berthed any vessel on the eastern side of Work No. 3 authorised by section 14 (Power to make authorised works) of this Act in such a manner as to obstruct or prejudicially affect the use of the Post Office jetty at the north-western side of the camber or submarine harbour as a berth for vessels belonging to or chartered by the Postmaster-General or obstruct or in any way interfere with the use by such vessels of the off mooring anchor situate three hundred and sixty feet southward of the said Post Office jetty.

(3) In constructing Works Nos. 1 and 3 authorised by the said section 14 the Board shall leave a channel not less than ten feet wide or thereabouts between the said works and the western end of the said jetty for the passage at all times of small boats belonging to or used by the Postmaster-General to and from the Post Office landing steps on the inshore or northern side of the Post Office jetty from and to the camber or submarine harbour.

Right of  
access for  
Crown  
servants.

**121.** Notwithstanding anything in this Act contained naval and military officers and non-commissioned officers soldiers and other persons employed on the duty of the War Department and petty officers sailors marines and all persons employed on Admiralty service and all other Government officers servants or other persons employed on Government service being in the execution of their duty shall at all times with or without vehicles

continue to have free ingress and egress into on along through and out of the works lands and property of the Board by land and with vessels or otherwise without payment and without being subject to any control other than byelaws made by the Board under the provisions of the former Harbour Acts or this Act.

PART VII  
—cont.

**122.** Nothing in this Act or in any repeal effected by this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board 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 land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of the Commissioners of Crown Lands on behalf of Her Majesty first had and obtained for that purpose. Crown rights.

**123.** No line of rails constructed under the Dover Harbour Act 1950 shall be used for the public conveyance of passengers until it has been certified by the Minister to be fit for that use. Certification by Minister.

**124.** Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the Dover Corporation shall unless otherwise agreed in writing between the Board and the Dover Corporation apply and have effect (that is to say):— For protection of Dover Corporation.

(1) In this section—

“ the railways ” means so much of the railways described in sub-paragraphs (a) (b) and (c) of this paragraph (or any alterations thereof) as is from time to time situate in a highway—

(a) a railway commencing by a junction with another railway at a point five feet or thereabouts from the east end of the Wellington Dock swing bridge measured in an easterly direction passing along the sea front and terminating at the entrance gates to the Eastern Docks ;

(b) a railway commencing by a junction with the railway described in sub-paragraph (a) of this paragraph at a point distant three hundred and fifty feet or thereabouts from the north end of North Wall Quay Tidal Harbour measured in a northerly direction and terminating at a point distant sixty feet or thereabouts from the north end of North Wall Quay Tidal Harbour measured in a northerly direction ;

(c) a railway commencing by a junction with the railway described in sub-paragraph (a) of this paragraph at a point five feet or thereabouts from the east end of the Wellington Dock swing bridge measured in an easterly direction and terminating by a junction with the railway on the Prince of Wales Pier at the entrance gates at the landward end of such pier ;

“ apparatus ” means the sewers drains culverts road gullies and the water mains pipes valves and connections of the Dover Corporation and all works and other apparatus of the Dover Corporation in connection therewith ;

“ highway ” means a highway repairable by the inhabitants at large ;

the expression “ any enactment ” where used with reference to the stopping up of a highway or to a highway stopped up means section 25 (Power to stop up streets) of this Act and any other enactment under which highways may be permanently stopped up or diverted or public rights of way may be extinguished :

- (2) The Board shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic on the highway the rails of the railways and the substructure upon which the same rest :
- (3) The Board shall at their own expense at all times maintain and keep in good condition and repair with such materials and in such manner as the Dover Corporation shall reasonably direct and to their reasonable satisfaction so much of any such highway as aforesaid as lies between the rails of the railways and as extends eighteen inches beyond those rails and on each side of the railways in the same manner as if such railways were tramways and as if the provisions of the Tramways Act 1870 applied thereto :
- (4) Any additional expense which the Dover Corporation may reasonably incur in the construction laying or execution of additional apparatus or in the maintenance repair protection alteration enlargement or renewal of existing apparatus by reason or in consequence of the railways and the reasonable expense of the strengthening or protection of any apparatus which may be rendered necessary by the maintenance or user of the railways shall be paid to the Dover Corporation by the Board :



- (5) If it shall be agreed between the Dover Corporation and the Board or (in case of difference) determined by arbitration to be necessary that the Dover Corporation should alter the level of any highway on which the railways are laid the Board shall at their own expense alter the rails so that the top thereof shall be on a level with the surface of the highway as altered :
- (6) The speed of any engines carriages trucks and other vehicles passing along the railways shall be reasonable having regard to all the circumstances of the case :
- (7) No engine carriage truck or other vehicle shall be allowed to stand on any part of the railways for any longer period than is reasonable having regard to all the circumstances of the case :
- (8) Subject to the provisions of this section hereinafter contained notwithstanding the stopping up of the whole or any portion or portions of any highway under the powers of any enactment or the appropriation thereof by the Board under the powers of the said section 25 of this Act—
- (a) the Board shall not interfere with any apparatus in or under such highway or portion or portions thereof so stopped up or appropriated ;
- (b) the Dover Corporation shall at all times have such rights of access to the apparatus situate in or under any such highway or portion or portions thereof as they had immediately before such stopping up or appropriation ; and
- (c) the Dover Corporation shall be at liberty to execute and do all such works and things in upon or under such highway or portion or portions thereof as may be necessary for inspecting repairing maintaining renewing altering enlarging or removing such apparatus or laying new apparatus :
- (9) If the Board intend to build on any highway or portion or portions thereof stopped up or appropriated or if for any reason compliance with paragraph (8) of this section is impracticable the Dover Corporation may and if so requested by the Board shall and by such means as the Dover Corporation may reasonably decide cut off remove divert or alter the position of all or any of the apparatus in such highway or portion or portions thereof and connect any existing apparatus to any new apparatus which may be requisite and the

PART VII  
—cont.

reasonable expense incurred by the Dover Corporation in such cutting off removal diversion or alteration of position and connection to new apparatus and in the provision of apparatus in substitution therefor shall be repaid to them by the Board :

- (10) If as a result of the exercise by the Board of the powers of this Act (other than the powers contained in section 21 (Power to make subsidiary works))—
- (a) any damage to any apparatus or property of the Dover Corporation ; or
  - (b) any interruption in the supply of water ; or
  - (c) any impediment to the flow of sewage or drainage ;

is caused by the Board their contractors agents workmen or servants or any person in the employ of them or any of them then the Board shall bear and pay the cost reasonably incurred by the Dover Corporation in making good such damage and shall make compensation to the Dover Corporation for any loss sustained by them by reason of such damage interruption or impediment and shall indemnify the Dover Corporation against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the Dover Corporation by reason or in consequence of any such damage interruption or impediment :

- (11) The Board shall bear and pay to the Dover Corporation the amount of any expenses reasonably incurred by the Dover Corporation in or in connection with the cutting off removal diversion or alteration of position of any apparatus and the connecting of any new apparatus with any existing apparatus rendered necessary by reason or in consequence of the exercise by the Board of the powers of this Act (other than the powers contained in the said section 21 and in section 22 (Alteration and improvement of works)) and shall indemnify the Dover Corporation against all claims and demands by the owners or occupiers of premises supplied by means thereof :
- (12) If any claim or demand in respect of which the Board may be required to indemnify the Dover Corporation is made the Board shall be informed thereof and they shall be entitled to conduct all negotiations for a settlement of such claim or demand and any litigation that may arise therefrom :

(13) If in carrying out any such removal diversion or alteration of position of apparatus as is referred to in paragraph (9) or paragraph (11) of this section—

PART VII  
—cont.

(a) (i) the Dover Corporation erect lay or place new apparatus in substitution for their existing apparatus ; and

(ii) the existing apparatus was erected laid or placed before the commencement of the period of seven years and six months immediately preceding the removal diversion or alteration of position of the apparatus ; or

(b) the expenses incurred by the Dover Corporation in or in connection with the removal diversion or alteration of position of the apparatus are enhanced by—

(i) the substitution for the existing apparatus of apparatus of greater dimensions (other than length) or of greater capacity or apparatus of improved type ; or

(ii) the laying or placing of apparatus at a depth greater than that of the existing apparatus except where and to the extent to which such greater depth is reasonably necessary in order to avoid interference with other underground apparatus works or structures or is occasioned by the exercise by the Board of the powers of this Act (other than the powers contained in the said section 21 and in the said section 22) ;

the Dover Corporation shall themselves bear (in the case referred to in sub-paragraph (a) of this paragraph) such proportion of the said expenses as represents the estimated saving of expense to the Dover Corporation resulting from the consequent deferment of the date at which the existing apparatus would have required to be renewed and (in the case referred to in sub-paragraph (b) of this paragraph) such proportion of the said expenses as represents the amount by which such expenses exceed the cost which would have been incurred if the dimensions (other than length) or the capacity of the apparatus so laid or placed had been the same as those of the original apparatus or if the apparatus had been laid or placed at the same depth as the existing apparatus :

Provided that where the apparatus had been laid or constructed in or under any portion of a highway stopped up under the powers of any enactment

within the period of two years immediately preceding such stopping up and at the time of the laying or construction of that apparatus the Board had given to the Dover Corporation notice in writing of their intention of building on the portion of highway affected or of exercising powers necessitating the removal or diversion or alteration of position of the apparatus with a statement of the manner in which and the extent to which they intended to build or exercise such powers no part of the said expenses shall be repayable by the Board if the building is done or the said powers are exercised by the Board in accordance with the statement so given or with such variation only of the particulars contained in that statement as not prejudicially to affect the Dover Corporation :

- (14) Whenever by reason of the exercise by the Board of the powers of this Act (other than the powers contained in the said section 21 and in the said section 22) any apparatus shall be rendered derelict useless or unnecessary the Board shall pay to the Dover Corporation such a sum as may be agreed between the Board and the Dover Corporation to be the value of such apparatus and the apparatus shall thereupon become the property of the Board and the Board shall also pay to the Dover Corporation any expenses reasonably incurred by them in consequence of any such apparatus being so rendered derelict useless or unnecessary :
- (15) Before incurring any expense for the repayment of which the Board may become liable under the provisions of this section the Dover Corporation shall supply to the Board particulars of the works to be executed or things to be done together with an estimate of the expense to be incurred :
- (16) The Dover Corporation shall at all times be at liberty to discharge water from their baths and surface and other water into the harbour and they shall also be at liberty to abstract from the harbour water for the purpose of watering streets or for use in any baths belonging to the Dover Corporation or for any other public purpose :
- (17) If in consequence of the execution of the powers of this Act it will in the reasonable opinion of the Dover Corporation be necessary for the Board to alter interfere with or disturb any existing or make any new sewers drains water mains or other works of the Dover Corporation such alterations interference or disturbance



PART VII  
—cont.

- (22) Before commencing the enlargement or alteration of the railways the Board shall submit to the Dover Corporation plans sections and particulars thereof for their reasonable approval:
- (23) If the Dover Corporation shall not within twenty-eight days after the submission to them of any plans or sections under the provisions of this section signify to the Board in writing their approval or disapproval thereof they shall be deemed to have approved the same:
- (24) The Board shall not enlarge or alter the railways otherwise than in accordance with such plans and sections as may be so approved by the Dover Corporation or if such approval be refused as may be settled by arbitration and the railways shall be enlarged or altered under the superintendence of the surveyor of the Dover Corporation (if he sees fit to attend for that purpose) and to the reasonable satisfaction of the Dover Corporation:
- (25) The Board shall in renewing enlarging or altering the railways ensure that the top of the rails shall coincide with the surface of the highway and shall to the reasonable satisfaction of the Dover Corporation provide and fix check rails to the track of the railways as renewed enlarged or altered throughout and make all suitable and necessary alterations to such highways so as to make proper provision for the drainage thereof:
- (26) If any difference at any time arises between the Dover Corporation and the Board touching the foregoing provisions of this section or anything to be done or not to be done thereunder (other than a difference as to the meaning or construction of this section which does not arise in the course of an arbitration) such difference shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such reference and determination.

or protection  
of South  
Eastern  
Gas Board.

125. For the protection of the South Eastern Gas Board (hereafter in this section referred to as "the Gas Board") the following provisions shall unless otherwise agreed in writing between the Board and the Gas Board apply and have effect:—

- (1) In this section unless the context otherwise requires—  
(a) "the Act of 1950" means the Dover Harbour Act 1950;

(b) “apparatus” means any mains pipes or other works or apparatus belonging to the Gas Board or lawfully laid by them or by their predecessors;

(c) “authorised work” means any work in connection with the maintenance by the Board of any of the railways in or under a street in or under which any apparatus is situate;

(d) “maintain” means in relation to any of the railways repair renew enlarge or alter (whether permanently or temporarily) and “maintenance” shall be construed accordingly;

(e) “development notice” means in relation to the period before the passing of this Act a notice served under paragraph (12) of section 33 (For protection of South Eastern Gas Board) of the Act of 1950 or paragraph (11) of section 17 (For protection of South Eastern Gas Board) of the Dover Harbour Act 1953 and in relation to the period after the passing of this Act a notice served under paragraph (11) of this section;

(f) “the railways” means the railways constructed by the Board;

(g) “plan” means plan section and description;

(h) “street” includes any highway including a highway over any bridge and any road lane footway square court alley passage or public place whether a thoroughfare or not;

(i) “discontinued street” means any street or part of a street in under upon or over which any apparatus is situate the whole or any portion or portions of which is or are stopped up (whether before after or by virtue of the passing of the Act of 1950);

(j) “existing use” means—

(i) in relation to a discontinued street stopped up before the date of the passing of the Act of 1950 or a discontinued street being one of the streets or parts of a street mentioned in the schedule to that Act in respect of which no development notice has previously been served the purpose for which the street was used immediately before the date of the passing of the Act of 1950;

(ii) in relation to a discontinued street stopped up after the date of the passing of the Act of 1950 in respect of which no development notice has previously been served the purpose for which the same is used immediately before the date of such stopping up;

PART VII  
—cont.

(iii) in relation to a discontinued street whether stopped up before or after the date of the passing of the Act of 1950 or being a street or part of a street mentioned in the First Schedule to this Act in respect of which a development notice has previously been served the nature of the development specified in such notice or where more than one development notice has been served the nature of the development specified in the last of such notices ;

(k) "development" means all or any of the following in so far as they could or might prejudicially affect any apparatus that is to say the carrying out of any building engineering or other operations in under upon or over or the laying placing or storing of anything upon or the making of any change in the existing use of any discontinued street ;

(l) references to the acts or defaults of the Board include the acts or defaults of their contractors or agents or any workmen or servants or persons in the employ of the Board or such contractors or agents :

- (2) (a) The Board shall not begin an authorised work until they have given to the Gas Board notice of their intention to begin such work indicating the nature of the work and the place where they intend to execute it and a period of twenty-eight days has expired from the date on which the notice was given or such longer period as may be necessary to enable any question between the Board and the Gas Board arising under this paragraph to be agreed or in default of agreement settled by arbitration as hereinafter provided :

Provided that in case of an emergency the Board may begin an authorised work without giving any such notice as aforesaid but as soon as is reasonably practicable they shall give notice to the Gas Board stating the reason for their having done so ;

(b) If it should appear to the Gas Board that the execution of the authorised work will prejudicially affect any apparatus or impede the supply of gas the Gas Board may within seven days of the receipt of the notice require the Board to submit to them a plan of the said work and the Gas Board may within a further period of fourteen days after the receipt of the said plan give notice to the Board to carry out such works (hereafter in this section referred to as "specified works") as may be required by the last-mentioned



notice including (without prejudice to the generality of the foregoing words) the lowering or otherwise altering of the position of such apparatus and the supporting of the same and the substitution of other apparatus in such manner as may be necessary:

- (3) Where notice to carry out specified works is given by the Gas Board under the last foregoing paragraph those works shall be done and executed by and at the expense of the Board but to the satisfaction and under the superintendence of the engineer of the Gas Board (if after notice given by the Board to the Gas Board of the time and place of such execution the engineer chooses to attend) and the reasonable costs charges and expenses of such superintendence shall be paid by the Board:

Provided that if the Gas Board when serving notice on the Board requiring the execution of specified works so require the Gas Board may themselves do and execute such specified works and the Board shall on the completion thereof pay to the Gas Board the reasonable expenses incurred by them in the execution of such specified works:

- (4) No authorised work shall be executed otherwise than in accordance with the plans delivered to the Gas Board under paragraph (2) of this section:
- (5) The Gas Board may if they deem fit employ watchmen or inspectors to watch and inspect any of the railways during the execution of an authorised work affecting that railway where any apparatus may be prejudicially affected thereby and the reasonable wages of such watchmen or inspectors shall be borne by the Board and be paid by them to the Gas Board:
- (6) The Board shall indemnify the Gas Board against all claims demands proceedings costs damages and expenses made or taken against or recovered from or incurred by the Gas Board by reason or in consequence of any interruption in the supply of gas by the Gas Board which may without the written authority of the Gas Board be in any way occasioned by the Board either in maintaining any of the railways or by the acts or defaults (in or in connection with such maintenance) of the Board and the Board shall pay to the Gas Board the value of any gas which the Gas Board may lose by reason of the acts or defaults of the Board in the maintenance of the railways:
- (7) The reasonable expense of all repairs or renewals of any apparatus or any works in connection therewith which

PART VII  
—cont.

may at any time hereafter be rendered necessary either by reason of the maintenance of the railways or by the acts or defaults (in or in connection with such maintenance) of the Board shall be borne and paid by the Board:

- (8) The Board shall not in the execution of an authorised work or in connection with the development of a discontinued street raise sink or otherwise alter the position of any apparatus or alter the level of any street in which such apparatus is situate so as to leave over such apparatus in any part a covering of less than the existing covering or three feet whichever may be the less (unless the Board shall in such case protect such apparatus from injury by artificial covering to the reasonable satisfaction of the Gas Board) or of more than the existing covering or five feet whichever may be the greater:
- (9) Where in consequence of the nature of any proposed development by the Board of a discontinued street it appears to the Gas Board to be reasonably necessary that any apparatus should be removed or diverted or that the position of any apparatus should be altered or that works (hereinafter referred to as “protective works”) for the protection of any apparatus should be executed the Gas Board may and (if so required by the Board in any case where it is reasonably practicable so to do) shall remove or divert or alter the position of or execute protective works in respect of the apparatus and of any apparatus connected therewith to such extent and in such manner as may be agreed or determined by arbitration and the Board shall repay to the Gas Board the amount of the costs and expenses reasonably incurred by the Gas Board in or in connection with such removal diversion or alteration or the execution of such protective works (including any costs reasonably incurred by the Gas Board under paragraph (13) of this section) (which costs and expenses are hereafter in this paragraph referred to as “the said expenses”):

Provided that if in carrying out any such diversion or alteration of position—

(a) (i) the Gas Board erect lay or place new apparatus in substitution for their existing apparatus; and

(ii) the existing apparatus was erected laid or placed before the commencement of the period of seven years and six months immediately preceding

the diversion or alteration of position of the apparatus ; or

(b) the said expenses are enhanced by—

(i) the substitution for the existing apparatus of apparatus of greater dimensions (other than length) or of greater capacity or apparatus of improved type ; or

(ii) the laying or placing of apparatus at a depth greater than that of the existing apparatus except where and to the extent to which such greater depth is reasonably necessary in order to avoid interference with other underground apparatus works or structures ;

the Gas Board shall themselves bear (in the case referred to in paragraph (a) of this proviso) such proportion of the said expenses as represents the estimated saving of expense to the Gas Board resulting from the consequent deferment of the date at which the existing apparatus would have required to be renewed and (in the case referred to in paragraph (b) of this proviso) such proportion of the said expenses as represents the amount by which such expenses exceed the costs which would have been incurred if the dimensions (other than length) or the capacity of the apparatus as laid or placed had been the same as those of the original apparatus or if the apparatus had been laid or placed at the same depth as the existing apparatus :

Provided also that where the apparatus had been laid or constructed in under upon or over the part of the discontinued street affected within the period of two years immediately preceding the giving of the notice required by paragraph (11) of this section and at the time of the laying or construction of the apparatus the Board had given to the Gas Board notice in writing of their intention to carry out development necessitating the removal or diversion or alteration of position of the apparatus or the execution of protective works with a statement of the manner in which and the extent to which they intended to exercise such powers no part of the said expenses shall be repayable by the Board if the said powers are exercised by the Board in accordance with the statement so given or with such variation only of the particulars contained in that statement as not prejudicially to affect the Gas Board :

- (10) If any apparatus is retained in its present position in over upon or under the site of a discontinued street or if the position of any apparatus in over upon or under

PART VII  
—cont.

the site of a discontinued street is altered under paragraph (9) of this section to a new position in or upon or under the site of the same street the Board shall grant to the Gas Board free of cost an easement in perpetuity (including a right of access with or without vehicles) over and across any lands of the Board (including the said site) for the construction maintenance and user by the Gas Board of such apparatus:

(11) The Board shall give to the Gas Board not less than twenty-eight days' notice in writing of their intention to carry out any development of the site of a discontinued street and of the nature of such proposed development:

(12) If—

(a) within twenty-eight days after the receipt from the Board of a development notice the Gas Board give to the Board notice in writing of their intention to remove or divert or alter the position of or to execute protective works in respect of any apparatus in or under upon or over the discontinued street in respect of which a development notice has been given and at the same time deliver to the Board a plan of any diversion or alteration of position of the apparatus or particulars of any such protective works (as the case may be); or

(b) in any case where it is reasonably practicable the Gas Board have been required by the Board to remove or divert or alter the position or execute protective works under paragraph (9) of this section; the Board shall not carry out the development referred to in the notice given by them as aforesaid until—

(i) it shall have been agreed between the Board and the Gas Board or settled by arbitration whether having regard to the nature of the proposed development the removal diversion or alteration or the execution of the protective works is reasonably necessary or practicable; and

(ii) the plan of any diversion or alteration of position to be carried out or the particulars of any protective works to be executed have been so agreed or settled:

Provided that if the proposals contained in any notice given to the Board by the Gas Board under this paragraph and any plan delivered to the Board with such notice are not disapproved by the Board within twenty-eight days after the receipt thereof the said proposals

shall be deemed for the purposes of this section to be reasonably necessary and the Board shall be deemed to have approved such plans :

PART VII  
—cont.

- (13) Forthwith after the completion of any such removal or diversion or alteration of position of apparatus or of any such protective works the Gas Board shall if reasonably required by the Board fill in the excavation and make good the surface of the ground to the reasonable satisfaction of the Board :
- (14) The Board shall not carry out any development of the site of a discontinued street not being development the nature of which was indicated in the development notice served on the Gas Board or if more than one such notice has been served the last of those notices :
- (15) The surface of the site of a discontinued street shall be maintained by the Board in reasonably good condition so as to prevent so far as practicable injury or damage to any apparatus in or under that site :
- (16) Any difference arising between the Board and the Gas Board under this section shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such arbitration :
- (17) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the Gas Board may be under in respect of any apparatus and to any duties or obligations which the Board may be under in respect of their undertaking and may if he so thinks fit require the Board to execute any works so as to avoid as far as may be practicable interference with any purpose for which the apparatus of the Gas Board is used.

**126.** Notwithstanding the provisions of section 25 (Power to stop up streets) of this Act or the stopping up of the streets or parts of streets mentioned in the First Schedule to this Act the South Eastern Electricity Board may exercise the same rights of access as it now enjoys to any electric lines works or apparatus in or under the said streets or parts of streets. For protection of South Eastern Electricity Board.

**127.** This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act. Saving for town and country planning.

PART VIII

MISCELLANEOUS

Confirmation of agreement with Admiralty.

**128.**—(1) Nothing in any repeal effected by this Act shall affect the confirmation by the Dover Harbour Act 1953 of the agreement between the Admiralty and the Board set out in the Second Schedule to this Act which shall continue to be binding on the parties thereto.

(2) The provisions and reservations contained in the said agreement for the benefit of the War Department and the Postmaster-General shall continue to be enforceable by the War Department and the Postmaster-General respectively as if they were parties to the said agreement and any dispute or difference which shall arise between the War Department or the Postmaster-General on the one hand and the Board on the other hand touching any clause matter or thing whatsoever therein contained (other than a matter as to which it is therein stated that the War Department or the Postmaster-General (as the case may be) is to be the sole judge) shall be settled by arbitration in manner provided by clause XII thereof.

(3) Notwithstanding the provisions of this section the Admiralty and the Board may from time to time vary or modify the provisions of the said agreement in such manner and upon such terms as they may mutually agree:

Provided that the provisions and reservations contained in the said agreement for the benefit of the War Department and the Postmaster-General shall not be varied or modified under this subsection without the consent of the War Department or the Postmaster-General as the case may be.

Confirmation of agreement with commission.

**129.** Nothing in any repeal effected by this Act shall affect the confirmation by the Dover Harbour Act 1953 of the agreement between the commission and the Board set out in the Tenth Schedule to this Act which shall continue to be binding on the parties thereto.

Preference for cross-channel traffic.

**130.** Subject as hereinafter provided and notwithstanding anything in this Act or any Act incorporated therewith the cross-channel and continental vessels and other craft of the commission accommodating the traffic of the commission shall have the preference in all respects over any other traffic and vessels accommodating the same using the harbour (other than vessels belonging to or chartered by the Crown):

Provided that in its application to the authorised works the said preference shall only continue if and so long as the commission become and remain liable on any guarantee of interest on any debentures or debenture stock issued by the Board.

**131.**—(1) The commission may run over and use toll free with their engines carriages wagons and servants (whether in charge of engines carriages wagons or not) for all purposes connected with their railway and marine undertakings the following railways of the Board (namely):—

PART VIII  
—cont.

Power to the  
commission  
to run over  
Board's  
railways  
toll free.

(a) a railway commencing by a junction with the main line of the commission at a point distant two hundred and eighty feet or thereabouts from the south-east abutment of the Limekiln Street bridge measured in a southerly direction passing along Union Street and terminating by a junction with the railway on the Prince of Wales Pier at the entrance gates at the landward end of such pier:

(b) a railway commencing by a junction with the railway described in paragraph (a) of this subsection at a point five feet or thereabouts from the east end of the Wellington Dock swing bridge measured in an easterly direction passing along the sea front and terminating at the entrance gates to the Eastern Docks:

(c) the railways and sidings belonging to or in the occupation of the Board situate between the termination of the railway described in paragraph (b) of this subsection and the seaward extremity of the eastern arm of Dover Harbour:

(d) a railway commencing by a junction with the railway described in paragraph (b) of this subsection at a point distant three hundred and fifty feet or thereabouts from the north end of North Wall Quay Tidal Harbour measured in a northerly direction and terminating at a point distant sixty feet or thereabouts from the north end of North Wall Quay Tidal Harbour measured in a northerly direction;

or any alterations to the said railways which may from time to time be made.

(2) Nothing in this section shall prevent the Board from imposing a reasonable toll or making a reasonable charge for haulage over the said railways on others than the commission.

**132.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him or the giving of any consent or approval under this Act or the former Harbour Acts and subsections (2) to (5) of section 290 (Powers of government departments to direct inquiries) of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Board were a local authority.

Inquiries by  
Minister.

PART VIII  
—cont.  
Recovery of  
penalties etc.

**133.**—(1) Save as otherwise expressly provided by any enactment from time to time relating to the Board all offences against any such enactment and all penalties and forfeitures imposed or recoverable thereunder or under any byelaw made thereunder or by virtue thereof may be prosecuted and recovered in a summary manner.

(2) Any costs or expenses recoverable as aforesaid may be recovered summarily as civil debts where the amount recoverable does not exceed twenty pounds.

Several sums in  
one summons.

**134.** Where the payment of more than one sum by any person is due under the provisions of any enactment from time to time relating to the Board any summons or warrant issued for the purposes of any one or more of such enactments in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Repeals.

**135.** The Acts specified in the Twelfth Schedule to this Act so far as the same are still in force are hereby repealed to the extent specified in that schedule.



## SCHEDULES

### FIRST SCHEDULE

#### STREETS AND PARTS OF STREETS IN THE BOROUGH WHICH MAY BE STOPPED UP

(1) The public highway known as Union Street commencing at its junction with Snargate Street proceeding thence in an easterly direction for a distance of 472 feet or thereabouts and terminating at its junction with Wellington Bridge.

(2) The public highway over and along Wellington Bridge and the eastern approach thereto commencing at the junction of Wellington Bridge with Union Street proceeding thence in an easterly direction for a distance of 165 feet or thereabouts and terminating at the junction of the eastern approach to Wellington Bridge with the public highway described in paragraph (3) hereof.

(3) The public highway 28 feet in width commencing at its junction with the eastern end of the public highway described in paragraph (2) hereof proceeding thence in a south-easterly direction for a distance of 48 feet or thereabouts and terminating at its junction with the north-western end of the public highway described in paragraph (4) hereof.

(4) The public highway 28 feet in width and 97 feet in length or thereabouts commencing at its junction with the south-eastern end of the highway described in paragraph (3) hereof proceeding thence in a south-easterly direction terminating in the Esplanade and lying immediately to the north of the site of the premises formerly known as the Esplanade Hotel.

### SECOND SCHEDULE

AGREEMENT made the fifteenth day of January One thousand nine hundred and fifty-three BETWEEN THE COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH ADMIRAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND (hereinafter called "the Admiralty") of the one part and THE DOVER HARBOUR BOARD (hereinafter called "the Harbour Board") of the other part Whereby it is agreed as follows:—

I. As soon as may be after this Agreement takes effect the Admiralty shall—

- (1) convey to the Harbour Board all their estate rights and interest of and in the Admiralty Harbour Undertaking at Dover coloured red and hatched blue on the plan marked "A" attached hereto including the Southern Breakwater the Eastern Arm the West Jetty the South Jetty the Eastern Docks (formerly known as the Naval Depot or Dockyard) and all lands buildings structures oil tanks railways and works belonging or incidental thereto or connected therewith;
- (2) transfer to the Harbour Board all their rights and interest of and in the Admiralty Harbour Undertaking at Dover coloured blue and coloured red hatched red on the plan marked "A" attached hereto including the Outer Harbour (formerly known as the Admiralty Harbour) and the Camber (formerly known as the Submarine Harbour);

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

2ND SCH.  
—cont.

- (3) transfer to the Harbour Board all their rights and interest of and in the Railway shown by a green line on the said plan:

PROVIDED ALWAYS that the Conveyance and Transfers shall be subject—

- (a) to the reservation in favour of the Admiralty of a yearly rent-charge of £1,000 to be paid by the Harbour Board to the Admiralty yearly free of all deductions and charged on the property conveyed and transferred;
- (b) to the reservations contained in two Indentures of Conveyance dated respectively the fourteenth November one thousand eight hundred and ninety-eight and made between Her Majesty Queen Victoria of the first part John Francis Fortescue Horner of the second part and the Admiralty of the third part and the eighth May one thousand eight hundred and ninety-nine and made between Her Majesty Queen Victoria of the first part the Board of Trade of the second part and the Admiralty of the third part;
- (c) to a covenant to be made by the Harbour Board that they and the persons deriving title under them will not construct or permit the construction of any works below high-water mark of ordinary spring tides without the prior consent in writing of the Minister of Transport;
- (d) to a covenant to be made by the Harbour Board that they and the persons deriving title under them will not construct any new works or make any alterations to existing works on the property transferred or conveyed without the prior consent in writing of the Admiralty Provided always that such consent shall not be unreasonably withheld in respect of the areas coloured red and coloured red hatched red on the plan marked "A";
- (e) to the granting by the Harbour Board to the War Department and their successors in title of an unrestricted right of access and egress for their officers and duly authorised servants and agents with or without vehicles over any portion of the property to be transferred or conveyed to the works or property now belonging to or leased to the War Department;
- (f) to the exclusion from transfer to the Harbour Board of all structures winches slipways cradles racking ducting pipes wires cables water supply heating lighting and air-conditioning plant fire-fighting equipment pumps transformers rectifiers switch-gear boilers engines electric diesel and other motors and generators tanks rails cranes machines fixtures fittings apparatus and plant stores ordnance and war-like equipment which are in or about or used in connection with the premises which by clauses IX and XI are to be leased by the Harbour Board to or are the property of the Admiralty and the War Department and the Postmaster-General respectively.

II. In consideration of the premises the Admiralty shall have the right in the event or in anticipation of a national emergency (of which the Admiralty shall be the sole judge)—

- (1) to resume the administration and control of the whole or parts of the water areas of the Outer Harbour and the Camber coloured blue on the said plan "A";

- (2) to resume possession of the whole or part of the Eastern Arm South Jetty and Southern Breakwater hatched blue on the said plan "A";

2ND SCH.  
—cont.

for such period or periods as in the judgment of the Admiralty may be necessary for the defence of the Realm without payment of compensation to the Harbour Board and without any abatement of the rent-charge referred to in clause I hereof Provided that the right of resumption shall not extend to the present or any future Signal Station and ancillary buildings used in connection therewith and required to be operated as such by the Harbour Board and that the Harbour Board shall at all times have the right of access to such Signal Station and ancillary buildings so long as they are required to be operated and maintained by the Harbour Board as a Signal Station PROVIDED ALSO that if at any time hereafter the Harbour Board or their tenants carry out with the prior written consent of the Admiralty any works of development in or on any part or parts of the water areas and structures described in (1) and (2) of this clause such part or parts shall (if such consent has so provided) cease to be subject to the Admiralty's right of resumption under this clause Provided further that the Harbour Board shall in any lease tenancy agreement or licence which they shall grant in respect of the whole or any part of the areas described in (1) and (2) of this clause insert an express provision that the lessee tenant or licensee shall hold the premises subject to the rights of the Admiralty under this Agreement and shall procure from any purchaser of the said areas or any part thereof an express agreement with the Admiralty in the like terms to those contained in this clause.

III. During the period or periods of any resumption by the Admiralty under the preceding clause II the Admiralty shall be liable for the maintenance and repair (including dredging) of the structures and water areas so resumed (hereinafter called "the resumed areas") including all buildings lighthouses railways fixed plant and machinery electricity and water mains and services telephone cables and services and oil fuel pipe lines in or on such structures The condition of the resumed areas shall be recorded by joint survey at the commencement of resumption and at the end thereof the Admiralty shall hand the resumed areas back to the Harbour Board in as good condition as at the commencement (war damage excepted) Provided always that liability for maintenance and repair on the part of the Admiralty under this clause shall in no way extend to damage or deterioration to any part of Dover Harbour administration control or possession of which is not liable to be resumed by the Admiralty under the provisions of clause II hereof If any of the resumed areas shall not be handed back in such good condition as aforesaid the Admiralty shall pay to the Harbour Board as compensation the cost (at the time of such handing back) of putting the resumed areas into such condition Unless specially agreed between the Admiralty and the Harbour Board at the time all defence works erected including blockships sunk during the period of resumption shall be dealt with in the same way as defence works erected on the premises of other Harbour Authorities in accordance with the policy of H.M. Government at the time In the event of resumption by the Admiralty of part or parts only of the areas subject to resumption the extent of the liability of the Admiralty for maintenance and repair (including dredging) under the foregoing part

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

2ND SCH.  
—cont.

of this clause shall be such as is reasonable having regard to all the circumstances and not merely to the cost of maintaining or dredging the particular part or parts resumed. The liability of the Admiralty under the foregoing part of this clause shall also extend to the maintenance (including dredging) of water areas adjoining structures of which they have resumed possession notwithstanding they have not resumed administration and control of such adjoining water areas:

Provided that in the event of the Admiralty occupying or using under Emergency powers any of the piers jetties or wharves part of the areas coloured red on the said plan "A" (of which areas coloured red on the said plan the Admiralty are not under this Agreement entitled to occupation and use without charge) and also resuming administration and control under clause II hereof of any part or parts of the water areas giving access to any of the said piers jetties or wharves which are occupied or used by the Admiralty under emergency powers as aforesaid the liability of the Admiralty under the foregoing part of this clause for dredging such part or parts of the resumed water areas shall be subject to an allowance for such dredging as is directly essential for the use of the said piers jetties or wharves occupied or used by the Admiralty as aforesaid. The extent of such allowance shall be agreed by the Civil Engineer-in-Chief of the Admiralty and the Chief Engineer of the Harbour Board or failing agreement shall be determined by arbitration under the clause hereinafter contained:

Provided also that in the event of the Admiralty resuming possession of the Eastern Arm and South Jetty they shall have the right of road and rail access thereto over the roads and railways maintained by the Harbour Board in the Eastern Docks area subject in respect of the use of railways to the payment of the rail charges current at the time and in respect of roads to the payment of a reasonable and proper share of the maintenance charges incurred by the Harbour Board in maintaining the roads.

IV. In the event of the Admiralty exercising their right of resumption under clause II hereof they shall permit—

- (i) the Harbour Board and all other users of the Harbour to have access through the water areas resumed to all the remaining parts of the Harbour Board's Undertaking;
- (ii) the normal commercial activities of the Harbour Board and their tenants to continue in the areas affected;

as far as in the judgment of the Admiralty defence requirements may permit and the Admiralty shall use their best endeavours to minimise interruption or interference with such normal commercial activities.

V. The Harbour Board hereby confirm that (subject as in this clause provided) the exemption from rates or duties conferred by section 28 of the Harbours Docks and Piers Clauses Act 1847 shall at all times remain in full force in respect of the areas referred to in clause I (1) and (2) of this Agreement in favour of the Government Departments and persons entitled thereto:

Provided always that nothing in this clause shall affect the provisions of the Arrangement of December one thousand nine hundred and twenty between H.M. Government and Harbour Authorities or any modification of such Arrangement for the time being in force being

applied to the said areas with the exception of the Eastern Arm the South Jetty the Southern Breakwater the G.P.O. Cable Depot Jetty and the water areas coloured blue on plan "A".

2ND SCH.  
—cont.

VI. The Admiralty shall be at liberty at their own expense from time to time to carry out any dredging or hydrographical surveying operations which they think proper within the water areas coloured blue on the said plan "A".

VII. An automatic tide gauge shall be regularly maintained in working order by the Harbour Board and the records thereof shall be preserved by the Harbour Board and handed over to the Admiralty when they are no longer required for local use.

VIII. The Admiralty shall be entitled at their own expense to remove the blockship "Spanish Prince" sunk during the 1914-18 War at the eastern end of the Western Entrance of the Harbour without making compensation to the Harbour Board.

IX. Simultaneously with the completion of the Conveyance and Transfers referred to in clause I hereof the Harbour Board shall grant to the Admiralty Leases free of rent or at peppercorn rents as follows:—

- (1) of the areas of access to Mine Storage Galleries (excluding the building known as Building 3A) the Underground Oil Fuel Installation and the Combined Operations Fuelling Installation all of which are indicated on the plan "B" attached hereto and thereon coloured green for a term of nine hundred and ninety-nine years from the date of such Conveyance and Transfers such Leases to include the following provisions:—
  - (a) on the lines of clause 5 (2) of the Boom Defence Depot lease of eighteenth March one thousand nine hundred and thirty-eight to facilitate any future development of the harbour by the Harbour Board;
  - (b) against assigning or subletting (except for purposes connected with national defence) the whole or any part except to another Government Department;
  - (c) that the Admiralty may give and the Harbour Board shall accept three months' notice to terminate the Lease at any time before the normal expiration of the Lease if retention of the demised premises is in the judgment of the Admiralty no longer necessary for the purposes of the Crown;
- (2) of the M.T.B. Pens indicated on the said plan "B" and thereon coloured green for a term of ninety-nine years from the date of the said Conveyance and Transfers such Lease to include provisions as at (a) (b) and (c) above.
- (3) of the Boom Defence Depot (excluding the small building at the N.E. corner of the Eastern Docks) indicated on the said plan "B" and thereon coloured green for a term of ninety-nine years from the date of such Conveyance and Transfers such Lease to include provisions as at (a) and (b) above and (c) and (d) below—
  - (c) not to use or suffer the demised premises to be used otherwise than for the Admiralty's own purposes in

2ND SCH.  
—cont.

connection with the Boom Defence of the Harbour or in connection with such form of Harbour Defence as may be substituted therefor and not for any commercial purpose;

(d) that the Admiralty may give and the Harbour Board shall accept three months' notice to terminate the Lease at any time before the normal expiration thereof if the premises cease in the opinion of the Admiralty to be required as a Depot for Boom Defence or for such other form of Harbour Defence as may be substituted therefor.

The said leases shall contain such other terms as the Admiralty shall in their sole judgment consider to be reasonable having regard to all the circumstances.

X. As soon as may be after this Agreement takes effect the Admiralty shall convey to the Harbour Board for the sum of five hundred pounds the fee simple or other the estate rights and interest of the Admiralty in the Admiralty Pier Extension as coloured yellow on the said plan "A" and the sea bed thereunder.

XI. (1) Simultaneously with the completion of the Conveyances and Transfers from the Admiralty referred to in clauses I and X hereof the Harbour Board shall enter into an Agreement with the War Department for the grant to that Department of a Lease of the land and premises in their occupation which are coloured yellow on the plan marked "B" attached hereto such Lease to be for not less than ninety-nine years from the respective dates of the said Conveyances and Transfers rent free and otherwise on such terms as shall in the sole judgment of the War Department be reasonable.

(2) Simultaneously with the completion of the Conveyance and Transfers from the Admiralty referred to in clause I hereof the Harbour Board shall grant to Her Majesty's Postmaster-General in trust for Her Majesty for the purpose of the Post Office a Lease rent free and otherwise on such terms as shall in the sole judgment of the Postmaster-General be reasonable for a term of ninety-nine years from the completion of the said Conveyance and Transfers of the land and premises now in the occupation of the Postmaster-General which are coloured purple on the said plan marked "B" together (if the Postmaster-General shall so require) with all such easements rights consents privileges and advantages under in upon over along across or in respect of the property and railway respectively conveyed or transferred to the Harbour Board pursuant to clause I hereof or other the property of the Harbour Board as the Postmaster-General may now enjoy or exercise or be entitled or permitted to enjoy or exercise for the benefit of or in connection with the use and enjoyment by the Postmaster-General of the said land and premises coloured purple on the said plan marked "B" and in particular but without prejudice to the generality of this paragraph (it being the intention of the parties hereto that the following shall not be deemed to be exhaustive) there shall be included in the said Lease and granted to the Postmaster-General all such easements rights consents privileges and advantages as were excepted or reserved or otherwise provided for the benefit of the Postmaster-General or (so far as the Postmaster-General enjoys or exercises or has enjoyed or exercised or is entitled or permitted to enjoy or exercise the same) for the benefit of the Admiralty or other Government Departments or persons or their ships or vessels or ships

or vessels chartered by them by clause 4 of the Agreement between the Admiralty and the Harbour Board dated second July one thousand nine hundred and twenty-three and clause 4 of the Agreement between the Admiralty and the Harbour Board dated sixteenth March one thousand nine hundred and twenty-nine (as amended by the Agreement dated fourth June one thousand nine hundred and thirty made between the same parties).

2ND SCH.  
—cont.

If the Postmaster-General shall so require the said Lease shall contain a covenant by the Harbour Board that so long as the said term of years shall continue and be subsisting the Harbour Board will provide and maintain for the benefit of the Postmaster-General the services and facilities respectively specified in paragraphs 7 and 8 of the said Agreement of sixteenth March one thousand nine hundred and twenty-nine.

The said Lease shall contain a provision (in terms to be approved by the Postmaster-General) empowering the Harbour Board to determine the said Lease at such times on such terms and subject to such conditions as shall in the sole judgment of the Postmaster-General be reasonable.

(3) Simultaneously with the completion of the Conveyances and Transfers referred to in clauses I and X hereof the Harbour Board shall if Her Majesty's Postmaster-General so requires enter into an Agreement under seal with Her Majesty's Postmaster-General on behalf of Her Majesty on such terms as shall in the sole judgment of the Postmaster-General be reasonable to grant or provide (free of charge except as otherwise provided in the Agreement dated twenty-ninth May one thousand nine hundred and six hereinafter referred to) in perpetuity to or for the Postmaster-General all such easements rights privileges consents facilities and advantages for which provision was made for the benefit of Her Majesty's Postmaster-General in the Agreement between the Admiralty and the Harbour Board dated twenty-ninth May one thousand nine hundred and six or which the Postmaster-General otherwise enjoys or exercises or is entitled or permitted to enjoy or exercise under in upon over along across or in respect of the property and the railway respectively conveyed or transferred to the Harbour Board pursuant to clauses I and X hereof and all other the property of the Harbour Board.

XII. If any dispute or difference shall arise between the Admiralty and the Harbour Board concerning any matter which it is hereby provided shall be settled by arbitration or touching any clause matter or thing whatsoever herein contained (other than any matter upon which it is stated herein that the Admiralty the War Department or the Postmaster-General (as the case may be) is to be the sole judge) the dispute or difference shall be referred to a single arbitrator in accordance with and subject to the provisions of the Arbitration Act 1950 or any statutory modification thereof.

XIII. The Agreements between the Admiralty and the Harbour Board dated as follows shall be cancelled as and from the completion of the Conveyances Transfers Agreements and Leases referred to herein:—

29th May 1906  
2nd July 1923  
16th March 1929  
4th June 1930  
20th December 1951.

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

2ND SCH.  
—cont.

XIV. This Agreement is subject to confirmation by Parliament and if confirmed (but subject to the provisions of Clause XV) shall take effect from the date on which Royal Assent is given to the confirming Act.

XV. This Agreement is subject to such alterations if any as Parliament may think fit to make therein provided that if any material alteration shall thereby be made in this Agreement it shall be competent to either party to withdraw from the Agreement.

XVI. All legal costs and expenses arising out of this Agreement including those incurred in connection with the preparation of this Agreement and the Conveyances Transfers Agreements and Leases referred to herein shall be borne by the Harbour Board.

XVII. Notwithstanding the completion of the assurances of the properties referred to herein this Agreement shall remain in force with regard to anything remaining to be done performed or observed hereunder and not provided for in the said assurances.

IN WITNESS whereof the Admiralty have hereunto set their hands and seals and the Harbour Board have caused their Common Seal to be hereunto affixed the day and year first before written.

SIGNED SEALED and DELIVERED by  
Kenelm Simon Digby Wingfield  
Digby M.P. one of the Commissioners for Executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland in the presence of  
M. MILTON  
Admiralty S.W.1  
Civil Servant.

K. S. D.  
WINGFIELD DIGBY.

SIGNED SEALED and DELIVERED by  
Admiral Sir Michael Maynard Denny K.C.B. C.B.E. D.S.O. one of the Commissioners for Executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland in the presence of  
PETER WHITE  
Admiralty S.W.1  
Captain (S) Royal Navy.

MICHAEL M. DENNY.

THE COMMON SEAL of the Dover Harbour Board was hereunto affixed in the presence of  
CECIL BYFORD  
Register.



THIRD SCHEDULE

DUES ON VESSELS ENTERING USING OR LEAVING THE HARBOUR

<i>Class of vessel</i>	<i>Per N.R.T.*</i>
	<i>s. d.</i>
<b>HARBOUR DUES</b>	
1. On every vessel with cargo (other than coal coke or stone) or passengers ... ..	0 6
2. On every vessel with coal coke or stone ... ..	0 3
3. On every vessel in ballast to load coal coke or stone outwards ... ..	0 3
4. On every vessel in ballast to load outwards cargo other than coal coke or stone or to embark passengers ...	0 6
5. On every vessel entering in ballast and leaving in ballast...	0 2
6. On every vessel exceeding 300 N.R.T. discharging or loading less than full cargo if the quantity of cargo discharged or loaded does not exceed one-third of the N.R.T. ... ..	0 3
7. On every vessel entering for bunkering purposes only ...	0 1
8. On every vessel entering in distress or for shelter stores for ship's use repairs orders or medical assistance without discharging or loading cargo or landing or embarking passengers ... ..	0 2
9. Vessels calling at Dover On every ocean vessel whether laden or in ballast entering for the purpose of embarking or disembarking passengers and their personal luggage or loading or discharging mails without occupying a quay berth or breaking bulk or loading cargo ... ..	0 3
10. On every tug entering with a tow or to leave with a tow... Minimum charge to be 7s. 0d. including harbour light dues.	0 6
11. On every other tug ... .. Minimum charge to be 4s. 0d. including harbour light dues.	0 3
12. On every fishing vessel entering to land fish ... ..	0 2
13. On every coasting pleasure vessel operated for profit ...	0 2
14. On every pleasure yacht ... .. Minimum charge to be 1s. 0d. including harbour light dues.	0 1
15. On every vessel remaining in harbour for a longer period than one calendar month after date of entry For each week or part of a week ... .. Minimum charge to be 1s. 0d. per week or part of a week.	0 2

<b>HARBOUR LIGHT DUES</b>	
On every vessel entering or using the harbour ... ..	0 1

- EXEMPTIONS**  
 Open boats Harbour dues and harbour light dues.  
 Vessels in classes 13 and 15 Harbour light dues.

\* N.R.T. means Net Register Tonnage.

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

3RD SCH.  
—cont.

REGULATIONS AND CONDITIONS APPLICABLE TO  
HARBOUR DUES AND RENTS

1. All vessels remaining in the harbour for a longer period than one calendar month after date of entry will not be entitled to occupy quay berths and will be charged harbour rent on N.R.T. under class 15 during so long as they shall after the expiration of that period remain in the harbour without leaving the same in the bona fide prosecution of a voyage. Harbour rent shall not be chargeable so long as a vessel is occupying a slipway belonging to the Board.
2. For every vessel loading or discharging deck or double-bottom cargo so carried shall be calculated in foot tons such measurement to be added to the N.R.T. for the purpose of charging harbour dues.
3. Vessels discharging one cargo and loading another shall be charged single harbour dues on whichever is the higher rate.

FOURTH SCHEDULE

DOCK DUES AND RENTS PAYABLE IN RESPECT OF EVERY VESSEL ENTERING  
OR LYING IN THE GRANVILLE OR WELLINGTON DOCKS

<i>Class of vessel</i>	<i>Per N.R.T.</i>
	<i>s. d.</i>
1. On every vessel from any place in the United Kingdom Isle of Man Channel Islands or the Republic of Ireland	0 2
2. On every vessel from any other place ... ..	0 3
3. On every vessel from any place for the purpose of bunkering only ... ..	0 1
4. On every fishing vessel ... ..	0 1
5. On every pleasure yacht from any place whatsoever ...	0 2
Minimum charge to be 1s. 0d.	
6. On every vessel remaining in either dock for a longer period than one calendar month after date of entry For each week or part of a week thereafter ... ..	0 2
Minimum charge for pleasure yachts so remaining to be 2s. 0d. per week or part of a week.	

REGULATIONS AND CONDITIONS APPLICABLE TO DOCK DUES AND RENTS

1. All vessels remaining in the docks for a longer period than one calendar month after date of entry will not be entitled to occupy quay berths and will be charged dock rent on N.R.T. under class 6 during so long as they shall after the expiration of that period remain in the docks.
2. For every vessel loading or discharging deck or double-bottom cargo so carried shall be calculated in foot tons such measurement to be added to the N.R.T. for the purpose of charging dock dues.
3. Payment of dock dues or dock rent in respect of any vessel shall not entitle such vessel to remain in the docks for a longer period than may be actually necessary for loading or discharging her cargo and shall not in any way affect the power of the harbour-master if he shall think fit to order such vessel to remove to any other part of the harbour whether or not the vessel shall at the time such order is given have completed the loading or discharge of cargo.

4. The Board do not guarantee to keep vessels water borne in consideration of the above dues but the harbour-master will if possible give the person in charge of a vessel 24 hours' notice before emptying the dock in which the vessel is lying and the Board will not be answerable for any injury that may happen to any such vessel by reason of the dock being so emptied whether notice shall have been given to the person in charge thereof or not or from any other cause other than the wilful act or default of the Board or their officers.

4TH SCH.  
—cont.

5. Payment of dock dues or dock rent does not entitle a vessel to the use of a berth except when loading or discharging cargo.

6. Vessels in class 3 will be liable to full dock dues if they remain in either dock for a longer period than three working days.

FIFTH SCHEDULE

WHARFAGE RATES ON GOODS

				<i>s.</i>	<i>d.</i>
Acetates not otherwise rated	...	...	per ton	2	0
Acids not otherwise rated	...	...	per ton	2	0
Aerated waters	...	...	per ton	2	0
Aeroplanes or seaplanes or parts	...	...	*(M) per ton	1	4
Agricultural or dairy implements machines or utensils	...	...	per ton	2	8
Alcohol	...	...	per ton	2	8
Ale beer or porter—					
In barrels	...	...	per ton	1	4
In bottles	...	...	per ton	2	0
Alkali not otherwise rated	...	...	per ton	0	9
Alum not otherwise rated	...	...	per ton	1	2
Alum cake	...	...	per ton	1	0
Alumina clay powdered	...	...	per ton	2	0
Alumina crude	...	...	per ton	1	2
Aluminium	...	...	per ton	2	0
Aluminium manufactures	...	...	per ton	2	8
Alunite	...	...	per ton	1	2
Ammonia	...	...	per ton	1	5
Ammonium nitrate	...	...	per ton	0	9
Aniline salts of or colour	...	...	per ton	2	0
Animals—					
Horses mules ponies asses bulls cows oxen or dogs	...	...	each	0	4
Calves	...	...	each	0	1
Sheep or pigs	...	...	per score	1	0
Lambs	...	...	per score	0	6
Animals not otherwise rated	...	...	each	0	6
Arms or ammunition	...	...	per ton	2	8
Arsenic	...	...	per ton	1	7
Asbestos—					
Crude	...	...	per ton	1	4
Manufactured	...	...	per ton	2	0
Slates	...	...	per ton	1	2
Steam pipe covering	...	...	per ton	1	4

\* The letter M denotes ton measurement.

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

5TH SCH. —cont.		s. d.
Ashes ... ..	per ton	0 3
Chemical ... ..	per ton	2 0
Asphalt ... ..	per ton	1 0
Compressed ... ..	per ton	1 4
Rock crude ... ..	per ton	0 6
Ballast Thames or sand and beach ... ..	per ton	0 6
Barium—		
Sulphate of ... ..	per ton	1 2
Rock crude ... ..	per ton	0 5
Bark ... ..	per ton	1 4
Barytes ... ..	per ton	1 2
Baskets or basket-making material ... ..	*(M) per ton	2 0
Bathbricks ... ..	per ton	1 0
Baths earthenware or fireclay ... ..	*(M) per ton	1 0
Bauxite ... ..	per ton	0 6
Beans oil castor etc. ... ..	per ton	1 2
Beet pulp ... ..	per ton	1 2
Belting ... ..	per ton	2 0
Benzine benzol or benzoline ... ..	per ton	2 0
Bicycles ... ..	each	0 6
Bicycle parts ... ..	per ton	2 8
Biscuits ... ..	per ton	2 0
Bismuth ... ..	per ton	2 0
Binder twine ... ..	per ton	2 0
Bitumen liquid or road oil ... ..	per ton	1 0
Bleaching powder ... ..	per ton	1 2
Blood dry ... ..	per ton	0 6
Boats ... ..	per ton	2 8
Bog ore ... ..	per ton	0 6
Boiler composition ... ..	per ton	1 4
Bones bone dust or bone meal ... ..	per ton	0 6
Books ... ..	per ton	2 0
Boots or shoes all kinds ... ..	per ton	2 0
Borate of lime ... ..	per ton	1 2
Borax ... ..	per ton	2 0
Bottles or jars glass or stoneware ... ..	per ton	1 4
Brass or brass manufactures ... ..	per ton	2 8
Brass ashes or dross ... ..	per ton	1 2
Breeze blocks ... ..	per ton	0 6
Bricks all kinds ... ..	per ton	0 5
Bristles ... ..	per ton	1 4
Bronze ... ..	per ton	2 0
Brooms or brushes ... ..	per ton	2 0
Bullion or specie ... ..	per package	2 0
Bulbs (flower) ... ..	per ton	2 0
Cables or cordage ... ..	per ton	2 0
Cables electric telegraph or telephone ... ..	per ton	2 0
Cake for cattle feeding not otherwise rated ... ..	per ton	1 1
Calcium carbide of ... ..	per ton	1 9
Calcium cyanimide (manure) ... ..	per ton	0 6
Candles ... ..	per ton	2 0
Canes manila or rattan ... ..	per ton	2 0

\* The letter M denotes ton measurement.

	<i>s. d.</i>	5TH SCH.
Canvas ... ..	per ton 2 0	—cont.
Carbon black ... ..	per ton 2 0	
Carpets ... ..	per ton 2 8	
Castor seed ... ..	per ton 1 2	
Celluloid ... ..	per ton 2 0	
Cement shell or clinker	per ton 0 6	
Not otherwise rated	per ton 0 9	
Chalk—		
Crude ... ..	per ton 0 3	
French Italian or ground	per ton 1 0	
Chemicals not otherwise rated	per ton 2 0	
China or chinaware ... ..	per ton 1 0	
Chop hay or straw admixed with grain	per ton 1 1	
Chrome ore ... ..	per ton 0 6	
Cider—		
In bottles ... ..	per ton 2 0	
In casks ... ..	per ton 1 4	
Cigars or cigarettes ... ..	per ton 5 0	
Cinnamon ... ..	per ton 2 0	
Clay (fire or china)—		
Ground stones ... ..	per ton 0 6	
Common or ball ... ..	per ton 0 4	
Drain pipes tiles paving plain roofing and chimney pots	per ton 0 9	
Enamelled goods ... ..	per ton 1 4	
Goods not otherwise rated	per ton 1 0	
Vent linings and pipes ... ..	per ton 0 6	
Clocks or clockwork material ... ..	per ton 2 8	
Coal coke culm and charcoal ... ..	per ton 0 6	
Cobalt ... ..	per ton 2 0	
Cobalt ore ... ..	per ton 0 6	
Coir fabric fibre matting rope or yarn	per ton 2 0	
Concrete—		
Blocks or slabs ... ..	per ton 0 6	
Reinforced piles poles blocks and sewage tubes	per ton 0 9	
Confectionery ... ..	per ton 2 0	
Copper ... ..	per ton 2 0	
Cinders dross or slag ... ..	per ton 1 2	
Manufactures ... ..	per ton 2 8	
Matte or regulus and ore ... ..	per ton 1 0	
Sulphate of ... ..	per ton 1 9	
Copperas or sulphate of iron ... ..	per ton 1 0	
Copra ... ..	per ton 1 4	
Cork or corks ... ..	*(M) per ton 2 8	
Corkwood ... ..	per ton 2 0	
Compressed granulated for insulation	per ton 2 0	
Granulated shavings waste or refuse	per ton 1 4	

\* The letter M denotes ton measurement.

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

5TH SCH. —cont.			s. d.
Corn	... ..	per ton	0 8
Oatmeal or flour pease meal rye and wheat flours	... ..	per ton	1 2
Flourine	... ..	per ton	1 4
Malt meal	... ..	per ton	1 9
Lentils peas (split) malt	... ..	per ton	0 10
All other kinds	... ..	per ton	2 0
Corn etc. horse or cattle food—			
Bran	... ..	per ton	0 10
Draff wet	... ..	per ton	0 5
Gluten and soya meal	... ..	per ton	0 11
Shudes or shellings	... ..	per ton	1 0
All other kinds	... ..	per ton	1 1
Corundum	... ..	per ton	2 0
Ore	... ..	per ton	1 2
Cotton—			
Manufactures and raw	... ..	per ton	2 0
Rags	... ..	per ton	1 2
Cotton seed fluff	... ..	per ton	1 2
Hull waste	... ..	per ton	1 2
Oil refuse residuum waste or wool	... ..	per ton	2 0
Cotton cake	... ..	per ton	1 1
Creosote	... ..	per ton	1 1
Crucibles	... ..	per ton	1 4
Plumbago old broken up	... ..	per ton	0 6
Cutch	... ..	per ton	2 0
Cutlery	... ..	per ton	2 8
Cyanides	... ..	per ton	2 0
Dextrine	... ..	per ton	2 0
Disinfectants not otherwise rated	... ..	per ton	2 0
Divi-divi	... ..	per ton	2 0
Dolomite	... ..	per ton	0 6
Drapery goods	... ..	*(M) per ton	2 0
Drugs not otherwise rated	... ..	per ton	2 0
Dunnage—			
Wood	... ..	*(M) per ton	0 3
Mats	... ..	per ton	1 0
Dust or blacking founders'	... ..	per ton	1 0
Dyestuff not otherwise rated	... ..	per ton	2 0
Dyewood	... ..	per ton	1 4
Ground or in chips	... ..	per ton	2 0
Extracts not otherwise rated	... ..	per ton	2 0
Dynamite	... ..	per ton	2 8
Earth Fullers paint or infusorial	... ..	per ton	1 0
Earthenware	... ..	per ton	1 0
Sanitary enamelled	... ..	per ton	1 0
Eggs in cases	... ..	*(M) per ton	2 0
Electrical appliances or parts	... ..	per ton	2 8
Emery	... ..	per ton	2 0
Stone	... ..	per ton	1 9
Empties casks cases etc. not being returned	... ..	*(M) per ton	1 4
Envelopes straw for bottles	... ..	per ton	2 0

\* The letter M denotes ton measurement.

2 & 3 ELIZ. 2      *Dover Harbour Consolidation*      **Ch. iv**  
*Act, 1954*

						<i>s.</i>	<i>d.</i>	5TH SCH.
								<i>—cont.</i>
Epsom salts	...	...	...	...	per ton	0	9	
Farina	...	...	...	...	per ton	1	2	
Feathers (compressed)	...	...	...	...	per ton	2	8	
Felspar—								
Crude	...	...	...	...	per ton	0	6	
Ground	...	...	...	...	per ton	0	9	
Felt of all kinds	...	...	...	...	per ton	2	0	
Fire lighters patent	...	...	...	...	per ton	0	9	
Fish—								
Fresh	...	...	...	...	per ton	1	0	
Cured or salted	...	...	...	...	per ton	1	9	
Offal	...	...	...	...	per ton	0	4	
Meal	...	...	...	...	per ton	1	1	
Flax	...	...	...	...	per ton	2	0	
Dust or shews	...	...	...	...	per ton	0	9	
Seed	...	...	...	...	per ton	1	0	
Flint ground or flintstones	...	...	...	...	per ton	0	6	
Floor cloth oilcloth or linoleum	...	...	...	...	per ton	2	8	
Flowers fresh	...	...	...	...	per package	0	0½	
Fluorspar—								
Crude	...	...	...	...	per ton	0	6	
Ground	...	...	...	...	per ton	0	9	
Fluxphalte	...	...	...	...	per ton	1	0	
Flux skimmings	...	...	...	...	per ton	0	6	
Formaldehyde	...	...	...	...	per ton	2	0	
Fowls in crates	...	...	...	...	*(M) per ton	2	0	
Food for cattle	...	...	...	...	per ton	1	1	
Fruit—								
Crystallised preserved or dried	...	...	...	...	per ton	2	0	
Fresh	...	...	...	...	per ton	1	4	
Pulp	...	...	...	...	per ton	1	9	
Furniture	...	...	...	...	*(M) per ton	1	4	
Gambier	...	...	...	...	per ton	2	0	
Game	...	...	...	...	per ton	2	0	
Ganister	...	...	...	...	per ton	0	5	
Gas coal cinders...	...	...	...	...	per ton	0	4	
Gas coal cinders ground	...	...	...	...	per ton	0	6	
Gases in cylinders	...	...	...	...	per ton	2	0	
Glass or glassware	...	...	...	...	*(M) per ton	2	0	
Glass—								
Broken	...	...	...	...	per ton	0	4	
Ground	...	...	...	...	per ton	1	0	
Glauber salts	...	...	...	...	per ton	0	9	
Glucose or corn syrup	...	...	...	...	per ton	2	0	
Glue	...	...	...	...	per ton	2	0	
Glycerine...	...	...	...	...	per ton	2	0	
Grape waste for cattle feeding	...	...	...	...	per ton	1	1	
Graphite	...	...	...	...	per ton	2	0	
Gravel all kinds	...	...	...	...	per ton	0	4	
Grease	...	...	...	...	per ton	2	0	
Grindstones	...	...	...	...	per ton	2	0	

\* The letter M denotes ton measurement.

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

5TH SCH. —cont.		s. d.
Grit flint for poultry ... ..	per ton	0 6
Groceries... ..	per ton	2 0
Guano or phospho-guano ... ..	per ton	0 6
Gum ... ..	per ton	2 0
Gunmetal ... ..	per ton	2 0
Gunpowder ... ..	per ton	2 8
Guts intestinal skin or sausage casings ... ..	per ton	2 0
Gutta percha or gutta percha goods ... ..	per ton	2 8
Gypsum—		
Crude ... ..	per ton	0 6
Manufactured not otherwise rated ... ..	per ton	2 0
Haberdashery ... ..	*(M) per ton	2 0
Hair ... ..	per ton	2 0
Hair refuse for manure ... ..	per ton	0 6
Hardware ... ..	*(M) per ton	2 0
Harness ... ..	per ton	2 0
Hay (machine pressed) ... ..	per ton	1 0
Hearthstones ... ..	per ton	1 0
Hemlock wood extract—		
Liquid ... ..	per ton	1 4
Solid... ..	per ton	2 0
Hemp and hemp waste ... ..	per ton	2 0
Hemp seed ... ..	per ton	1 4
Hides ... ..	per ton	2 0
Hollow-ware ... ..	per ton	2 0
Hones or honestones ... ..	per ton	2 0
Hoofs ... ..	per ton	1 2
Hop wood ... ..	*(M) per ton	1 0
Hops ... ..	per ton	2 0
Horns ... ..	per ton	2 0
Horn waste piths shaving or slugs ... ..	per ton	1 0
Hosiery—		
Silk and nylons ... ..	per ton	2 8
Other kinds... ..	per ton	2 0
Ice ... ..	per ton	0 6
Indiarubber and manufactures... ..	per ton	2 8
Scrap ... ..	per ton	0 9
Ink ... ..	per ton	2 0
Iodine ... ..	per ton	2 0
Iron and steel—		
Anchors and chains ... ..	per ton	2 0
Angles bar bolt nut rod sheet plate channel and hoop ... ..	per ton	1 4
Billets blooms and slabs ... ..	per ton	0 9
Casting ... ..	per ton	1 0
Fencing and other wire including expanded metal ... ..	per ton	1 7
Girders joists and piling ... ..	per ton	1 6
Ingots ... ..	per ton	1 0
Iron galvanised ... ..	per ton	1 4
Ore ... ..	per ton	0 6
Oxide ... ..	per ton	0 6

\* The letter M denotes ton measurement.



		<i>s.</i>	<i>d.</i>	5TH SCH. —cont.
Iron and Steel— <i>continued</i>				
Pipes—				
Underground ... ..	per ton	1	7	
Others ... ..	per ton	1	4	
Pig ... ..	per ton	0	9	
Rails sleepers chairs and railway permanent way material ... ..	per ton	1	0	
Scrap ... ..	per ton	0	8	
Tunnel casings and mining material ... ..	per ton	1	0	
Manufactured goods not otherwise rated ... ..	per ton	2	8	
Ivory ... ..	per ton	2	8	
Jewellery and precious stones ... ..	per package	2	0	
Jute—				
Raw ... ..	per ton	1	9	
Manufactured ... ..	per ton	2	0	
Waste for papermaking ... ..	per ton	1	2	
Kapoc ... ..	per ton	1	9	
Lamps or lamp parts ... ..	per ton	2	0	
Lamp black ... ..	per ton	1	9	
Laths and lathwood ... ..	*(M) per ton	0	6	
Launches or launch material ... ..	per ton	2	8	
Lead—				
Ore ... ..	per ton	0	6	
Pig or scrap... ..	per ton	1	7	
All other kinds ... ..	per ton	2	0	
Leather—				
Goods ... ..	per ton	2	0	
Rough tanned not prepared ... ..	per ton	1	6	
Lime—				
Burnt or Limeshell... ..	per ton	0	4	
Carbonate of ... ..	per ton	1	0	
All other kinds ... ..	per ton	1	2	
Limestone ... ..	per ton	0	4	
Magnesium ... ..	per ton	0	6	
Linen manufactures ... ..	per ton	2	0	
Linseed ... ..	per ton	1	2	
Liquorice ... ..	per ton	2	0	
Raw ... ..	per ton	1	0	
Loam ... ..	per ton	0	6	
Locust beans ... ..	per ton	0	10	
Logwood extract ... ..	per ton	2	0	
Locomotives engines or tenders complete or in parts ... ..	per ton	2	8	
Machinery or machines not otherwise rated ... ..	per ton	2	8	
Magnesium chloride ... ..	per ton	1	2	
Magnesite ... ..	per ton	1	2	
Malt extract ... ..	per ton	2	0	
Manganese ... ..	per ton	2	0	
Ore ... ..	per ton	0	6	
Manure not otherwise rated ... ..	per ton	0	4	
Manure (artificial) not otherwise rated ... ..	per ton	0	9	
Marble ... ..	per ton	1	4	
Chips or dust ... ..	per ton	0	8	

\* The letter M denotes ton measurement.

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

5TH SCH. —cont.		s. d.
Matchwood manufactured or blocks ... ..	per ton	2 0
Matches ... ..	per ton	2 0
Mats or matting... ..	per ton	1 9
Meal all kinds not otherwise rated ... ..	per ton	1 1
Meat meal or refuse ... ..	per ton	1 1
Metals not otherwise rated ... ..	per ton	2 0
Mica ... ..	per ton	2 0
Milk ... ..	per ton	1 0
Concentrated condensed preserved or powder ... ..	per ton	2 0
Millet seed ... ..	per ton	1 4
Mineral waters ... ..	per ton	2 0
Molasses for cattle feeding ... ..	per ton	1 1
Moss ... ..	per ton	1 0
Moss or peat litter ... ..	per ton	0 4
Motor cars motor-cycles trailers and sidecars parts of or accessories ... ..	per ton	2 8
Motor coaches ... ..	each	40 0
Motor cars—		
Exceeding 8 ft. 6 in. wheelbase ... ..	each	8 0
Not exceeding 8 ft. 6 in. wheelbase ... ..	each	5 0
Motor lorries or vans—		
Up to 15 cwt. ... ..	each	15 0
Exceeding 15 cwt. up to 5 tons ... ..	each	30 0
Exceeding 5 tons ... ..	each	45 0
Motor tractors ... ..	each	15 0
Motor trailers (commercial)—		
Up to 15 cwt. ... ..	each	12 6
Exceeding 15 cwt. up to 5 tons ... ..	each	25 0
Exceeding 5 tons ... ..	each	35 0
Motor trailers and caravans ... ..	each	5 0
Motor-cycles and sidecars ... ..	each	4 0
Motor-cycles ... ..	each	2 0
Musical instruments ... ..	*(M) per ton	2 8
Myrobolams ... ..	per ton	1 4
Myrobolam extract—		
Liquid ... ..	per ton	1 4
Solid... ..	per ton	2 0
Naphtha ... ..	per ton	1 4
Naphthaline crude (creosote salts) ... ..	per ton	1 4
Nets ... ..	per ton	2 0
Newspapers ... ..	per ton	1 4
Old ... ..	per ton	1 0
Nickel—		
Manufactures ... ..	per ton	2 8
Ore ... ..	per ton	0 6
Pig ... ..	per ton	1 7
Nitrate of soda ... ..	per ton	0 6
Nitro chalk ... ..	per ton	0 6
Nuts earth or ground for crushing for oil ... ..	per ton	1 2
Nuts not otherwise rated ... ..	per ton	2 0
Nut kernels ... ..	per ton	1 2

\* The letter M denotes ton measurement.

		s.	d.	5TH SCH.
Oak extract—				—cont.
Liquid ... ..	per ton	1	4	
Solid... ..	per ton	2	0	
Oakum ... ..	per ton	2	0	
Ochre ... ..	per ton	1	4	
Oils—				
Fuel gas or diesel in bulk ... ..	per 250 gallons	1	0	
Petrol ... ..	per 250 gallons	2	0	
Not otherwise rated ... ..	per 250 gallons	1	1	
Oil cake ... ..	per ton	1	1	
Ores not otherwise rated ... ..	per ton	0	6	
Osiers twigs or willows ... ..	per ton	2	0	
Oxide spent for manure ... ..	per ton	0	6	
Oxides not otherwise rated ... ..	per ton	2	0	
Oyster shells crushed ... ..	per ton	0	6	
Paints including white and red lead ... ..	per ton	2	0	
Paper ... ..	per ton	2	0	
Waste for paper making ... ..	per ton	1	0	
Paperstock not otherwise rated ... ..	per ton	1	2	
Paper emery glass or sand ... ..	per ton	2	0	
Paraffin scale or wax ... ..	per ton	2	0	
Patent fuel ... ..	per ton	0	6	
Paving stones ... ..	per ton	0	6	
Paving blocks—				
Composition ... ..	per ton	2	0	
Jarrah wood ... ..	per ton	1	2	
Peats or turf ... ..	per ton	0	6	
Perambulators ... ..	*(M) per ton	2	8	
Perry ... ..	per ton	2	8	
Phosphates not otherwise rated ... ..	per ton	0	6	
Pianos ... ..	*(M) per ton	3	0	
Pitch—				
Coal tar blast furnace or natural... ..	per ton	0	6	
Not otherwise rated ... ..	per ton	1	0	
Plants ... ..	per ton	2	0	
Plaster of Paris ... ..	per ton	1	2	
Plaster stone ... ..	per ton	1	2	
Plastics and manufactures ... ..	per ton	2	0	
Plumbago ... ..	per ton	1	7	
Plywood or box shooks... ..	per ton	2	0	
Potash ... ..	per ton	0	6	
Potato flour ... ..	per ton	1	2	
Powder disinfectant ... ..	per ton	1	0	
Prefabricated buildings ... ..	*(M) per ton	2	8	
Provisions and groceries of all kinds ... ..	per ton	2	0	
Pumice stone ... ..	per ton	1	7	
Powder and sand ... ..	per ton	1	0	
Putty ... ..	per ton	1	9	
Pyrites ... ..	per ton	0	6	
Quartz all kinds ... ..	per ton	2	0	
Rabbits dead ... ..	per ton	2	0	
Rabbit fur ... ..	per ton	2	0	

\* The letter M denotes ton measurement.

5TH SCH.  
—cont.

	<i>s. d.</i>
Rags not otherwise rated—	
Linen ... ..	per ton 1 2
Others ... ..	per ton 1 0
Railway plant wagons carriages etc. complete	
or in parts ... ..	per ton 2 8
Rapeseed ... ..	per ton 1 2
Rape cake ... ..	per ton 1 1
Rice ... ..	per ton 1 0
Flour or ground ... ..	per ton 1 2
Meal... ..	per ton 1 1
Prepared food ... ..	per ton 2 0
All other kinds ... ..	per ton 1 0
Rock salt ... ..	per ton 0 6
Ropes ... ..	per ton 2 0
Old ... ..	per ton 0 7
Rosin ... ..	per ton 1 7
Size ... ..	per ton 2 0
Roots edible not otherwise rated	per ton 1 0
Salammoniac ... ..	per ton 2 0
Salt ... ..	per ton 0 6
Table or compressed ... ..	per ton 1 0
Salts waste ... ..	per ton 1 4
Saltpetre ... ..	per ton 1 4
Sand ... ..	per ton 0 6
Sanitary apparatus or fittings not otherwise rated ... ..	per ton 1 6
Satinite ... ..	per ton 1 2
Seeds not otherwise rated	per ton 1 4
Shale ... ..	per ton 0 6
Ground oil still refuse ... ..	per ton 1 0
Shellac ... ..	per ton 2 0
Shellfish not otherwise rated	per ton 1 2
Ship's fenders ... ..	per ton 2 0
Shells not otherwise rated	per ton 2 0
Silica stone or sand ground	per ton 0 6
Silk ... ..	per ton 2 8
Artificial ... ..	per ton 2 0
Skins not otherwise rated	per ton 2 0
Slag—	
Ground or manure... ..	per ton 0 6
Wool ... ..	per ton 1 0
Slates—	
Common roofing ... ..	per ton 0 9
Writing ... ..	per ton 2 0
Slate—	
Flour or dust ... ..	per ton 2 0
Slabs... ..	per ton 0 8
Snuff ... ..	per ton 3 0
Soap—	
Hard soft or powder ... ..	per ton 1 2
Perfumed ... ..	per ton 2 0
Soapstone or talc ... ..	per ton 1 2

		<i>s. d.</i>	5TH SCH. —cont.
Soda—			
Acetate phosphate caustic (solid) ...	per ton	1 2	
Nitrite of ... ..	per ton	1 4	
Ash bicarbonate caustic (liquid) crystals (carbonate) silicate sulphate sulphite ...	per ton	1 0	
Not otherwise rated ... ..	per ton	1 9	
Sodium ... ..	per ton	2 0	
Sulphide ... ..	per ton	1 2	
Soot ... ..	per ton	1 0	
Spar—			
Crude ... ..	per ton	0 6	
Ground ... ..	per ton	0 9	
Spelter ... ..	per ton	2 0	
Ashes ... ..	per ton	1 2	
Spent oxide ... ..	per ton	0 6	
Spirits brandy gin rum or whisky bottled in cases or casks ... ..	per ton	2 8	
Spirits not otherwise rated ... ..	per ton	2 8	
Starch corn flour pearl or powdered ... ..	per ton	1 4	
Not otherwise rated ... ..	per ton	2 0	
Stationery ... ..	per ton	2 0	
Stavewood rough ... ..	per ton	0 8	
Staves dressed ... ..	per ton	1 4	
Stearine ... ..	per ton	2 0	
Stone—			
Road metal chips or crushed ... ..	per ton	0 6	
Road metal chips or crushed (tarred) ... ..	per ton	0 6	
Granite broken chippings or dust stones (causeway) ... ..	per ton	0 6	
Kerb... ..	per ton	0 9	
Clinker ... ..	per ton	0 4	
Dressed ... ..	per ton	0 9	
Freestone or whin rough ... ..	per ton	0 6	
Granite rough ... ..	per ton	0 9	
Monumental or polished ... ..	per ton	1 4	
Stoneware ... ..	per ton	1 4	
Straw ... ..	per ton	1 0	
Strawboards ... ..	per ton	2 0	
Stucco ... ..	per ton	1 2	
Cast or figures ... ..	per ton	2 0	
Sugar ... ..	per ton	1 7	
Sulphate of alumina ... ..	per ton	1 0	
Sulphate of ammonia ... ..	per ton	0 6	
Sulphur—			
Crude ... ..	per ton	1 0	
Manufactured ... ..	per ton	1 4	
Syrup—			
Fruit... ..	per ton	2 0	
Other kinds not otherwise rated ... ..	per ton	1 4	
Talc ... ..	per ton	1 2	
Tallow ... ..	per ton	2 0	

Ch. iv *Dover Harbour Consolidation Act, 1954* 2 & 3 ELIZ. 2

5TH SCH.  
—cont.

	<i>s. d.</i>
Tanning extract—	
Liquid not otherwise rated ... ..	per ton 1 4
Solid not otherwise rated ... ..	per ton 2 0
Tapioca ... ..	per ton 2 0
Flour ... ..	per ton 1 2
Roots ground for cattle feeding ... ..	per ton 1 1
Tar coal gas or wood ... ..	per ton 1 0
Tarpaulins ... ..	per ton 2 0
Tartaric acid ... ..	per ton 2 0
Tea ... ..	per ton 2 8
Telegraph or telephone apparatus ... ..	per ton 2 8
Theatrical scenery ... ..	*(M) per ton 2 8
Thread ... ..	per ton 2 0
Tiles not otherwise rated ... ..	per ton 0 9
Tin ... ..	per ton 2 0
Ashes ... ..	per ton 1 2
Manufactures ... ..	per ton 2 8
Ore ... ..	per ton 1 2
Scrap ... ..	per ton 2 0
Tinplates or Canada plates in boxes ... ..	per ton 2 0
Tobacco ... ..	per ton 5 0
Tools not otherwise rated ... ..	per ton 2 0
Tow or tow waste ... ..	per ton 1 7
Toys ... ..	per ton 2 0
Treacle ... ..	per ton 2 0
For cattle feeding ... ..	per ton 1 1
Tree plants ... ..	per ton 2 0
Turmeric (dye) ... ..	per ton 2 0
Turpentine ... ..	per ton 2 0
Twine ... ..	per ton 2 0
Tyres or tubes rubber motor or cycle... ..	per ton 2 8
Umber ... ..	per ton 1 4
Valonia ... ..	per ton 1 7
Extract liquid ... ..	per ton 1 4
Extract solid ... ..	per ton 2 0
Valves not otherwise rated ... ..	*(M) per ton 2 0
Varnish ... ..	per ton 2 0
Vaseline ... ..	per ton 2 0
Vegetables—	
Green or fresh ... ..	per ton 1 0
In tins ... ..	per ton 2 0
Vessels motor sailing or steam or parts thereof	per ton 2 8
Vinegar ... ..	per ton 2 0
Wagons complete or in parts ... ..	per ton 2 8
Wallboards—	
Plaster ... ..	per ton 1 4
Not otherwise rated ... ..	per ton 2 0
Washing boards ... ..	per ton 2 0
Wax not otherwise rated ... ..	per ton 2 0
Wearing apparel... ..	per ton 2 0
Whale meat meal ... ..	per ton 1 1
Wheelbarrows complete or in parts ... ..	*(M) per ton 2 0

\* The letter M denotes ton measurement.

	<i>s. d.</i>	5TH SCH. —cont.
Wheels not otherwise rated ... ..	per ton 2 0	
Whiting ... ..	per ton 0 6	
Willows ... ..	per ton 2 0	
Wines of all kinds ... ..	per ton 2 8	
Wire or wirework not otherwise rated ...	per ton 2 0	
Wood—		
Soft woods—		
Hewn or round ... ..	*(M) per ton 1 2	
Sawn ... ..	*(M) per ton 1 4	
Planed tongued or grooved ... ..	*(M) per ton 1 6	
Hard woods—		
Hewn or round ... ..	*(M) per ton 1 6	
Sawn ... ..	*(M) per ton 1 8	
Planed tongued or grooved ... ..	*(M) per ton 1 10	
Furniture fancy or turnery woods—		
Hewn or round ... ..	*(M) per ton 2 0	
Sawn ... ..	*(M) per ton 2 2	
Planed tongued or grooved ... ..	*(M) per ton 2 4	
Pit props ... ..	per ton 1 2	
Sleepers ... ..	*(M) per ton 1 2	
Spars poles and rickers round or square not exceeding 4 ins. diameter and not exceeding 22 ft. long ... ..	Per 20 pieces 0 6	
Spars poles and rickers round or square not exceeding 4 ins. diameter and exceeding 22 ft. long ... ..	Per 20 pieces 1 0	
Spars poles and rickers round or square exceeding 4 ins. and not exceeding 6 ins. diameter ... ..	Per 20 pieces 2 0	
Firewood ... ..	Fathom of 216 cu. ft. 1 0	
Wood flour ... ..	per ton 0 9	
Wood pulp ... ..	per ton 1 2	
Woodware woodwork or joinery material ...	per ton 2 0	
Wool ... ..	per ton 1 4	
Woollen manufactures ... ..	per ton 2 0	
Woollen rags ... ..	per ton 1 6	
Woollen shoddy ... ..	per ton 2 0	
Yachts or parts thereof ... ..	per ton 2 8	
Yarn ... ..	per ton 1 4	
Yellow metal ... ..	per ton 2 0	
Zinc—		
Not otherwise rated ... ..	per ton 2 0	
Ashes ... ..	per ton 1 2	
Concentrates and ore ... ..	per ton 0 6	
Manufactured ... ..	per ton 2 0	
All other goods not particularly enumerated per ton or per ton measurement as applicable ... ..	2 0	

\* The letter M denotes ton measurement.

5TH SCH.  
—cont.

#### EXEMPTIONS

No wharfage rates shall be levied on—

- (a) baggage being the bona fide personal baggage of a passenger and consisting only of a reasonable quantity of apparel and personal effects for the use of such passenger and not including furniture motor vehicles or merchandise.
- (b) ship's fittings stores dunnage and stevedores gear required for the vessel's own use.

#### REGULATIONS AND CONDITIONS

REGULATIONS AND CONDITIONS AFFECTING GOODS PASSED OVER THE HARBOUR QUAYS OR JETTIES OR STORED IN THE HARBOUR WAREHOUSES OR DEPOSITED UPON THE QUAYS JETTIES OR IN THE YARDS OR ON THE HARBOUR PREMISES OF THE BOARD

1. The Board shall charge single wharfage rates only on all goods which are transhipped overside from one vessel to another (whether for purposes of export or import or to enable repairs to be effected to a damaged vessel) and this privilege shall cover landing on the quays for facilitating such transhipment provided such goods are reshipped—

- (1) in the case of goods for import or export within seven days (excluding Sundays but including holidays) after having been so landed; or
- (2) in the case of goods landed from a damaged vessel within such reasonable time as in the opinion of the Board may be necessary for carrying out the repairs to such vessel:

Provided with reference to both (1) and (2) hereof that—

- (a) such goods shall not between landing and reshipment have been removed from the quays or other premises in which the Board permit such goods to be placed;
- (b) in order to entitle such goods to the privilege above mentioned evidence in such form as may be required by the Board of compliance with the conditions requisite to entitle them to such privilege shall be produced to the Board at the time of transhipment or reshipment by the party claiming to benefit and after the expiry of the specified periods the full rates inward and outward on such goods shall be charged;
- (c) Quay rent under the Sixth Schedule to this Act shall be payable on such goods if not removed within twenty-four hours.

2. Wharfage rates are assessed per ton except where otherwise provided. The gross weight or measurement of all packages to be taken. Except where otherwise specified the term "ton" shall mean—

- (1) where charges are assessed by weight 20 cwts. or 1000 kilos; and
- (2) where charges are assessed by measurement 40 cubic feet (50 cubic feet in the case of timber).

3. Fractions of an inch shall be reckoned as one inch and fractions of a pound as one pound.



4. For all goods not particularly specified in this schedule wharfage rates will be charged at the rate payable in respect of goods specified therein which are as nearly as may be of like nature and value thereto or alternatively at the discretion of the Board at the rate fixed for "All other goods not particularly enumerated".

5. A manifest of the contents and quantities of each vessel shall be delivered by the owner master or other duly authorised person to the office of the Board—

- (a) in the case of vessels loading before the departure of the vessel; and
- (b) in the case of vessels discharging as soon as practicable after the arrival of the vessel.

6. Wharfage rates shall be payable on goods imported immediately after the goods are unshipped and before they are removed from the works or premises of the Board and on goods exported before they are shipped.

SIXTH SCHEDULE

QUAY AND SHED RENTS PAYABLE IN RESPECT OF GOODS NOT REMOVED WITHIN TWENTY-FOUR HOURS

<i>For each successive period of 14 days</i>					<i>Per ton per day</i>
<i>after non-removal</i>					<i>or part of a day</i>
					<i>s. d.</i>
First period	...	...	...	...	0 0½
Second period	...	...	...	...	0 1
Thereafter	...	...	...	...	0 2

But nevertheless any goods shall be removed within twenty-four hours after notice has been given to that effect by the Board or harbour-master or other duly authorised officer to the owners or consignees thereof.

Failing the goods being so removed a rent of 3*d.* per ton per day or any part of a day shall be charged after the expiration of the period mentioned in the notice to remove and the Board or their officers shall be entitled to remove the goods and to detain them until payment is made of the expenses of and in connection with such removal and detention and of any rent or other sum due thereon and to sell the goods if such expenses and rent or other sum are not paid.

EXEMPTIONS AND REGULATIONS

So long as the harbour master is of the opinion that the reasonable use and enjoyment of any wharf berth quay pier shed or other work of the Board is not interfered with or business obstructed goods and other articles placed thereon or therein may remain free of rent for the following periods including the free period of twenty-four hours allowed by the foregoing Act:—

A. *Imported goods*

- Goods placed in sheds ... 48 hours after final discharge of vessel.
- Goods placed in the open ... 5 days after final discharge of vessel.

6TH SCH.  
—cont.

B. *Goods for export*

If placed by permission of the harbour-master. 7 days after the date on which permission is given.

Where a vessel discharges her cargo at more than one berth the expression "final discharge of vessel" shall as regards each berth mean the date on which the discharge at that berth shall have been completed.

SEVENTH SCHEDULE  
CHARGES FOR USE OF SLIPWAYS

Description	Authorised charges	
	Hauling and launching	Daily rent
	£ s. d.	£ s. d.
For vessels not exceeding—		
125 tons gross ... ..	4 0 0	1 0 0
150 tons do. ... ..	4 10 0	1 10 0
175 tons do. ... ..	5 0 0	1 10 0
200 tons do. ... ..	6 0 0	1 10 0
250 tons do. ... ..	7 10 0	1 10 0
300 tons do. ... ..	9 0 0	1 10 0
350 tons do. ... ..	10 10 0	1 10 0
400 tons do. ... ..	12 0 0	1 10 0
500 tons do. ... ..	15 0 0	1 10 0
600 tons do. ... ..	18 0 0	1 10 0
700 tons do. ... ..	20 10 0	1 10 0
800 tons do. ... ..	23 10 0	1 10 0

REGULATIONS AND CONDITIONS

1. Every vessel to be charged on the gross register tonnage.
2. Daily rent shall not be payable in respect of the periods occupied in hauling up and launching.
3. A day shall be twenty-four consecutive hours reckoned from the time a vessel is hauled up on the slipway any part of a day to be counted and charged as a day.
4. No Sundays or holidays to be reckoned as chargeable days unless work is done on those days.
5. No vessel shall be permitted to use the slipway unless and until the master owner or agent of the vessel has entered into an agreement with the Board for the use of the slipway and the Board in any such agreement may specify such terms and conditions governing the use of the slipway as they may think fit.
6. The master owner and agent of a vessel using the slipway shall be liable to pay or forfeit such additional rates damages costs and penalties as are specified in the byelaws applicable thereto or in the agreement applicable to the use of the slipway by that vessel with

reference to any contingency therein expressed or breach or non-observance of or non-compliance with anything thereby required and no vessel occupying the slipway shall be removed therefrom without the consent in writing of the harbour-master or other duly authorised officer of the Board until all claims against such vessel in respect of or relating to such occupation are settled.

7TH SCH.  
—cont.

EIGHTH SCHEDULE

FORM A

FORM OF DEBENTURE STOCK CERTIFICATE

DOVER HARBOUR

Number £

THIS IS TO CERTIFY that (A B) of pounds of Dover  
is the proprietor of  
Harbour Redeemable Debenture Stock issued under the  
powers of the Dover Harbour Consolidation Act 1954.

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 19 .

FORM B

FORM OF DEED OF TRANSFER OF DEBENTURE STOCK

I (A B) of pounds paid to me by  
in consideration of the sum of (C D) of  
(hereinafter called "the said transferee") do hereby transfer to the  
said (C D) his executors administrators and assigns the sum of  
Dover Harbour Redeemable Debenture Stock 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 19 .

Witness to the signature of the said } A B  
A B }

Witness to the signature of the said } C D  
C D }

NINTH SCHEDULE

FEEs

		<i>s. d.</i>
On original issue of stock certificate ... ..	2	6
On any new stock certificate ... ..	2	6
On transfer including certificate ... ..	5	0

TENTH SCHEDULE

AGREEMENT made this fifteenth day of January one thousand nine hundred and fifty-three BETWEEN THE BRITISH TRANSPORT COMMISSION (hereinafter called "the Commission") of the one part and THE DOVER HARBOUR BOARD (hereinafter called "the Board") of the other part.

WHEREAS—

(i) By an Agreement dated the thirtieth day of September one thousand nine hundred and nine made between the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies Managing Committee (hereinafter collectively called "the South Eastern and Chatham Companies") of the one part and the Board of the other part the South Eastern and Chatham Companies covenanted to pay to the Board such a sum of money as may be necessary together with the net available income of the Board from all sources to enable the Board to punctually pay by regular half-yearly payments on the first day of April and the first day of October in every year interest at the rate of three pounds fifteen shillings per cent. per annum upon so much of the one million pounds Dover Harbour three and three-quarters per cent. Redeemable Debenture Stock created and issued by the Board as shall for the time being be paid up and outstanding.

(ii) Under and by virtue of the Railways Act 1921 and the Railways (Southern Group) Amalgamation Scheme 1922 made pursuant thereto the South Eastern and Chatham Companies together with other railway companies were on and from the first day of January one thousand nine hundred and twenty-three amalgamated and the undertakings so amalgamated constituted one undertaking and were vested in and were the undertaking of the Southern Railway Company and incorporated by the name of the Southern Railway Company.

(iii) Under and by virtue of the Transport Act 1947 the undertaking of the Southern Railway Company vested on the first day of January one thousand nine hundred and forty-eight in the Commission subject to all liabilities to which the said Southern Railway Company were subject immediately before that date and which liabilities included the liability under the said Agreement of the thirtieth day of September one thousand nine hundred and nine.

(iv) Neither the Commission the Southern Railway Company nor the South Eastern and Chatham Companies have up to the date of this Agreement been called upon to pay the Board any sum of money in respect of the guarantee contained in the said Agreement of the thirtieth day of September one thousand nine hundred and nine.

(v) The Board are empowered by the Dover Harbour Act 1950 to (inter alia) construct maintain and operate and have commenced the construction of a new Car Ferry Terminal in the part of Dover Harbour known as the Eastern Docks with attendant facilities for the reception and accommodation of passengers and motor vehicles and which works will provide greatly improved facilities for the expeditious loading and discharging of motor car and passenger traffic of (inter alia) the Commission.

(vi) The Board intend to create and issue not exceeding seven hundred thousand pounds Second Redeemable Debenture Stock to provide sufficient funds to construct and finish the said works.

10TH SCH.  
—cont.

(vii) Under and by virtue of the said Transport Act 1947 the Commission are empowered to give guarantees for the benefit of (inter alia) any person providing within Great Britain port facilities (as defined by the said Act) or such other amenities and facilities for passengers and other persons making use of the services provided by them as it may appear to them requisite or expedient to provide.

(viii) The Commission have agreed upon the issue of the said Second Redeemable Debenture Stock to enter into an agreement with the Board guaranteeing the said Stock and the interest thereon upon the terms and conditions hereinafter contained.

NOW IT IS HEREBY AGREED between the parties hereto as follows viz. :—

1. Upon request by the Board the Commission will upon the issue of the said Second Redeemable Debenture Stock guarantee the said Stock and the interest thereon that is to say they will enter into an agreement with the Board to pay to the Board such a sum of money as may be necessary together with the net available income of the Board from all sources to enable the Board to punctually pay by regular half-yearly payments interest at a rate to be agreed upon so much of the said Second Redeemable Debenture Stock as shall for the time being be created and issued by the Board paid up and outstanding and so that for the purpose of arriving at the net available income of the Board there shall first be deducted such sums as may be required by the Board to enable them to pay the amount of the annual instalments so as to comply with the provisions of the said Dover Harbour Act 1950 relating to the redemption of the said Stock and with the terms upon which the said Stock is issued.

2. The issue of the said Second Redeemable Debenture Stock shall be made in such amounts at such dates and prices and upon such terms as shall be agreed between the Board and the Commission.

3. So long as the Commission are liable in respect of the guarantee given by the said Agreement of the thirtieth day of September one thousand nine hundred and nine or in respect of the guarantee agreed to be given under clause 1 hereof the Board undertake as follows:—

(a) that they will not without the consent of the Commission alienate charge or otherwise encumber any property the income of which is now or hereafter assigned to the Commission nor without the like consent alter the amount of any existing dues rates rents charges or taxes but in the event of such dues rates rents charges or taxes together with the other income of the Board being insufficient to meet the interest redemption and other charges in respect of the said Second Redeemable Debenture Stock or the said three and three-quarters per cent. Redeemable Debenture Stock the Board shall be at liberty to increase or make application for the increase of the said dues rates rents charges or taxes;

(b) that they will efficiently maintain the works and facilities which have been provided by the Board (inter alia) for the accommodation of the traffic of the Commission and the steamers by means of which such traffic is carried on;

10TH SCH.  
—cont.

- (c) that they will before commencing any works involving a major degree of capital expenditure submit estimates of such expenditure to the Commission;
- (d) that they will during any period in which any money is owing to the Commission under clause 5 of this Agreement so far as the Commission may from time to time require before incurring any other expenditure on capital or revenue account on any works of maintenance repair or renewal submit estimates of such expenditure to the Commission;
- (e) that no such expenditure as is referred to in paragraphs (c) and (d) of this clause shall be incurred until the Commission have approved such estimates and such approval may be given subject to such modifications thereof or alterations therein as the Commission may think fit;
- (f) that they will permit the Commission to inspect and examine the books and accounts of the Board or to employ (at the Commission's own expense) an auditor to make an annual audit of the accounts of the Board and that they will afford reasonable facility for such inspection or audit.

4. When and so soon as the Commission become liable in respect of the guarantee given by the said Agreement of the thirtieth day of September one thousand nine hundred and nine or in respect of the guarantee agreed to be given under clause 1 hereof the Commission shall become entitled to the benefit of the Assignment of income and revenue given by the Board dated the twenty-second day of August one thousand eight hundred and ninety-six and made between the Board of the one part and the London Chatham and Dover Railway Company of the other part and notwithstanding anything therein contained the said Assignment shall continue in force and be available for the benefit of the Commission during the entire period during which the Commission are liable under either of the said guarantees and shall be read and apply as if the whole net revenue and income received by the Board from all sources during the period for which such assignment is available were thereby assigned.

5. The Board shall be liable to repay to the Commission all money paid by them under the said guarantees or either of them.

6. Notwithstanding anything contained in this Agreement the consent of the Commission is not to be required to the raising of monies by the Board for the purpose of cancelling any Debenture Stock (including Second Debenture Stock) for the time being issued by the Board nor where the effect of the raising of the monies will be the cancelling of the whole of the said Debenture Stock then existing and guaranteed by the Commission to the raising of any further monies by the Board concurrently with the raising of monies for such cancelling.

7. If any question or difference shall arise between the Commission and the Board under this Agreement the same shall be referred to and determined by a single arbitrator to be appointed (in default of agreement) by the Minister of Transport on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such reference and determination.

8. This Agreement cancels and supersedes the following Agreements:—

10TH SCH.  
—cont.

Agreement dated the twenty-second day of August one thousand eight hundred and ninety-six made between the Dover Harbour Board of the one part and the London Chatham and Dover Railway Company of the other part and scheduled to the Dover Harbour Act 1898;

Agreement dated the first day of June one thousand nine hundred and six and made between the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies Managing Committee of the one part and the Dover Harbour Board of the other part;

Agreement dated the twelfth day of July one thousand nine hundred and twenty and made between the South Eastern Railway Company the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies Managing Committee of the one part and the Dover Harbour Board of the other part.

9. This Agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein either party may withdraw from the Agreement before the same receives the sanction of Parliament and the same shall thereupon become null and void.

IN WITNESS whereof the parties hereto have caused their respective Common Seals to be hereunto affixed the day and year first above written.

THE COMMON SEAL of the British Transport  
Commission was hereunto affixed in the  
presence of

RUSHOLME  
Member

S. B. TAYLOR  
Chief Secretary

THE COMMON SEAL of the Dover Harbour Board  
was hereunto affixed in the presence of

CECIL BYFORD  
Register

ELEVENTH SCHEDULE  
FORMER HARBOUR ACTS

Act	Session and chapter
Dover Harbour Act 1828 being an Act of the ninth year of the reign of King George the Fourth intituled "An Act for more effectually maintaining and improving the Harbour of Dovor in the County of Kent" ...	9 Geo. 4 c. xxxi.
Dover Harbour Act 1836 being an Act passed in the sixth and seventh years of the reign of King William the Fourth intituled "An Act to amend an Act for more effectually maintaining and improving the Harbour of Dovor in the County of Kent" ...	6 & 7 Will. 4 c. cxxv.
Dover Harbour Act 1848 being an Act of the eleventh and twelfth years of the reign of Queen Victoria intituled "An Act to enable the Warden and Assistants of the Harbour of Dovor in the County of Kent to raise a Further Sum of Money" ...	11 & 12 Vict. c. xcvi. 24 & 25 Vict. c. 47.
The Harbours and Passing Tolls &c. Act 1861	34 & 35 Vict. c. clxvi.
Dover Harbour Act 1871 ...	36 & 37 Vict. c. ccxxxv.
Dover Harbour Act 1873 ...	45 & 46 Vict. c. cclvi.
Dover Harbour Act 1882 ...	54 & 55 Vict. c. cxxv.
Dover Harbour Act 1891 ...	61 & 62 Vict. c. cxxxvi.
Dover Harbour Act 1898 ...	1 Edw. 7 c. ccvi.
Dover Harbour Act 1901 ...	2 Edw. 7 c. ccxxxvi.
Dover Harbour Board Act 1906 ...	6 Edw. 7 c. ii.
Dover Harbour (Works &c.) Act 1906 ...	6 Edw. 7 c. ccv.
Dover Harbour Act 1913 ...	3 & 4 Geo. 5 c. xci.
Dover Harbour Act 1919 ...	9 & 10 Geo. 5 c. x.
Dover Harbour Act 1920 ...	10 & 11 Geo. 5 c. lxxxv.
Dover Harbour Act 1923 ...	13 & 14 Geo. 5 c. lxxxvii.
Dover Harbour Act 1926 ...	16 & 17 Geo. 5 c. lxxxvii.
Dover Harbour Act 1928 ...	18 & 19 Geo. 5 c. xci.
Dover Harbour Act 1933 ...	23 & 24 Geo. 5 c. lxxxii.
Dover Harbour Act 1949 ...	12 & 13 Geo. 6 c. xxxiv.
Dover Harbour Act 1950 ...	14 Geo. 6 c. xlvii.
Dover Harbour Act 1953 ...	1 & 2 Eliz. 2 c. xxix.



TWELFTH SCHEDULE  
REPEALS

Act	Section	Marginal note	Extent of repeal
Dover Harbour Act 1828 being an Act of the ninth year of the reign of King George the Fourth intituled "An Act for more effectually maintaining and improving the Harbour of Dover in the County of Kent"	—	—	The whole Act.
The Harbours and Passing Tolls &c. Act 1861	41	Harbour of Dover to be vested in a Board of Trustees to be called "The Dover Harbour Board"	The whole section.
	42	Rights of imposing Rates transferred to Dover Harbour Board	The whole section.
	43	Existing Debts &c. enforceable by or against Board	The whole section.
	47	Constitution of Dover Harbour Board	The whole section.
	51	Power to Corporation of Dover to transfer Dues to Harbour	The whole section.
	52	Corporation and Harbour Board may apportion Debts as between themselves	The whole section.
	53	Reservation of Rights of Creditors	The whole section.
Dover Harbour Act 1871	—	—	The whole Act.
Dover Harbour Act 1901	—	—	The whole Act.
Dover Harbour (Works &c.) Act 1906	—	—	The whole Act.
Dover Harbour Act 1913	—	—	The whole Act.
Dover Harbour Act 1920	—	—	The whole Act.
Dover Harbour Act 1923	—	—	The whole Act.
Dover Harbour Act 1933	—	—	The whole Act.
Dover Harbour Act 1949	—	—	The whole Act.
Dover Harbour Act 1950	—	—	The whole Act.
Dover Harbour Act 1953	—	—	The whole Act.

**Ch. iv**                      *Dover Harbour Consolidation Act, 1954*                      2 & 3 ELIZ. 2

*Table of Statutes referred to in this Act other than those included in the Eleventh Schedule.*

Title	Session and chapter
Lands Clauses Consolidation Act 1845... ..	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Commissioners Clauses Act 1847 ... ..	10 & 11 Vict. c. 16.
Harbours Docks and Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
Tramways Act 1870 ... ..	33 & 34 Vict. c. 78.
Local Loans Act 1875 ... ..	38 & 39 Vict. c. 83.
Telegraph Act 1878 ... ..	41 & 42 Vict. c. 76.
Railway and Canal Traffic Act 1888 ... ..	51 & 52 Vict. c. 25.
Merchant Shipping Act 1894 ... ..	57 & 58 Vict. c. 60.
Acquisition of Land (Assessment of Compensation) Act 1919 ... ..	9 & 10 Geo. 5 c. 57.
Superannuation and other Trust Funds (Validation) Act 1927 ... ..	17 & 18 Geo. 5 c. 41.
Southern Railway Act 1932 ... ..	22 & 23 Geo. 5 c. lxxiii.
Local Government Act 1933 ... ..	23 & 24 Geo. 5 c. 51.
Borrowing (Control and Guarantees) Act 1946...	9 & 10 Geo. 6 c. 58.
Exchange Control Act 1947 ... ..	10 & 11 Geo. 6 c. 14.
Town and Country Planning Act 1947 ... ..	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949... ..	12 & 13 Geo. 6 c. 42.
Civil Aviation Act, 1949 ... ..	12 13 & 14 Geo. 6. c. 67.
Arbitration Act 1950 ... ..	14 Geo. 6 c. 27.

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