CHAPTER lxxxii.

An Act to sanction certain proceedings of the Blackpool Pier Company (Limited) with reference to the construction of works, and to dissolve and re-incorporate and confer further powers on the Company; and for other purposes. A.D. 1878.

[17th June 1878.]

WHEREAS the Blackpool Pier Company (Limited) (herein-after referred to as "the Limited Company") was duly registered on the nineteenth day of February one thousand eight hundred and sixty-two under the Joint Stock Companies Act, 1856, as a Limited Company for the purpose of "the providing for the public an extensive "and agreeable Promenade at Blackpool, in the county of Lancaster, "over the sea at high water, and of access to and landing of pleasure "boats and other vessels and machines with ease and safety:" 19 & 20 Vict. c. 47.

And whereas by the Blackpool Pier Order, 1863, confirmed by the Pier and Harbour Confirmation Orders Act, 1863, (herein-after referred to as "the recited Order,") the Limited Company were authorised to construct a pier of iron piles, commencing at or near Bellevue Square, in front of the town of Blackpool, and carried out seawards for a distance of one thousand five hundred and fifty feet, or thereabouts, and by agreement to acquire lands for the purpose of their undertaking: 26 & 27 Vict. c. 104.

And whereas the Limited Company duly constructed the works authorised by the recited Order, which works are herein-after referred to as "the original works:",

And whereas, for the purpose of affording a more commodious and better landing for steam vessels and other purposes, the Limited Company have, with the consent of the Board of Trade, extended their said pier further seaward for a distance of one hundred and two yards, or thereabouts, and constructed in connexion therewith landing stages and other conveniences for the more convenient landing of passengers, and have widened and enlarged the pier-head or seaward end of the pier as authorised by the recited Order, and have constructed thereon a pavilion or assembly room, refreshment rooms,

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shops, seats, toll-houses, and other premises and conveniences for the use and enjoyment of persons resorting thereto, which works are herein-after referred to as "the extension works:"

And whereas the Limited Company have expended in the construction of their said last-mentioned works the sum of thirty-two thousand seven hundred pounds:

And whereas doubts have arisen as to the powers of the Limited Company to levy tolls in respect of the use of the pier extension and other works lastly described, and it is expedient that the proceedings of the Limited Company with reference to the construction of the extension works should be sanctioned and confirmed, and that they should be empowered to maintain the same as part of their undertaking as the same are described in this Act:

And whereas the present capital of the Limited Company is fifty thousand pounds, divided into ten thousand shares of five pounds each, all of which have been subscribed for and fully called up:

And whereas the Limited Company have borrowed on debentures and now owe the sum of ten thousand pounds:

And whereas it is expedient that the Limited Company should be dissolved and re-incorporated with further powers:

And whereas it is just and reasonable that upon the dissolution and re-incorporation of the Limited Company the Company should be empowered to take and demand tolls, rates, and charges in respect of the extension works and conveniences and other accommodation provided by them, and that such further powers should be conferred upon the Company as are in this Act provided:

And whereas plans and sections showing the lines and levels of the original works and extension works which the Limited Company have constructed as aforesaid have been deposited with the clerk of the peace for the county of Lancaster, which plans and sections are herein-after respectively referred to as the deposited plans and sections:

And whereas the objects aforesaid 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:

Short title.

1. This Act may be cited for all purposes as the Blackpool Pier Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 16.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended

by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking,) 1860, and 1869, and the sections of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to the construction of that Act and the Acts incorporated therewith, with respect to the rates to be taken by the undertakers, with respect to the collection and recovery of rates, with respect to the accounts to be kept of the rates and of vessels in respect of which they are payable, with respect to the appointment of a pier-master and his duties, with respect to the harbour, dock, or pier, and defences therein from fire or other injury, and with respect to byelaws to be made by the undertakers, as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with and shall be part of this Act.

26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 27.

Interpretation of terms.

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

The expression "the Company" means the Company incorporated by this Act;

The expression "the original works" means the pier and works authorised by the recited Order;

The expression "extension works" means the extension of the pier and works by this Act authorised;

The expression "pier undertaking" means the original works and the extension works and other works belonging to the Company;

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

Company incorporated.

4. From and after the passing of this Act the Limited Company shall be dissolved, and the several persons who immediately before the passing of this Act were members of that Company, and all other persons and corporations who shall hereafter subscribe to or become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a Company for the purpose of maintaining

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the pier and works in this Act referred to and shown on the deposited plans and sections, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Blackpool Pier Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, hold, and dispose of lands and other property for the purposes of this Act.

Present property of Limited Company vested in Company incorporated by this Act.

5. Subject to the provisions of this Act, all the pier undertaking and works, lands, erections, buildings, rights, easements, moneys, securities, credits, effects, and other property whatsoever which immediately before the passing of this Act were vested in or belonged to the Limited Company or any person in trust for them, and all powers, rights, privileges, and authorities conferred upon the Limited Company by the recited Order, and the benefit of all contracts and engagements entered into by or on behalf of the Limited Company, and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company or any trustee on their behalf, and may, subject to the provisions, conditions, and restrictions contained in the recited Order, and according to the provisions of this Act, be held, exercised, and enjoyed, sued for, and recovered, maintained, altered, discontinued, removed, dealt with, and disposed of by the Company as they think fit.

Memorandum and Articles of Association of Limited Company to be void without prejudice.

6. Subject to the provisions of this Act, the Memorandum and Articles of Association of the Limited Company shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders thereof shall be exempted from all the provisions, restrictions, and requirements of any Act which applied to the Limited Company and the members thereof as such, but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said Memorandum or Articles of Association incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

7. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the Limited Company or the members thereof as such shall be as valid as if the Company had not been incorporated and the said Memorandum and Articles of Association had not been avoided

by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the Company were not incorporated and the said Memorandum and Articles of Association were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Company and its shareholders and property shall to all intents and purposes represent the Limited Company and the members thereof as such and the property of the Limited Company, as the case may be, and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

8. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, debentures, and agreements entered into or made or granted before the passing of this Act by, to, or with the Limited Company, or any trustees or persons acting on behalf of the Limited Company, by, to, or with any other person to whose rights and liabilities they have succeeded and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually, as if instead of the Limited Company, or the trustees or persons acting on behalf of the Limited Company, the Company had been a party thereto.

Actions, &c. not to abate.

9. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the Limited Company or any member thereof in relation to the affairs of the Limited Company, or to which the Limited Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Limited Company or any member thereof if this Act had not been passed, the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the Limited Company and its members respectively.

Trustees of Limited Company to be indemnified.

10. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the Limited Company were vested immediately before

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the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the Limited Company, shall be indemnified out of the funds and property of the Company against all liability (including costs, charges, and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond, covenant, contract, or engagement.

Company to satisfy liabilities of Limited Company.

11. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the Limited Company and their respective representatives from all such obligations and liabilities, and from all expenses and costs in that behalf.

As to payment of debts owing before passing of Act.

12. All persons who immediately before the passing of this Act owed any money to the Limited Company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company, or for the payment of which the Limited Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Certificates, &c. to remain in force.

13. Notwithstanding the avoidance of the said Memorandum and Articles of Association, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under them for and with respect to any shares in the Limited Company shall remain in full force, and continue and be available in all respects as if they had not been avoided.

Books, &c. continued evidence.

14. All documents, books, and writings which, if the said dissolution and avoidance had not taken place, would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such dissolution and avoidance.

Officers to continue until removed.

15. All officers and servants of the Limited Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules,

restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

Present registers of members to be continued.

16. The books kept by the Limited Company for entering the names and designations of the members thereof, with the numbers of their shares and the proper distinguishing number of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 16.

Capital of the Company, and vesting of same in present shareholders.

17. The capital of the Company shall be fifty thousand pounds stock, representing the shares in the present capital of the Limited Company, and such stock shall, subject to payment of any arrears of calls on such shares, be vested in, appropriated, and belong to the several persons who immediately before the passing of this Act were the registered members of the Limited Company, in substitution for their existing shares, in the proportion of five pounds stock for each such share, and the stock so vested and appropriated shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the share or shares for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing share certificates and issue new certificates of stock in lieu thereof. 8 & 9 Vict. c. 16.

18. The Company shall call in and cancel the existing certificates of shares in the Limited Company, and issue in lieu thereof certificates of the substituted stock in the form and under the conditions prescribed by the Companies Clauses Consolidation Act, 1845, but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship of stock under this Act until they shall have delivered up to the Company to be cancelled the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Receipt in case of persons not sui juris.

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

Power to borrow in respect of capital stock.

20. The Company may at any time and from time to time after the passing of this Act borrow on mortgage in respect of their capital of fifty thousand pounds any sums not exceeding in the whole the sum of sixteen thousand six hundred pounds, inclusive of the sum of ten thousand pounds borrowed on debentures by the Limited Company, and in respect of which the Company shall grant mortgages to the holders of such debentures in manner herein-after provided.

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Company to grant mortgages to holders of debentures of Limited Company.

21. The Company shall, as soon as may be after the passing of this Act, call in and cancel the existing debentures of the Limited Company, and create and grant in lieu thereof to the several holders of such debentures mortgages of the same amounts and subject to the same terms and conditions as to repayment or otherwise as the debentures for which such mortgages are respectively substituted, and until such substitution the said several debentures shall be as binding upon the Company and its undertaking and as of full force and effect against or in favour of the Company as the same would have been upon, against, or in favour of the Limited Company and its undertaking if this Act had not been passed, and every such mortgage shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the debenture or debentures for which the same is substituted, and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by the Company on mortgage or bond shall, as far as applicable, apply to the said mortgages, as if the said several sums secured thereby had been authorised to be borrowed by this Act.

8 & 9 Vict. c. 16.

As to appointment of a receiver.

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

As to conversion of borrowed money into capital.

23. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon the shares or stock, whether ordinary or preferential, are limited to a rate not exceeding six pounds per centum per annum.

Debenture stock.

26 & 27 Vict. c. 118.

24. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

General meetings.

25. The first ordinary meeting of the Company shall be held in the month of December next after the passing of this Act, and the

future ordinary meetings shall be held in the month of December in every year. A.D. 1878.

26. The number of directors shall be five, but the Company may from time to time reduce or increase the number, provided that the number be never less than four nor more than seven. Number of directors.

27. The qualification of a director shall be the possession in his own right of not less than two hundred pounds in the capital of the Company. Qualification of directors.

28. The quorum of a meeting of the directors when the number of directors is five or more shall be three, but if the number of directors is reduced to four the quorum shall be two. Quorum of directors.

29. Henry Charles McCrea, John May, Thomas Travers Hayes, Josiah Gregson, and Thomas Christian Rycroft shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors. Election of directors. 8 & 9 Vict. c. 16.

30. Subject to the provisions of this Act, the Company may maintain, in the lines and situation and according to the levels shown on the deposited plans and sections relating thereto, the works hereinafter described; that is to say, Power to maintain existing works.

An extension of the pier, pier-head, and works as authorised by the Pier and Harbour Confirmation Act, 1863, namely, a pier or extension pier for the landing of passengers, and other things and purposes, commencing at the seaward end of the existing pier, and thence extending seaward in a westerly direction for a distance of one hundred and two yards, or thereabouts, and there terminating in the sea: 26 & 27 Vict. c. 104.

A widening and enlargement of the head of the authorised pier to the extent of thirty-five yards, or thereabouts, on the southern

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side thereof, and forty-one yards, or thereabouts, on the northern side thereof:

The landing-places, gangways, stairs, platforms, moorings, capstans, buoys, dolphins, pavilion or assembly room, refreshment rooms, shops, seats, toll-houses, and other premises and conveniences connected therewith:

The whole of which works and the works connected therewith are situate on the foreshore or bed of the sea or extra-parochial district or land adjoining the township of Layton-with-Warbreck in the parish of Bispham in the county of Lancaster.

Not to acquire land west of Promenade.

31. Nothing in this Act or in the recited Order contained shall enable the Company to purchase or acquire any land on the western side of the Corporation Promenade without the consent of the Corporation first had and obtained.

Extension works to form part of Company's undertaking.

32. All the said extension works by this Act authorised to be maintained shall for all purposes whatever be deemed to be part of the original works, as if the same had been authorised by and included in the recited Order, and the provisions of that Order shall, so far as the same are not inconsistent with the provisions of this Act, extend and apply to the extension works by this Act authorised, as fully and effectually as those provisions now apply to the original works.

Rates, &c. on passengers, goods, &c.

33. After the passing of this Act the Company may demand and receive in respect of their pier such rates and charges as they may think fit, not exceeding the rates and charges specified in the schedule to the recited Order, and in respect of the pavilion and the promenade round the same and the refreshment rooms and other conveniences on the pier-head such rents, rates of admission, and other charges as the Company may from time to time think proper: Provided always, that the rates and charges payable in respect of the use of that part of the extension works lying west of the original works coloured pink on the deposited plans shall not in any case exceed the rates and charges firstly specified in the said schedule.

Power to deal with buildings.

34. The Company may at any time lease for a term of years or otherwise let for any shorter period, for such consideration and subject to such conditions, regulations, and stipulations as they may think fit, the pavilion, refreshment rooms, shops, and other conveniences, or any of them, or any part or parts thereof, and may execute and do any deed, act, or thing proper for effectuating any such lease or disposition.

Company may provide steam vessels, &c.

35. The Company may purchase, hire, or otherwise acquire or provide steam vessels and other vessels or boats for conveying of passengers and their luggage on occasional pleasure excursions, and for the towage of vessels and other pier purposes, and may from time

to time make byelaws regulating the rates and tolls to be received by them in respect of the use of the same or any other services rendered.

Separate accounts to be kept.

36. The Company shall keep separate accounts of capital and receipts in respect of their pavilion, refreshment rooms, shops, and other like conveniences, which account shall be called the "Pavilion Account," and separate accounts of capital and receipts in respect of their pier, landing-places, and like conveniences, and of any steam or other vessels kept, hired, or used by the Company for any purpose connected with their pier undertaking.

Custom-house officers exempt from rates.

37. Officers of Customs being in execution of their duty shall at all times have free ingress, passage, and egress to, on, along, and from the pier by land and with their vessels and otherwise without payment of toll.

Power to appoint a pier-master.

38. The Company may from time to time appoint and remove a pier-master and his assistants as may be required for the management and regulation of their pier undertaking and the works connected therewith.

Limits of power of pier-master.

39. The limits within which the powers and duties of the pier-master or his assistants appointed for the regulation and management of the said pier and works shall be exercised shall be the limits of the original works and a distance of fifty yards measured in any direction from the outer side of the extension works.

Confirmation of byelaws under 10 & 11 Vict. c. 27.

40. Byelaws made by the Company under the authority of the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, which are incorporated with this Act shall not come into operation until they have been submitted to and confirmed by the Board of Trade, which Board may allow or disallow the same or any of them, as it may think proper, but any such byelaw so confirmed shall not require the confirmation or approval of any other authority.

Jurisdiction of justices.

41. Any offences arising or committed on any part of the pier undertaking requiring the cognizance of any justice of the peace may be dealt with by any justice of the peace acting within the borough of Blackpool in the same manner as such offences might have been dealt with had the same been committed within the borough.

Saving rights of Corporation of Blackpool.

42. Except as herein expressly enacted, nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, or privilege vested in and now exercised or enjoyed by the Corporation of Blackpool.

Saving rights of Duchy of Lancaster.

43. Nothing contained in this Act shall extend or operate to authorise the Company to take, use, enter upon, or in any manner

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interfere with any land, soil, water, or hereditaments, or any manorial rights or any other rights, of whatsoever description, belonging to Her Majesty in right of her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors, in right of her said duchy.

Saving rights of the Crown.

44. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any land or hereditaments, or any rights, of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

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

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