CHAPTER ccxxxv.

An Act for conferring further powers on the Dover Harbour Board, and for other purposes. [5th August 1873.] A.D. 1873.

WHEREAS the Dover Harbour Board (in this Act called the Harbour Board) are constituted and empowered for the purpose of maintaining and improving Dover Harbour by The Harbours and Passing Tolls, &c. Act, 1861, in conjunction with the two Acts described in the schedule to this Act (which three Acts are in this Act referred to as the Harbour Board's former Acts):

And whereas it would be of great local and public advantage if the Harbour Board, in pursuance of the powers vested in them, executed works at Dover for the better protection of Her Majesty's ships, and for facilitating communication by steamer with the Continent, but inasmuch as Dover is a naval and military station it is expedient that no works should be carried into effect except in accordance with plans to be approved of by Her Majesty's Government:

And whereas the Harbour Board are willing to undertake the execution of new works on being authorised and empowered to do so, and it is expedient that provision be made accordingly:

Piers, jetties, &c. may be made for the improvement of the harbour.

And whereas by an Act passed in the ninth year of His Majesty King George IV., intituled "An Act for more effectually maintaining and improving the harbour of Dovor, in the county of Kent," it is amongst other things enacted that the Warden and Assistants of the harbour of Dovor, in the county of Kent, shall be and they are thereby fully authorised and empowered from time to time to make, erect, establish, and maintain all such piers, jetties, basins, culverts, drains, locks, bridges, dams, lights, lighthouses, and other works and conveniences as they shall think fit and necessary for the improvement and maintenance of the said harbour, not only within the same and upon the land adjoining thereto (being the property of the said Warden and Assistants), but also upon the beach of the sea one mile to the east and one mile to the west of the mouth or entrance of the said harbour; and within the said

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limits it shall not be lawful for any person or persons to make, erect, or establish any groynes, jetties, or other works without the consent of the said Warden and Assistants under their common seal first had and obtained, or to do any act, matter, or thing whereby the said harbour or the free use and entrance thereof may be in anywise prejudiced:

And whereas the powers so conferred upon the said Warden and Assistants are now vested in and exerciseable by the Harbour Board:

And whereas the Harbour Board were authorised by The Dover Harbour Act, 1871, to borrow such sums as they should from time to time require for the purposes of that Act not exceeding three hundred thousand pounds (including the sum of ten thousand pounds then owing by them), and to mortgage their dues, revenue, and property to secure repayment thereof, and it was thereby provided that their borrowing powers should not exceed three hundred thousand pounds under that or any other Act:

And whereas the Harbour Board have not exercised to any extent the borrowing powers conferred on them by The Dover Harbour Act, 1871, and there is now owing by them the sum of nine thousand pounds, part of the said sum of ten thousand pounds, and no more, and it is expedient that additional borrowing powers be conferred upon the Harbour Board:

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; (that is to say,)

Short title.

1. This Act may be cited as The Dover Harbour Act, 1873.

Repeal of enactments in schedule.

2. The parts of Acts particularly described in the schedule to this Act are hereby repealed.

Plans of new works to be approved by Board of Trade and Secretary of State for War.

3. Before commencing any work below high water mark at ordinary spring tides the Harbour Board shall deposit at the Board of Trade plans, sections, and working drawings of every such work for the approval of the Board of Trade, to be signified in writing under the hand of a secretary or assistant secretary of the Board of Trade, and for the approval of the Secretary of State for War, to be signified in writing by him, and for the approval of the Lords Commissioners of the Admiralty under the hand of their secretary, and every such work shall be commenced and made only in accordance with such approval and in such order with reference to any

other such work as the Board of Trade and the Secretary of State for War may direct, and when any such work is begun or made the Harbour Board shall not at any time alter or extend the same below high water mark at ordinary spring tides without first obtaining the like approval of the Board of Trade and Secretary of State for War and the Lords Commissioners of the Admiralty, and if any work below high water mark at ordinary spring tides be commenced, completed, or altered contrary to the provisions of this section, the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the expense of the Harbour Board, and the amount thereof shall be a debt due from the Harbour Board to the Crown, and be recoverable accordingly, with costs of suit, or may be recovered with costs as a penalty.

Works to be part of harbour.

4. All works executed by the Harbour Board under the sanction or by the direction of the Board of Trade and the Secretary of State for War, as well during the making as after the completion thereof, and all materials and things provided or had by the Harbour Board for the purposes thereof, are hereby vested in the Harbour Board, who shall have all such powers, authorities, and rights, and shall be subject to all such obligations and restrictions in respect thereof, as if the same had been made, provided, and had by them by virtue or for the purposes of their former Acts, and those works and the whole area of land and water comprised within the external boundary thereof shall for the purposes of dues and for all other purposes be part of Dover Harbour within the Harbour Board's former Acts and the schedule to The Dover Harbour Act, 1871, and shall be subject to the provisions of such last-mentioned Act.

Exhibition of lights.

5. The Harbour Board shall at all times after the completion of any works at the outer extremity thereof or of one thereof exhibit and keep burning from sunset to sunrise such lights or light (if any) as the Elder Brethren of the Trinity House of Deptford Strond from time to time direct.

Power to borrow at interest, &c.

6. The Harbour Board may from time to time borrow at interest on the security of their revenue and property any sum or sums, not exceeding in the whole five hundred thousand pounds, they may from time to time require for the purposes of their former Acts or of this Act, and may mortgage, charge, or assign their revenue and property or any part thereof to secure repayment of the money borrowed with interest accordingly; and to enable them to pay for the works now in course of execution for deepening and improving the inner harbour and the entrance thereto, the Harbour Board shall have power to the extent of sixty thousand pounds

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and the interest thereof to give priority to the same over any other moneys borrowed by them under the powers of this Act, and as to the said sum of sixty thousand pounds and the interest thereof the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, except section eighty-four, shall be deemed to be and are hereby incorporated with this Act, and the term the "The Commissioners" in the said provisions shall mean the Dover Harbour Board.

Sinking fund to be formed.

7. The Harbour Board shall in respect of all sums of money borrowed by them under the provisions of this Act set apart annually out of the revenues applicable to the repayment of such moneys an amount equal to one sixtieth part of the amount of any moneys so borrowed to be applied as a sinking fund in paying off the moneys so borrowed: Provided always, that it shall not be obligatory upon the Harbour Board to commence any such sinking fund until fifteen years after the passing of this Act.

Priority of charges for borrowed money over other debts.

8. All money borrowed by the Harbour Board under this Act shall have priority against the Harbour Board, and their revenue and property from time to time, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act, but this priority shall not affect any claim against them or their property in respect of any rentcharge for the time being granted by them in pursuance of the Lands Clauses Acts, or in respect of any rent or sum reserved by or payable under any lease granted or made to them, nor shall anything in this section affect any claim for land taken, used, or occupied by them for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred on them.

Application of income and money borrowed.

9. All money received by the Harbour Board from dues under The Dover Harbour Act, 1871, and all money borrowed by them under this Act shall be applied and disposed of in carrying into execution the purposes of their former Acts and this Act, and for that purpose their former Acts and this Act shall be read and have effect together as one Act, and the term "this Act" used in any of their former Acts shall include the present Act.

Saving for existing mortgagees rights, &c.

10. Neither the repeal of enactments nor any other thing in this Act shall affect any mortgage, grant, liability, right, title, or obligation made, accrued, or acquired before the passing of this Act, and every such mortgage as aforesaid shall continue charged on the same dues and revenue and shall continue to have the same priority, and every such grant, liability, right, title, and obligation as aforesaid shall remain and be enforceable as if this Act had not been passed.

Officers of Customs to have free access to works.

11. Notwithstanding anything in this Act contained or implied officers of Customs or Government employés in the service of the army or navy being in the execution of their duty shall at all times have free ingress, passage, and egress into, on, along, through, and out of the docks, piers, works, lands, and property of the Board by land and with their vessels and otherwise without payment.

Saving rights of the Crown.

12. Nothing contained in this Act shall authorise the Harbour Board to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, if any, 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, if any, vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

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

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The SCHEDULE to which the foregoing Act refers.

Former Acts.	Parts Repealed.
9 Geo. IV. c. xxxi. An Act for more effectually maintaining and improving the harbour of Dovor, in the county of Kent.	Section thirty-three (power to borrow money). Section thirty-four (power for Warden, &c. to raise money by annuities). Section thirty-five (preventing improvident grants of annuities). Section thirty-six (power of transferring mortgages, &c.). Section thirty-seven (provision for the payment of creditors by lot).
The Dover Harbour Act, 1871 -	Section two (provisions of general Acts, &c.) as far as the same incorporates provisions of The Commissioners Clauses Act, 1847. Section fifteen (power to borrow money). Section sixteen (application of money borrowed). Section seventeen (priority of existing mortgages). Section eighteen (existing mortgages charged on new dues). Section nineteen (application of income).

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