CHAPTER lxxxvii.

An Act to authorise the construction of certain new works for improving the harbour of Dover the raising of further moneys by the Dover Harbour Board and for other purposes. A.D. 1926.

[4th August 1926.]

WHEREAS the Dover Harbour Board (in this Act referred to as "the Harbour Board") are constituted incorporated and empowered for the purpose of maintaining and improving Dover Harbour by the Harbours and Passing Tolls &c. Act 1861 in conjunction with the Dover Harbour Act 1828 the Dover Harbour Act 1871 the Dover Harbour Act 1873 the Dover Harbour Act 1891 the Dover Harbour Act 1898 the Dover Harbour Act 1901 the Dover Harbour Act 1902 the Dover Harbour Board Act 1906 the Dover Harbour (Works &c.) Act 1906 the Dover Harbour Act 1913 the Dover Harbour Act 1919 the Dover Harbour Act 1920 and the Dover Harbour Act 1923 (which fourteen Acts are in this Act collectively referred to as "the former Harbour Acts"):

And whereas it would be of great local and public advantage if the Harbour Board were authorised to make and maintain the sea wall viaduct shipping berths railways and works hereinafter described to form part of Dover Harbour within the meaning of the former Harbour Acts and it is expedient that provision be made accordingly:

And whereas by section 57 (Confirming agreement between railway companies and Harbour Board) of the

A.D. 1926. Dover Harbour Act 1920 and clause 4 of the agreement scheduled to the said Act it was provided that the Harbour Board should out of the first sum or sums of money raised by them after the passing of or under the powers of the Dover Harbour Act 1920 and before commencing the construction of any other works by the Dover Harbour Act 1920 authorised at their own expense construct complete and thereafter maintain on the eastern side of the Admiralty Pier extension a spur as in the said clause described :

And whereas the construction of the said spur has not been commenced :

And whereas on the construction of the sea wall or embankment authorised by this Act the construction of the said spur would be rendered useless and unnecessary and it would be of great local and public advantage if the Harbour Board were authorised to abandon the construction of the said spur and were released from all obligations in connection therewith :

And whereas it is expedient that such other powers should be conferred upon the Harbour Board and that such other provisions should be made as in this Act are more particularly described :

And whereas plans and sections showing the situations lines and levels of the sea wall viaduct shipping berths railways and other works authorised by this Act and also a book of reference to such plans and also an Ordnance map with the lines of railway delineated thereon so as to show their general course and direction were duly deposited with the clerk of the peace for the county of Kent and are hereinafter referred to as the deposited plans sections book of reference and map :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 as the Dover Harbour Act 1926.

Incorporation of Acts.

2. The Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 are except where varied by or inconsistent with this Act or the former Harbour Acts incorporated with and form part of this Act :

Provided that—

(i) The provisions of sections 16 to 19 of the said Act of 1847 shall not be in force unless and until the Harbour Board shall be required by the Board of Trade to provide and maintain a lifeboat a tide gauge and a barometer;

(ii) The following expressions used in the said Act of 1847 shall for the purposes of this Act have the following respective meanings (that is to say) :—

The expressions "packet boat" and "Post Office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" means a mail bag as defined by the same Act;

(iii) Nothing in the said Act of 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Interpretation.

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

"High-water mark" means high-water mark at ordinary spring tides;

"The agreement of 1906" means the agreement 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 Harbour Board of the

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other part dated the first day of June one thousand nine hundred and six and set out in the Second Schedule to and confirmed by the Dover Harbour (Works &c.) Act 1906;

"The railway company" means the Southern Railway Company.

Power to make sea wall and other works.

4. Subject to the provisions of this Act the Harbour Board may in the parish and borough of Dover in the county of Kent and where so shown on the foreshore and bed of the sea there and in the lines and situations and according to the levels shown and delineated on the deposited plans and sections and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

(*a*) An embankment or sea wall (Work No. 1) two hundred and fifty yards in length or thereabouts on the bed of Dover Harbour and the bed of the sea adjoining commencing at the eastern end of the Admiralty Pier Extension and terminating at the south-western end of the South Mole:

(*b*) A viaduct (Work No. 2) seventy yards in length or thereabouts on the bed of Dover Harbour commencing at the inner face of the Admiralty Pier Extension at or near the eastern end of the existing railway thereon and terminating at the inner face of the said intended embankment or sea wall (Work No. 1) at a point one hundred feet or thereabouts from the south-western end thereof:

(*c*) A shipping berth (Work No. 3) nine hundred feet in length or thereabouts on the bed of Dover Harbour commencing at the inner face of the Admiralty Pier Extension at a point three hundred and twenty yards or thereabouts from the south-eastern end thereof and extending along the said inner face of the Admiralty Pier Extension and along the face of the said intended viaduct (Work No. 2) and terminating at the face of the said intended viaduct (Work No. 2) at a point twenty-five yards or thereabouts from the north-eastern end thereof:

(*d*) A shipping berth (Work No. 4) seven hundred feet in length or thereabouts on the bed of Dover Harbour commencing at the inner face of the South Mole at or near the south-western end thereof and extending along the said inner face of the South Mole to a point seven hundred and fifty feet or thereabouts from the south-western end thereof :

(*e*) A railway (Work No. 5) commencing in the borough of Dover by a junction with the existing railway on the Admiralty Pier Extension at a point three hundred and sixty-three yards or thereabouts from the south-eastern end of the said Admiralty Pier Extension passing on to and along the said intended shipping berth (Work No. 3) and terminating at or near the south-eastern end thereof together with all necessary and proper stations rails sidings buildings and other works :

(*f*) A railway (Work No. 6) commencing in the borough of Dover by a junction with the existing railway on the Admiralty Pier Extension at or near the eastern end thereof passing along the said intended viaduct (Work No. 2) and the said intended embankment or sea wall (Work No. 1) on to the said intended shipping berth (Work No. 4) and on to and along the South Mole and terminating at a point one hundred and seventy-five yards or thereabouts from the north-eastern end of the said South Mole together with all necessary and proper stations rails sidings buildings and other works :

(*g*) A railway (Work No. 7) commencing by a junction with the said intended railway (Work No. 6) on the said intended embankment or sea wall (Work No. 1) at a point seven yards or thereabouts from the north-eastern end of the said intended embankment or sea wall (Work No. 1) passing on to and along the said intended shipping berth (Work No. 4) and terminating at or near the north-western end thereof together with all necessary and proper stations rails sidings buildings and other works :

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Provided that the Harbour Board shall not commence or carry out the construction of the said works unless and until detailed plans and sections thereof shall have been submitted to and approved by the Admiralty.

Limits of deviation.

5. In the construction of the sea wall viaduct shipping berths railways and works authorised by this Act the Harbour Board may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Admiralty and the Board of Trade.

Power to make subsidiary works.

6. Within the limits of deviation shown on the deposited plans the Harbour Board subject to the provisions of this Act may for the purposes of the works hereinbefore described and authorised by this Act or any of them make execute maintain enlarge alter modify and remove either wholly or partially and either temporarily or permanently all such viaducts rails sidings junctions turn-tables traversers stations platforms approach roads gates warehouses sheds toll houses toll gates buildings roads footpaths sewers drains quays wharves wharf walls retaining walls river walls parapets embankments sluices jetties groynes shipping places staiths stairs stages gantries cranes drops dolphins moorings buoys beacons fixed and moveable bridges caissons dock gates transporters coal hoists tips oil tanks reservoirs pipe lines hydraulic gas and electric mains and other works and conveniences as may be necessary or convenient in connection with or subsidiary to the before mentioned works or any of them Provided that the Harbour Board shall not commence the construction enlargement alteration modification or removal of any works as authorised by this section without the consent in writing of the Admiralty and as regards any works below high-water mark without the consent in writing of the Board of Trade and provided that any electric mains and works executed or maintained by the Harbour Board under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General

or with telegraphic communication by means of such line. A.D. 1926.

Period for completion of works.

7. If the works to be made under the powers of this Act are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act given for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to dredge &c.

8.—(1) The Harbour Board may deepen dredge blast scour and excavate any portion of the foreshore and bed of Dover Harbour to the extent necessary for the maintenance and use of Dover Harbour and may blast break up raise remove carry away and dispose of the block ships lying in Dover Harbour or either or any of them or any part thereof and any other obstruction and may purchase hire provide and maintain all necessary dredging and other machines engines tug boats barges hoppers craft machinery and appliances necessary or expedient for or in relation to the said purposes or any of them.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Harbour Board and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Admiralty and the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the harbour revenue under this Act is to be applied.

(4) 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 or sale of any sand mud or other materials by the Harbour Board or their licensees otherwise than to the extent hereinbefore mentioned.

For protection of Admiralty.

9. The Harbour Board shall within a reasonable time after the completion of any works hereby authorised replace and make good to the satisfaction of the Admiralty

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any buildings or other erections or works belonging to the Admiralty which may be destroyed or damaged by or during the construction of any of the said works.

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

10.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board 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 Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Harbour Board and the amount of such cost shall be a debt due from the Harbour Board to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Survey of works by Board of Trade.

11. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Harbour Board under the powers of 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 Harbour Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Harbour Board to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement of work abandoned or decayed.

12.—(1) Where any work constructed by the Harbour Board 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 Board of Trade may by notice in writing either require the Harbour 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 Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the 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 Board of Trade 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 Harbour Board they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Harbour Board and the amount of such expense shall be a debt due from the Harbour Board to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Lights on works during construction.

13.—(1) The Harbour Board shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the 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 Board of Trade shall from time to time require or approve.

(2) If the Harbour 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.

Permanent lights on works.

14.—(1) After the completion of the works by this Act authorised the Harbour Board shall at the outer extremity of their works below high-water mark of ordinary spring tides exhibit and keep burning every

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night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond and the Admiralty shall from time to time direct.

(2) If the Harbour 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.

Provision against danger to navigation.

15.—(1) In case of injury to or destruction or decay of the works by this Act authorised 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 Harbour 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 Deptford Strond and the Admiralty and shall apply to that corporation for directions as to the means to be taken.

(2) If the Harbour 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.

Works part of harbour.

16.—(1) Subject to the provisions of this Act the Harbour Board their officers and servants shall have all such powers authorities and rights in respect of the works authorised by this Act as if the same had been made and provided by them by virtue of or for the purposes of the former Harbour Acts and the sea wall viaduct shipping berths railways and works authorised by this Act shall for the purpose of charging demanding and receiving tolls charges rates poll tax and other dues and for all other purposes be part of Dover Harbour within the meaning of the former Harbour Acts and this Act.

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(2) Nothing in this section shall prejudice or affect any of the rights powers privileges or exemptions of the railway company with respect to tolls charges rates poll tax and other dues under the former Harbour Acts and all such rights powers privileges and exemptions shall extend and apply to the works authorised by this Act.

Works to be within parish and borough of Dover.

17. So much of any of the works authorised by this Act as is to be made and constructed upon the foreshore and bed of the sea and is not included in any parish shall from and after the completion thereof be deemed to be for all purposes within the parish and borough of Dover in the county of Kent.

Spur to be abandoned.

18. From and after the passing of this Act so much of section 57 (Confirming agreement between railway companies and Harbour Board) of the Dover Harbour Act 1920 and so much of clause 4 of the agreement scheduled to the said Act of 1920 as imposes upon the Harbour Board an obligation to construct complete and thereafter maintain a spur on the eastern side of the Admiralty Pier Extension shall cease to have effect and the Harbour Board shall abandon the making of the said spur and the said section and the said clause shall be read and take effect as if in lieu of the words in the said clause "the Act of 1920" there had been inserted the words "the Dover Harbour Act 1926" and in lieu of the words "on the eastern "side of the Admiralty Pier extension a spur of solid "construction to the low-water line with piling above "filled in with loose blocks or stones in such position "and of such dimensions and according to such plans "as the companies shall direct" there had been inserted the words "the embankment or sea wall (Work No. 1) authorised by the Dover Harbour Act 1926" and in lieu of the words "such spur" there had been inserted the words "the said embankment or sea wall."

Application of funds.

19. Subject to the provisions of the agreement of 1906 and of the provisions of the agreement scheduled to the Dover Harbour Act 1920 as varied by the section of this Act whereof the marginal note is "Spur to be abandoned" the Harbour Board may apply to the purposes of this Act or to the general purposes of their undertaking to which capital is properly applicable

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including the dredging scouring and deepening and the removal and disposal of the block ships by this Act authorised any moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Harbour Board and which may not be required for purposes to which they are by any such Act made specially applicable:

Provided that—

(*a*) Any such moneys so applied shall rank both as to capital and interest after the one million pounds of Dover Harbour redeemable debenture stock created and issued under the provisions of the former Harbour Acts;

(*b*) Notwithstanding anything contained in the agreement of 1906 the railway company shall not be under any obligation to guarantee any interest on any such moneys so applied.

Power to raise additional debenture stock.

20. Subject to the consent of the railway company the Harbour Board may and they are hereby authorised to raise in addition to any sum or sums which they are by section 25 of the Dover Harbour Act 1891 section 24 of the Dover Harbour Act 1898 section 28 of the Dover Harbour Act 1901 section 22 of the Dover Harbour Act 1902 or section 41 of the Dover Harbour Act 1920 authorised to raise any sum or sums not exceeding in the whole one million pounds which they may from time to time require for the purposes of the former Harbour Acts or of this Act and for this purpose the Dover Harbour Act 1920 shall be read and have effect as if the words "three million pounds" had been inserted in the said section 41 instead of the words "two million pounds" and as if the purposes of this Act were a purpose of that Act and section 41 and sections 43 to 51 of the Dover Harbour Act 1920 shall apply accordingly:

Provided always that in respect of any sum or sums which the Harbour Board may raise under the provisions of this Act in excess of such sum or sums not exceeding seven hundred thousand pounds as they may raise and expend on the permanent works authorised by section 4 of this Act subsection (2) of section 41 and subsection (1) of section 45 of the Dover Harbour Act 1920 shall apply as if the words "sixty years" had been inserted therein respectively instead of the words "eighty years."

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Power to make contracts &c.

21. The Harbour Board may from time to time with any Government department the railway company or any other person enter into and carry into effect and rescind contracts agreements and arrangements or confirm and make binding upon 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 authorised by this Act or with respect to the user of Dover Harbour or any part thereof or with respect to the application by the Harbour Board of the revenues of Dover Harbour or any part thereof or in relation to the tolls rates dues and taxes levied or to be levied or chargeable therein and in and upon the works authorised by this Act or any part thereof or with respect to any compensation therefor and with respect to the erection of works on lands belonging to the parties to any such contract agreement or arrangement for the accommodation of His Majesty's Government and of such department company or person or any of them and with respect to the guaranteeing of the cost and the contribution by any or either of them towards the payment of the costs of the works authorised by this Act and any works so to be made for their accommodation as aforesaid or any part or parts thereof either by payment of a sum or sums of money in gross or by way of rent or annual payment or by special tolls rates dues and taxes or otherwise as may be agreed upon 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.

For protection of railway company.

22. For the protection of the railway company the following provisions shall unless otherwise agreed between the Harbour Board and the railway company apply and have effect :—

(1) All works to be executed by the Harbour Board in the exercise of the powers of this Act which may be on or adjacent to or which may in any way affect any railway works or property belonging to or leased or used by the railway company (which works of the Harbour Board are in this section referred to

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as "the said works") shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the chief engineer for the time being of the railway company (in this section referred to as "the chief engineer") and the Harbour Board shall not in making or maintaining the said works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway works or property of the railway company or the traffic thereon or with the cross-channel and continental vessels and other craft of the railway company and the traffic thereon :

(2) Notwithstanding anything in this Act contained the Harbour Board shall be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company by reason of the construction or failure of the said works (whether during construction or after completion thereof) or of any act or omission of the Harbour Board or of any person in their employ or of their contractors or others or any interference with the cross-channel traffic of the railway company and the Harbour Board shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such construction failure act or omission :

(3) So long as the railway company are liable in respect of any guarantee given under the provisions of the agreement of 1906 the Harbour Board shall not without the consent in writing of the railway company alter the scale of rates tolls dues and taxes now in force nor impose any new rate toll due or tax nor enter into any agreement with respect to such rates tolls dues or taxes nor expend nor become liable to expend money in the construction of any works by this Act or any of the former Acts authorised and any alteration of such scale of rates tolls dues and taxes or imposition

of such new rate toll due or tax and the expenditure of money in the construction of works shall be subject to the approval of the railway company. A.D. 1926.

As to dues payable by railway company.

23.—(1) Nothing in this Act contained shall in any manner modify section 12 (Power to vary dues by agreement for steamers to and from the continent in connection with certain railways) of the Dover Harbour Act 1871 or affect or interfere with the agreement dated the first day of May one thousand eight hundred and seventy-one and made (in pursuance of that Act) between the Harbour Board of the first part the London Chatham and Dover Railway Company of the second part and the South Eastern Railway Company of the third part with reference to the use of Dover Harbour and the dues to be levied on vessels or craft of the railway company using the same and goods landed therefrom or embarked thereon shall not (except with the consent in writing of the railway company under the hand of their secretary) exceed the dues levied on the thirty-first day of December one thousand nine hundred and nineteen Provided always that the said agreement and the provisions thereof shall not apply to any ships belonging to or employed by the railway company for the transport of coal steel or other minerals in regard to which the same dues shall be levied as though such ships did not belong to or were not employed by the railway company and the expression "harbour" in the said agreement shall be deemed to include the harbour as existing at the date of the passing of this Act and the works by this or any former Harbour Act authorised.

(2) Subsection (1) of section 38 of the Dover Harbour Act 1920 shall apply and have effect in relation to the exercise of the powers conferred upon the Harbour Board by this Act as if the said subsection were re-enacted in this Act.

Running powers of railway company.

24. The railway company may run over and use toll free with their engines carriages wagons and servants whether in charge of engines carriages and wagons or not for all purposes connected with their undertaking the railways (Works Nos. 5 6 and 7) by this Act authorised Provided that nothing in this section shall prevent the Harbour Board from imposing a

A.D. 1926. toll or making a charge for haulage over the said railways on others than the railway company.

Estimates for works and maintenance to be submitted to railway company.

25. Before the Harbour Board incur any expenditure on capital or revenue account in the exercise of the powers of the sections of this Act of which the marginal notes are "Power to make sea wall and other works" and "Power to make subsidiary works" or in the maintenance repair or renewal of the works authorised by such sections the Harbour Board shall (notwithstanding anything contained in this Act) submit estimates of such expenditure to the railway company and no such expenditure shall be incurred until the railway company have approved such estimates and such approval may be given subject to such modifications thereof or alterations therein as the railway company may think fit.

Application of provisos to section 5 of Dover Harbour Act 1923.

26. The provisions of the second and third provisos to section 5 (Power to acquire Admiralty Harbour) of the Dover Harbour Act 1923 if and in so far as the same are or may be inconsistent with the terms of any contract agreement or arrangement entered into by the Harbour Board under and by virtue of the provisions of section 20 (Power to make contracts &c.) of this Act shall from and after the making of such contract agreement or arrangement cease to have effect.

Saving agreement between Admiralty and Harbour Board.

27. The rights and liabilities under the agreement dated the second day of July one thousand nine hundred and twenty-three and made between the Admiralty of the one part and the Harbour Board of the other part and set forth in the First Schedule to the Dover Harbour Act 1923 are hereby expressly preserved save in so far as the same are varied or modified by or are inconsistent with the provisions of this Act Provided always that the rights and liabilities expressly preserved by this Act may be varied or modified from time to time by the parties to the said agreement in such manner and upon such terms as they may mutually agree.

For protection of Dover Corporation.

28. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the provisions of subsections (5) (6) (7) (8) and (9) of section 17 (For protection of Dover Corporation) of the Dover Harbour Act 1923 shall in addition to

any other provisions enuring for the protection of the mayor aldermen and burgesses of the borough of Dover and except so far as may be otherwise agreed in writing between the Harbour Board and the said mayor aldermen and burgesses apply and have effect (so far as the same are applicable and with any necessary modifications) for the protection and benefit of the said mayor aldermen and burgesses in relation to the exercise of the powers conferred upon the Harbour Board by this Act as if the said subsections were set out in this Act.

For protection of War Office &c.

29. Nothing in this Act contained authorises the Harbour Board—

(1) To take enter upon use or interfere with any land soil or water or any rights in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (hereinafter called "the Secretary of State") or in or by the President of the Air Council or in of or by any other person body or corporation acting for or on behalf of the Secretary of State or the President of the Air Council without the consent of the Secretary of State or the President of the Air Council (as the case may be) signified in writing under his hand which consent the Secretary of State and the President of the Air Council respectively are or either of them is authorised to give subject to such special or other conditions as they or he shall see fit to impose on the Harbour Board; or

(2) To take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State or the President of the Air Council (including any rights privileges or powers for the defence of the realm whether under any statute or regulation or otherwise) without such consent as aforesaid;

(3) This section shall take effect notwithstanding that any such land as in this section mentioned may be delineated in the deposited plans or described in the deposited book of reference.

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Saving rights of War Office.

30. The rights hereinafter appearing are expressly reserved to His Majesty's Principal Secretary of State for the War Department in respect of any of the works the construction of which is authorised by this Act :—

(*a*) The right to make and lay maintain and use works of any kind including cable conduits pipe-lines and other communications which may be considered necessary by the Secretary of State :

(*b*) The right to exclude unauthorised persons from approaching or entering the works of defence and other works belonging to the said Secretary of State and to regulate access thereto by the issue of military passes but without interfering with the proper user of the Admiralty Harbour and undertaking for commercial purposes :

(*c*) The unrestricted right of access and passage for officers and other ranks of His Majesty's services in uniform or bearing passes with or without horses carts carriages and other vehicles (including mechanical transport) to the works of defence and other works belonging to the said Secretary of State :

(*d*) The right to place and maintain in such position or positions as the said Secretary of State shall think proper the usual notice boards prohibiting photography and sketching.

As to affording facilities for carriage of War Office stores.

31. The Harbour Board shall not enter into any agreement with any railway company for the working of the railways the construction of which is authorised by this Act which does not provide that the railway company working the said railways shall afford all such reasonable facilities for the carriage of War Department stores of all kinds over the said railways as may from time to time be required by His Majesty's Principal Secretary of State for the War Department.

Saving for Trinity House of Deptford Strond.

32. Nothing in this Act contained shall prejudice or affect the powers rights and privileges of the Corporation of Trinity House of Deptford Strond.

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Provision as to general Railway Acts.

33. Nothing herein contained shall be deemed or construed to exempt the railways by this or the former Harbour Acts authorised to be made from the provisions of any general Act relating to railways now in force or which may hereafter pass during this or any future session of Parliament Provided that nothing in this Act or the former Harbour Acts or any Acts incorporated therewith shall constitute the Harbour Board a railway company within the meaning of the Railway and Canal Traffic Act 1888 or any Acts amending or enlarging that Act.

Crown rights.

34. Except as hereinafter expressly provided nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Harbour 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 His Majesty in right of his Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown minerals.

35. Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Harbour Board authorised to be taken or constructed by this Act but in the event of any such right being at any time intended to be exercised sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last mentioned Act shall apply as if the same were in relation to such minerals incorporated in this Act and as if the Harbour Board were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any

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compensation payable by the Harbour Board to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Harbour Board by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

Costs of Act.

36. 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.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

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