CHAPTER xvii.

An Act to revive the powers and extend the periods for the compulsory purchase of lands for and for the completion of the dock and works authorised by the Thames Deep Water Dock Act 1881 and for other purposes. A.D. 1901.

[2nd July 1901.]

WHEREAS by the Thames Deep Water Dock Act 1881 (in this Act referred to as "the Act of 1881") the Thames Deep Water Dock Company (in this Act called "the Company") were incorporated and authorised to make and maintain a dock and other works in the parish of Dagenham in the county of Essex:

And whereas by the Act of 1881 the periods for the compulsory purchase of lands and for the completion of works were limited to four and ten years respectively from the passing of that Act which received the Royal Assent on the eighteenth day of July one thousand eight hundred and eighty-one:

And whereas by the Thames Deep Water Dock Act 1891 (in this Act referred to as "the Act of 1891") the powers for the compulsory purchase of lands limited by the Act of 1881 were revived and extended to the eighteenth day of July one thousand eight hundred and ninety-five and by the same Act the period limited for the completion of the dock and works was also extended to the eighteenth day of July one thousand nine hundred and one:

And whereas it is expedient that the powers of the Company for the compulsory purchase of lands should be revived and extended and that the time for the completion of the dock and works should also be extended as hereinafter provided and that the Acts of 1881 and 1891 should in other respects be amended and that the Company should be empowered to pay interest out of capital to be raised under the Act of 1881 to any shareholder on the amount from time to time paid up on the shares held by him:

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

A.D. 1901.

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 Thames Deep Water Dock Act 1901.

Powers of Act of 1881 for purchase of lands revived and extended.

2. All the rights powers and authorities conferred upon the Company by the Act of 1881 as revived and extended by the Act of 1891 for the compulsory purchase of lands shall be and the same are hereby revived and extended and may be exercised by the Company for and during a period of four years from the eighteenth day of July one thousand nine hundred and one notwithstanding the lapse of those powers on the eighteenth day of July one thousand eight hundred and ninety-five and on the expiration of such extended period those powers shall cease.

Parties aggrieved by extension of time may have compensation.

3. The justices arbitrators umpires or juries as the case may be who may award or assess the compensation to be made by the Company to the owners lessees or occupiers of or other persons interested in lands taken or used for the purposes of the dock and works authorised by the Act of 1881 or injuriously affected by the construction thereof shall in estimating the amount of such compensation have regard to and assess compensation for the additional damage (if any) sustained by those owners lessees occupiers or other persons by reason of the extension of time granted by this Act.

Powers of Act of 1881 for completion of dock and works extended.

4. The time limited by the Act of 1881 as extended by the Act of 1891 for the completion of the dock and works authorised by the Act of 1881 is hereby extended for a period of five years from the eighteenth day of July one thousand nine hundred and one and if the dock and works are not completed within the extended period limited by this Act then on the expiration of that period the powers by the Acts of 1881 and 1891 and this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Existing contracts and notices to take lands not to be affected.

5. The extension of time granted by this Act shall not affect any contract entered into or notice given by the Company before the passing of this Act for purchasing taking or using any lands which the Company were entitled to purchase take or use but every such contract and notice shall be construed and take effect

and the same proceedings may be had thereunder and all parties thereto shall be entitled to the same rights and remedies in respect thereof at law and in equity as if the extension of time had not been granted.

Restriction on taking houses of labouring class.

6. The Company shall not under the powers of the Act of 1881 as revived or extended by the Act of 1891 or by this Act purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December next before the passing of the Act by which the purchase or acquisition was originally authorised were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Saving for port sanitary authority of port of London.

7. The dock and works shall be deemed to be situate within the limits and form part of the port of London and nothing in this Act or in the Act of 1881 contained shall extend or be construed to extend to prejudice or derogate from or in anywise alter affect or interfere with the jurisdiction power authority rights or privileges which at any time heretofore have been given or granted to or which are now vested in or which may be legally exercised by the mayor aldermen and commons of the city of London as the port sanitary authority of the port of London.

A.D. 1901.

For protection of Samuel Williams and Sons Limited.

8. The agreement bearing date the seventh day of May one thousand eight hundred and ninety-one and made between Samuel Williams and his heirs executors administrators and assigns of the one part and the Thames Deep Water Dock Company and its successors and assigns of the other part and scheduled to and confirmed by the Act of 1891 shall be binding on the Company its successors and assigns and on Samuel Williams and Sons Limited (the assignees of the said Samuel Williams) their successors and assigns.

Power to pay interest out of capital during construction.

9. Section 110 of the Act of 1881 is hereby repealed and in lieu thereof the Company may out of any money authorised to be raised under that Act pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by the Act of 1881 as extended by this Act for the completion of the works authorised by the Act of 1881 or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the portion of share capital in respect of which such interest may be paid under this section has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(C) The aggregate amount to be so paid for interest shall not exceed forty thousand pounds in respect of each five hundred thousand pounds of the capital from time to time raised and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid:

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Company not exempt from provisions of general Acts relating to docks &c.

10. Nothing in this Act contained shall exempt the Company or the dock and works by the Act of 1881 authorised from the provisions of any general Act relating to harbours docks or piers or to dues on shipping or on goods carried in ships or to pilotage or to lights buoys and beacons or to the powers and privileges of the general lighthouse authorities.

Expenses of Act.

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

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