

# Whitstable Harbour Act, 1957

5 & 6 ELIZ. 2 Ch. xli

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### CHAPTER xli

An Act to provide for the vesting in the urban district council of Whitstable of the harbour at Whitstable and the lands of the British Transport Commission held therewith to confer powers on the Council with reference thereto and the maintenance management and improvement thereof and for other purposes.

[1st August 1957.]

### WHEREAS—

(1) The Canterbury and Whitstable Railway Company were incorporated by the Act 6 Geo. 4 c. cxx (in this Act referred to as “the Act of 1825”) and by that Act were empowered to make and maintain a railway or tramroad from the seashore at or near Whitstable to or near to the city of Canterbury and also to make complete and maintain proper piers wharfs landing places quays and other works in or near the bay of Whitstable for the purpose of loading and unloading goods and merchandises to and from vessels and craft trading from and to Whitstable:

(2) By the Act 7 & 8 Geo. 4 c. xi and other enactments the said company were empowered to construct further works and provision was made in regard to the management and control of the railway and harbour works of the said company including provisions for the levying of tolls rates and charges for and in connection with the use of the harbour:

(3) The railway of the said company and the said harbour were transferred to and vested successively in the South Eastern Railway Company the Southern Railway Company and by the Transport Act 1947 in the British Transport Commission (in this Act referred to as “the commission”):

(4) The said railway was discontinued in the year nineteen hundred and fifty-three but the said harbour and lands held in connection therewith are now being maintained by the commission the tolls rates and charges applicable thereto being now governed by the Act of 1825 the Acts 7 & 8 Geo. 4 c. xi 5 & 6 Will. 4 c. lxxxii section 82 of the Transport Act 1947 the Harbours Docks and Piers (Additional Charges) Regulations 1950 and a number of further regulations made under section 82 of the Transport Act 1947 including the Harbours Docks and Piers (Additional Charges) (Amendment) Regulations 1956 which came into operation on the twenty-third day of April nineteen hundred and fifty-six:

(5) The urban district of Whitstable in the county of Kent is under the management and local government of the urban district council of Whitstable (in this Act referred to as "the Council"):

(6) The said harbour of the commission includes works which are in need of further maintenance and repair and others which in due course will require reconstruction:

(7) The continued user of the said harbour is desirable in the interests of the Council and the traders and inhabitants of their district and adjoining areas and it has been agreed between the Council and the commission that the commission should transfer to the Council all the rights and interests of the commission in the harbour and the lands held by the commission in connection therewith in accordance with the terms and conditions in this Act contained:

(8) It is expedient that the commission should be authorised and empowered to transfer the same to the Council and that the Council should be authorised and empowered to accept such transfer:

(9) Certain provisions of the Act of 1825 and of the Acts and orders amending the same are no longer effective and ought to be repealed:

(10) It is expedient that the other provisions of this Act be enacted:

(11) The objects of this Act cannot be attained without the authority of Parliament:

(12) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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:—

*Preliminary*

1. This Act may be cited as the Whitstable Harbour Act 1957 and this Act and the unrepealed provisions of the Act of 1825 and the Acts and Orders amending that Act so far as they relate to the harbour may be cited as the Whitstable Harbour Acts and Orders 1825 to 1957. Short and collective titles.

2. In this Act unless the context otherwise requires words and expressions to which by the enactments incorporated therewith or applied thereto respectively meanings are assigned have in this Act the same meanings and— Interpretation.

“ the Act of 1825 ” means the Act 6 Geo. 4 c. cxx being an Act for making and maintaining a railway or tramroad from the seashore at or near Whitstable in the county of Kent to or near the city of Canterbury in the said county;

“ authorised rates ” means the rates which the Council are for the time being authorised to levy demand and recover in pursuance of this Act or any order made under section 6 (Revision of charges by independent harbour undertakings etc.) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954;

“ the clerk ” means the clerk of the Council;

“ the commission ” means the British Transport Commission;

“ the Council ” means the urban district council of Whitstable;

“ the day of transfer ” means the first day of January nineteen hundred and fifty-eight or such other day as may be agreed between the Council and the commission;

“ the former Acts ” means the Act of 1825 and the Acts and orders amending that Act so far as they relate to the harbour and the harbour lands;

“ the general rate fund ” means the general rate fund of the urban district of Whitstable;

“ the harbour ” means the piers wharfs landing places quays flood walls and other works in or near the bay of Whitstable as authorised by the Act of 1825 and extended under the former Acts as now vested in the commission including the reservoir between Harbour Street and Westgate Terrace constructed under section 8 of the Act 5 & 6 Will. 4 c. lxxxii;

“ the Harbours Clauses Act 1847 ” means the Harbours Docks and Piers Clauses Act 1847;

- “ the harbour lands ” means and includes the lands and other properties now vested in the commission and held used and enjoyed as part of the harbour undertaking such lands being shown coloured pink on the signed plan;
- “ the harbour works ” means—
- (a) that part of the bed of the sea which forms the bed of the harbour;
  - (b) the harbour numbered 1102 1104 and 1106 and the lands being parts of 1103 and 1105 in the parish of Whitstable on the Ordnance map;
  - (c) the reservoir numbered 1101 in the parish of Whitstable on the Ordnance map;
- which were constructed and acquired by the undertakers under the former Acts so far as the same are now vested in the commission;
- “ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 and by the Town and Country Planning Act 1954;
- “ the Minister ” means the Minister of Transport and Civil Aviation;
- “ Ordnance map ” means the 1/2500 Ordnance map of Kent sheets XXIII.9 and XXIII.10 (revision of 1938);
- “ the signed plan ” means the plan signed in quintuplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to whom the Bill for this Act was referred of which one copy has been deposited at the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons one copy with the Minister one copy with the commission and one copy with the clerk;
- “ rating limits ” has the meaning given to that expression by section 13 (Limits of the harbour) of this Act;
- “ seaplane ” includes a flying boat and any other aircraft designed to manoeuvre on the water;
- “ the undertaking ” and “ the harbour undertaking ” means or includes as the case may require the harbour the harbour works and the harbour lands or the entire undertaking of the Council in connection with the harbour;
- “ vessel ” includes a seaplane on the surface of the water;
- “ the works ” means and includes the piers quays flood walls roads buildings and works and all conveniences connected with the harbour or constructed purchased or otherwise acquired by the Council under this Act.

*Incorporation of Acts*

3.—(1) The following enactments so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (that is to say):—

- (a) the Lands Clauses Acts except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking and except sections 127 to 131 of the Lands Clauses Consolidation Act 1845;
- (b) the provisions of the Harbours Clauses Act 1847 (except sections 6 to 13 16 to 19 24 to 26 and 84 to 90):

Provided that—

- (i) the word “ vessel ” shall include a seaplane on the surface of the water;
- (ii) nothing in the Harbours Clauses Act 1847 or this Act shall in any circumstances require or authorise the harbour master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

(2) In the construction of the enactments so incorporated with this Act the expression “ special Act ” shall be read as a reference to this Act.

*Vesting of harbour in the Council*

4. The commission are hereby authorised and empowered to transfer to the Council and the Council are hereby authorised and empowered to accept from the commission a transfer of the harbour undertaking upon the terms and conditions specified in the next succeeding section of this Act and (subject thereto) such other terms and conditions as may be agreed between the commission and the Council.

Power to  
acquire  
harbour.

5. The following provisions shall be applicable to the transfer authorised by the last preceding section of this Act:—

Incidents of  
transfer.

- (a) The purchase price shall be twelve thousand five hundred pounds;
- (b) The transfer of the harbour undertaking shall be subject to all existing tenancies easements and other rights whatsoever affecting the same;
- (c) Until the day of transfer the harbour undertaking in the hands of the commission shall be carried on by the commission with due regard to the interests of the Council as prospective owners of the undertaking on and after the day of transfer;
- (d) The transfer shall extend to and include—
  - (i) the harbour the harbour lands and the harbour works;



(ii) all works machinery pipes plants spare parts tools apparatus vehicles stores and furniture used or employed or held in connection with or for the purposes of the undertaking except those specified in a schedule marked "Exceptions from transfer" signed in duplicate by Graham Tunbridge on behalf of the commission and by Frederick Tomlinson on behalf of the Council copies of which have been deposited with the commission and the Council respectively;

(iii) the benefit of all contracts in force on the day of transfer so far as they relate to the undertaking but subject to any obligations of the commission thereunder;

(iv) all registers books of account maps plans specifications engineering and other reports and documents relating to the undertaking except where they relate to any property of the commission not included in the transfer;

- (e) The commission shall keep their accounts in respect of the undertaking in the same manner as hitherto;
- (f) The commission shall pay and discharge all debts liabilities and outgoings which shall have become payable by them before or accrued due from them up to the day of transfer in respect of the undertaking and shall be entitled to all rents and other sums of money which shall have become payable to them before or accrued due to them up to the day of transfer in respect of the undertaking;
- (g) The Council shall pay and discharge all debts liabilities and outgoings and be entitled to all rents and other sums of money which shall become payable or accrue due on or after the day of transfer in respect of the undertaking;
- (h) For the purpose of giving effect to the two last foregoing paragraphs of this section any such debts liabilities outgoings rents and sums of money shall when necessary be apportioned between the commission and the Council by agreement or failing agreement by an accountant to be agreed between the parties or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institute of Chartered Accountants in England and Wales;
- (i) All rents and other like sums of money which on the day of transfer are due or payable or accruing due to the commission in connection with the undertaking and

so much of the rents and other like sums received by the commission and so much of the outgoings discharged by them as is attributable to any period subsequent to the day of transfer shall notwithstanding anything in this Act or the transfer to the Council of the undertaking pursuant to this Act continue to be due or payable or accruing due and may be collected and recovered—

(i) by the commission if the same shall have become payable before the day of transfer; and

(ii) by the Council if the same shall become payable on or after that day;

and so much of the rents and other like sums received by the Council in respect of the undertaking and so much of the outgoings discharged by them as is attributable to the period prior to the day of transfer shall be paid by the Council to the commission or (as the case may be) shall be repaid to the Council by the commission;

(j) The Council before the day of transfer and thereafter the commission shall be entitled at all reasonable times to have access to and to take copies of all documents to be handed over to the Council so far as may be necessary for the purpose of enabling the Council or the commission to execute any of the provisions of this Act and the Council shall also be entitled at all reasonable times and for the like purpose to have access to and to take copies of all documents to be retained by the commission in so far as they relate to the undertaking;

(k) The commission shall pay their own costs charges and expenses in connection with the preparation of the Bill for this Act and its passage through Parliament and all steps and proceedings necessary in connection with the proposed transfer.

6.—(1) Subject to the provisions of this Act the harbour undertaking shall on and from the day of transfer be vested in and may be maintained and carried on by the Council.

Vesting of  
harbour  
undertaking  
in  
Council.

(2) The harbour shall be known and described as “the Whitstable Harbour”.

(3) The Council shall within fourteen days after the day of transfer give notice by advertisement in the London Gazette of the vesting of the harbour undertaking in the Council.

7. The production of a copy of this Act printed by the Queen's Printer duly stamped together with a receipt for the purchase price referred to in section 5 (Incidents of transfer) of this Act purporting to be signed by a member and the chief secretary of the commission shall (unless it be proved that the purchase price

has not been paid) be conclusive evidence in all courts and proceedings of the transfer of the harbour undertaking to the Council and its vesting in them.

Partial repeal  
of former  
Acts.

8.—(1) The provisions of the former Acts except those set forth in the First Schedule to this Act shall as from the day of transfer be repealed.

(2) All the powers rights duties liabilities obligations authorities and jurisdiction exercisable by the commission under or by virtue of the enactments set forth in the First Schedule to this Act shall be transferred to and vested in the Council subject to the duties contracts and liabilities affecting the same.

(3) The enactments set forth in the First Schedule to this Act shall subject to the provisions of this Act apply to the Council in the exercise of the powers by this Act transferred to them or conferred upon them as fully and effectually as if the Council had been named in the said Acts instead of the Whitstable and Canterbury Railway Company and their successors including the commission.

*Lands etc.*

Power to take  
lands by  
agreement.

9. Subject to the provisions of this Act the Council may by agreement purchase and hold for the purposes of this Act any lands in addition to those vested in the Council under and in pursuance of this Act not exceeding in the whole twenty acres but with respect to such additional lands nothing in this Act or in the Acts incorporated therewith shall exempt the Council from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them thereon.

Grant of  
easements  
by persons  
under  
disability.

10.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Council any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

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

Loans for  
erection etc  
of buildings.

11.—(1) The Council may advance money to the purchaser or lessee of any land acquired from or leased by the Council for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion

of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Council by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Council may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
  - (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Council and to produce to the Council when required the receipts for the premiums paid in respect of the insurance; or
  - (ii) (if the Council elect themselves to insure the said building against fire) to repay to the Council the amounts of any premiums paid by them from time to time in that behalf;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Council and authorised in writing by the clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) In this section "land" means land forming part of the harbour or the harbour lands and any land purchased by the Council under section 9 (Power to take lands by agreement) of this Act "lessee" includes a person to whom the Council have agreed to grant a lease and "lease" shall be construed accordingly.

Application  
of provisions  
re lands of  
Whitstable  
Urban District  
Council Act  
1948.

12. As from the day of transfer the provisions of Part VII (Lands) of the Whitstable Urban District Council Act 1948 shall be applicable for the purposes of this Act and the harbour undertaking and the harbour lands as if the same were re-enacted in this Act.

#### *Limits of harbour*

Limits of the  
harbour.

13.—(1) The limits within which the Council shall have authority and within which the powers of the harbour master may be exercised shall comprise the harbour the works and the area described in section XX (Limits of the Entrance or Approach to Harbour) of the Act 5 & 6 Will. 4 c. lxxxii.

(2) The limits within which the power to levy rates may be exercised (in this Act referred to as "the rating limits") shall comprise the harbour and the works.

(3) A map or plan showing the limits of the harbour having been signed in quadruplicate by an assistant secretary of the Ministry of Transport and Civil Aviation and one copy thereof having been deposited at the office of the said ministry another copy thereof shall be deposited at the office of the clerk of the county council of the administrative county of Kent and another copy thereof shall be deposited at the office of the Council.

(4) In case of any discrepancy between the limits delineated in the said map or plan and the limits described in subsection (1) of this section the limits described in the said subsection shall be deemed to be correct and shall prevail.

#### *Works and powers*

Power to  
construct  
maintain and  
improve works.

14.—(1) Subject to the provisions of this Act the Council may upon any lands within the limits of the harbour maintain alter improve and extend the harbour and any works thereof and reconstruct maintain alter and improve embankments walls foot-ways approaches steps landing places piers quays jetties slips wharfs

lood walls groynes sea defences buoys moorings cranes lights beacons roads sewers drains watercourses gas and water pipes apparatus for electric light and power warehouses offices sheds and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and for the protection of the harbour and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the piers quays and other harbour works of the Council.

(2) No line of rails or tramway constructed under the powers of this Act shall be used for the public conveyance of passengers unless and until the same have been inspected and certified by the Minister to be fit for such traffic.

(3) Any electric light and power or other apparatus constructed and maintained under this Act shall be so constructed used and maintained 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 any such line.

15. Any person who wilfully obstructs any person acting under the authority of the Council in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of such setting out shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for obstructing works.

16. The Council may construct and maintain in the harbour or works or on the harbour lands and may furnish and equip fishing-platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines parking places for vehicles bicycle-stands band-stands shops bazaars kiosks aquaria lavatories baths and sanitary and other conveniences and may make such reasonable charges as they may determine for the use of such conveniences and for admission to such buildings or places as aforesaid. Power to erect pavilions and other buildings.

17.—(1) The Council may deepen dredge scour and excavate the harbour as they may consider necessary and may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the harbour for vessels using the same. Power to dredge and sell materials.

(2) All sand mud gravel and other materials dredged up or removed shall be the property of the Council and they may sell or otherwise dispose of or remove or deposit the same as they think fit:

Provided that no materials raised under the provisions of this section shall be deposited in any place below high-water mark of ordinary spring tides otherwise than in such a position and under such restrictions and regulations as may be fixed by the Minister.

(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 revenue from the harbour is to be applied.

Power to purchase dredgers etc.

18. The Council may provide purchase take on lease hire and use such steam or other dredgers excavators hoppers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Act and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell and dispose of the same. All sums received in respect of any such letting on hire shall be deemed to form part of the revenue of the undertaking and all moneys realised by any such sale shall be applied towards carrying into effect the purposes of this Act to which capital is properly applicable.

Works below high-water mark.

19. Nothing in this Act shall authorise the execution of any works on over or under tidal lands below high-water mark of ordinary spring tides except in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun.

#### *Rates*

Power to levy rates.

20.—(1) The Council may within the rating limits subject and according to the provisions of this Act levy and demand in respect of vessels persons and goods of every description and for services described in the sections referred to in the Second Schedule to this Act any rates not exceeding those specified in the sections of the Acts 7 & 8 Geo. 4 c. xi and 5 & 6 Will. 4 c. lxxxii which are referred to in that schedule with the addition thereto of the additional charges which were authorised to be made by the commission by the Harbours Docks and Piers (Additional Charges) Regulations 1950 (S.I. 1950 No. 702) and the regulations amending the last-mentioned regulations including the Harbours Docks and Piers (Additional Charges) (Amendment) Regulations 1956 (S.I. 1956 No. 548) and may receive and recover payment accordingly.

(2) For the purposes of this Act in its application to the harbour the statutory enactments and regulations referred to in the preceding subsection shall be read and have effect as if the Council were therein referred to instead of "the said Company of Proprietors" "the Canterbury and Whitstable Railway Company" and their successors including the commission.

(3) The harbour undertaking shall for the purposes of section 6 (Revision of charges by independent harbour undertakings etc.) and section 7 (Power of independent harbour undertaking to make charges in respect of seaplanes etc.) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 be

deemed never to have formed part of the undertaking of the commission.

**21.** The Council may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Act but so that no preference be in any case given to any person over any other person using the harbour or the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Act. Power to vary exemptions and compound for rates.

**22.** The Council may (so far as the rates referred to in section 20 (Power to levy rates) of this Act do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any warehouses sheds buildings yards weighing-machines mooring posts cranes buoys works and conveniences belonging to or provided by the Council or in respect of any services rendered by them in connection with the harbour. Rates for services and accommodation not otherwise provided for.

**23.—(1)** The master or owner of any vessel (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the limits of the harbour forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish. Master of fishing vessel to report take of fish.

(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds.

**24.** The harbour master may prevent the removal or sailing from within the limits of the harbour of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in the account of his take or cargo of fish required by this Act. Harbour master may prevent sailing of vessels.

**25.** All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the harbour. Exemption of lifeboat crew.

*Powers of sale and leasing*

**26.—(1)** The Council may with the previous consent in writing of and upon such terms conditions and restrictions as may be Power to sell undertaking.



approved by the Minister sell the undertaking or any part thereof and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Council by this Act or which the Council have or might exercise under this Act and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Act.

(2) The Council shall within one month after the date of any conveyance made under this section deposit a certified copy thereof at the Ministry of Transport and Civil Aviation and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

Power to lease  
undertaking  
or rates.

27.—(1) The Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister lease to any company corporation or person (a) the undertaking or any part thereof or (b) the right to collect and retain the authorised rates.

(2) Notwithstanding that under this section the power to collect and retain the authorised rates is transferred by the Council to some other person the rates in respect of which the power to levy is so transferred shall for the purposes of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 be deemed to be charges (within the meaning of the said Act of 1954) which the Council are for the time being authorised to demand and take in pursuance of this Act and in connection with any application for the revision of such rates the provisions of the said section 6 shall apply as if the said power to levy had not been so transferred.

(3) As from the commencement of any lease made under subsection (1) of this section the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Council by this Act which the Council have or might exercise under this Act and shall be subject to all the liabilities and obligations to which the Council are subject and shall perform all the duties of the Council under this Act.

(4) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister and the provisions of this Act with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(5) The Council shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and Civil Aviation and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

(6) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(7) Nothing in this section shall exempt the Council from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Act and of this Act as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Council and all moneys received by the Council under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Act.

(8) In this section "lease" as respects that part of the undertaking which consists of the harbour lands includes a sub-lease and "lessee" includes sub-lessee.

28. The Council may let for hire or lease for any term not exceeding seven years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they may determine. Power to lease pavilions etc.

#### *Financial*

29.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums requisite for those purposes and shall pay off all moneys so borrowed within such periods as the Council may determine not exceeding those respectively mentioned in the second column of the said table (namely):— Power to borrow.

(1) Purpose	(2) Period for repayment calculated from the date or dates of borrowing
(a) The purpose of making any capital payment to the commission under this Act	Forty years.
(b) The payment of the costs charges and expenses of this Act	Five years.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Act shall extend

and apply to the borrowing of money under this section and the money so borrowed as if it were borrowed under the said Part IX and the period fixed by this section for the repayment of any money so borrowed shall as respects that money be the fixed period for the purpose of the said Part IX.

(3) In the application of the provisions of Part IX of the Local Government Act 1933 to the borrowing of any further money by the Council for the purposes of the harbour undertaking the Minister shall be the sanctioning authority.

Application of financial provisions of Whitstable Urban District Council Act 1948.

30.—(1) As from the day of transfer the following provisions of the Whitstable Urban District Council Act 1948 shall be applicable for the purposes of this Act and the harbour undertaking and the harbour lands as if the same were re-enacted in this Act (that is to say):—

Section 103 (Accounts of undertakings);

Section 104 (Application of revenue of undertakings).

(2) Section 101 (Capital fund) of the Whitstable Urban District Council Act 1948 shall be read and have effect as if the words “not being property of the Council held by them for the purposes of the harbour undertaking” were inserted in subsection (1) thereof after the words “any property of the Council”.

Annual account to be sent to Minister.

31. The Council shall within three months of the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the undertaking.

#### *Byelaws*

Byelaws.

32.—(1) The byelaws which may from time to time be made by the Council in exercise of the powers on that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for the imposition of a penalty not exceeding five pounds for the breach or non-observance of any of the byelaws.

(2) As respects byelaws made under section 83 of the Harbours Clauses Act 1847 the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister.

Appointment of officers to enforce byelaws and regulations.

33. The Council may appoint officers for securing the observance of the byelaws and regulations made by the Council under this Act in respect of the harbour.

Continuance of existing byelaws etc.

34.—(1) The byelaws made by the Southern Railway Company in relation to the harbour—

(a) on the twelfth day of December nineteen hundred and twenty-eight and confirmed by the Minister of Transport on the twenty-second day of December nineteen hundred

and twenty-eight under section 50 of the Act of 1825 and other provisions of the former Acts;

(b) on the twelfth day of December nineteen hundred and twenty-eight and confirmed by the Minister of Transport on the twenty-second day of December nineteen hundred and twenty-eight with respect to the conveyance loading and unloading of explosives under the Explosives Act 1875; and

(c) on the eighteenth day of December nineteen hundred and thirty and confirmed by the Minister of Transport on the first day of January nineteen hundred and thirty-one with respect to the loading landing etc. of petroleum spirit and carbide of calcium at the harbour under the Petroleum (Consolidation) Act 1928;

and in force immediately before the day of transfer shall apply to the harbour until repealed or altered by the Council.

(2) Any proceedings which if this Act had not been passed might have been taken for any offence against any of the byelaws referred to in subsection (1) of this section in connection with the harbour committed before the day of transfer may be taken by the Council.

(3) A copy of or extract from any of the byelaws referred to in subsection (1) of this section shall be admissible in evidence in any court of justice or before any person now or hereafter having by law or by consent of parties authority to hear receive and examine evidence provided it be proved to be an examined copy or extract or provided it purport to be signed and certified as a true copy or extract by the officer to whose custody the original is entrusted which officer is hereby required to furnish such certified copy of the extract to any person applying at a reasonable time for the same upon payment of a reasonable sum for the same not exceeding fourpence for every folio of ninety words.

#### *Inquiries*

35. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Act and section 290 of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section. Inquiries by Minister.

#### *Life-saving apparatus*

36.—(1) The Council shall whenever required by the Minister provide at their own expense within the period specified by and to the satisfaction of the Minister a site in or near the harbour and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus. Provision for life-saving apparatus.

(2) If the Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving apparatus may be attached to harbour.

37. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour.

Lifebuys to be kept.

38. The Council shall at all times keep at convenient places in the harbour and in obedience to any requirements which may be made by the Minister lifebuys and lifelines in good order and fit and ready for use.

#### *Wrecks*

Removal of sunk stranded or abandoned vessels.

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

(2) The Council may cause any such vessel and the furniture and tackle and apparel thereof or any part thereof respectively which shall be raised or salvaged and also all or any part of the cargo goods chattels and effects which may be raised or salvaged from any such vessel to be sold in any such manner as they may think fit and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking buoying watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of the sale in trust for the persons entitled thereto:

Provided that the Council shall before selling any such cargo goods chattels or effects as aforesaid pay any duties of customs or excise purchase tax and surcharge in respect of sugar and molasses which may be payable in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties and purchase tax and surcharge in respect of sugar and molasses so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of the sale are insufficient to reimburse the Council for the aforesaid expenses and duties and purchase tax the Council may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the owner of any such vessel either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction.

(4) If on demand being made under this section for payment of any deficiency the owner of the vessel is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Minister who shall appoint an arbitrator to determine and award whether any and (if so) what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Minister that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

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

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

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

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

(6) The Council shall (except in any case which in their opinion is a case of emergency or when required by the owner to sell) before selling any vessel or any part thereof or any part of the cargo goods chattels and effects thereof under the provisions of this section give to the owner seven days' notice of their intention so to do.

(7) Any notice given by the Council pursuant to subsection (5) or subsection (6) of this section shall be given by delivering the

same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Council then by exhibiting such notice at the office of the Council for twenty-four hours in the case of a notice given under the said subsection (5) or for seven days in the case of a notice given under the said subsection (6).

(8) In this and the next following section the expression—

“owner” in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of that vessel at the time of the sinking stranding or abandonment thereof;

“vessel” includes a seaplane and other aircraft.

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

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

(11) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her Majesty or held by any person on behalf of or for the benefit of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for any expenses incurred by the Council except where such consent is given as is provided for in the next succeeding section of this Act and the vessel was not such a vessel as aforesaid at the time of the sinking stranding or abandonment thereof.

As to vessels  
in which  
Crown have  
an interest.

40.—(1) The Council shall before taking possession of raising removing blowing up or destroying any vessel sunk stranded or abandoned under the powers conferred upon them by this Act or by any other enactment give to the Admiralty and to

the Minister notice in writing of their intention so to do and if within fourteen days after the receipt of such notice the Admiralty or the Minister gives to the Council—

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

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

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

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

#### *Lights*

41.—(1) The Council shall at or near the outer extremity of the works below high-water mark of ordinary spring tides 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 Corporation of Trinity House of Deptford Strond shall from time to time direct. Permanent lights on works.

(2) If the Council 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.

42.—(1) In case of injury to or destruction or decay of the works 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 Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the Council 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.

#### *Miscellaneous*

Power to  
advertise  
harbour.

43. The Council may from time to time pay or contribute towards the cost of advertising by means of handbooks leaflets posters advertisements in newspapers or otherwise the harbour the tides tolls depth of harbour and boat and other services connected with the undertaking and the facilities provided or available in or in connection with the harbour.

Cables pipes  
or wires under  
or across  
tidal waters.

44. Notwithstanding anything in this Act any cables pipes or wires to be laid or placed under the powers of this Act by the Council on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides shall be laid or placed at such depth under or such height over the tidal waters or tidal lands as the Minister may require.

Meters and  
weighers.

45. The Council shall have the appointment of meters and weighers within the limits of the harbour.

Recovery of  
penalties.

46.—(1) All penalties and forfeitures recoverable under this Act or under any byelaw made in pursuance of section 83 of the Harbours Clauses Act 1847 may be recovered before a magistrates' court.

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

Officers  
exempt from  
rates.

47. Officers of the Ministry of Transport and Civil Aviation British sea-fishery officers and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour without payment.

48. The Council shall within the limits of the harbour be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894. Local lighthouse authority.

49. If at any time the Minister deems it expedient to order a survey and examination of any of the works which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt. Survey of works by Minister.

50.—(1) Where any of the works situate wholly or partially on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Council at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper. Abatement of work abandoned or decayed.

(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 Minister may include any such part of such work or any portion thereof in any notice under this section.

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

51. For the protection of the board the following provisions shall unless otherwise agreed in writing between the Council and the board apply and have effect:— For protection of South Eastern Electricity Board.

(1) In this section—

“apparatus” means electric lines or works (as respectively defined in the Electricity Supply Acts 1882 to 1936) belonging to or lawfully laid or erected by the board (not being apparatus in respect of

which the relations between the Council and the board are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes any structure for the lodging therein of apparatus;

“alternative apparatus” means alternative apparatus adequate to enable the board to fulfil their statutory functions in a manner not less efficiently than previously;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under over or upon land;

“the board” means the South Eastern Electricity Board:

- (2) (a) Not less than one month before commencing to execute any works under the provisions of this Act which are near to or will or may affect any apparatus belonging to the board the Council shall submit to the board a plan section and description of the works to be executed;
- (b) Such works shall be executed only in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the board for the alteration or otherwise for the protection of their apparatus or for securing access thereto and the board shall be entitled by their officer to watch and inspect the execution of such works:

Provided that if—

(a) the board within fourteen days after the submission to them of any such plan section and description shall in consequence of the works proposed by the Council reasonably require the removal of any apparatus and give written notice to the Council of such requirement the Council shall if reasonably practicable afford to the board the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Council and thereafter for the maintenance repair renewal and inspection of such apparatus;

(b) the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Council and the Council are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof

is to be constructed the board shall on receipt of a written notice to that effect from the Council forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

- (3) Any alternative apparatus to be constructed in lands of the Council in pursuance of this section shall be constructed in such manner and in such line or situation as may be agreed between the board and the Council or in default of agreement settled by arbitration:
- (4) Where in accordance with the provisions of this section the Council afford to the board facilities and rights for the construction maintenance repair renewal and inspection in lands of the Council of alternative apparatus in substitution for apparatus to be removed as aforesaid these facilities and rights shall be granted upon such terms and conditions as may be agreed between the Council and the board or in default of agreement settled by arbitration:

Provided that if the facilities and rights to be afforded by the Council in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the board than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the arbitrator shall make such provision for the payment of compensation by the Council to the board in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (5) The Council shall pay to the board the costs charges and expenses reasonably incurred by the board in or in connection with the inspection removal alteration or protection of any apparatus or the construction of any alternative apparatus required in consequence of the execution of any such works as are referred to in subsection (2) of this section less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal) and shall also make compensation to the board—

(a) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(b) for any other expenses loss damages penalty or costs incurred by the board;

by reason or in consequence of the execution maintenance user or failure of any such works or otherwise by reason or in consequence of the exercise by the Council of the powers of this Act:

- (6) Any differences arising between the Council and the board under this section shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such arbitration:
- (7) Nothing in this section shall be deemed to prejudice or affect the provisions of any enactment or any easement wayleave or agreement regulating the relations between the Council or their predecessors in title and the board in respect of any apparatus laid or erected in land belonging to the Council on the day of transfer.

Saving for town and country planning.

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

Saving for powers of Treasury.

**53.** It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for Sea Fish Industry Act 1951.

**54.** This Act shall be deemed to be an enactment passed before the passing of the Sea Fish Industry Act 1951 for the purposes of section 21 (Fishery harbours) of that Act.

Costs of Act.

**55.** The costs charges and expenses preliminary to and of and incidental to the preparation of and the application for and the obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

## SCHEDULES

## FIRST SCHEDULE

## PROVISIONS OF THE FORMER ACTS SAVED FROM REPEAL

Anno sexto Georgii IV Regis

Cap CXX

An Act for making and maintaining a Railway or Tram Road from the Sea Shore at or near Whitstable in the County of Kent, to or near to the City of Canterbury in the said County

[10th June 1825]

II. And be it further enacted, That the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, . . . to make, complete, and maintain proper Piers, Wharfs, Landing Places, Quays, and other Works in or near the Bay of Whitstable aforesaid, for the Purpose of loading and unloading Goods and Merchandizes to and from Vessels and Craft trading from and to Whitstable aforesaid;

Company  
empowered  
to make  
railway &c.

XIV. And be it further enacted, That the said Company of Proprietors, in making any Piers, Wharfs, or Landing Places in or near the Bay of Whitstable aforesaid, shall not extend the same outwards more than Three hundred and thirty Yards from the Sea Shore, without the Consent of the Whitstable Company of Free Dredgers.

Not to extend  
Piers or  
Landing  
Places more  
than 330 Yards  
into the Sea.

Anno septimo &amp; octavo George IV Regis

Cap XI

An Act to authorise the Company of Proprietors of the Canterbury and Whitstable Railway to vary the line of the Railway, to raise a further Sum of Money for completing their Works, and to alter and enlarge the Powers of the Act passed for making and maintaining the said Railway

[2d April 1827]

IX. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, by such Person or Persons as they shall appoint, and they are hereby authorized and empowered from Time to Time and at all Times to ask, demand, take, collect, receive, and recover, to and for the Use and Benefit of the said Company of Proprietors, of and from all and every the Masters, Commanders, Owner or Owners, or other Person or Persons having the Rule or Command, or navigating any Vessel or Ship resorting to or using the Piers, Wharfs, Landing Places, Quays, and other Works to be erected by the said Company of Proprietors in or near the Bay of Whitstable aforesaid, for the Purpose of importing to or exporting from the same any Kind of Goods, Wares, Merchandize, or Passengers, the several Rates and Duties herein-after mentioned; (that is to say,)

Company  
empowered to  
take Rates  
for the Use  
of the Quays.

For all Goods, Wares, and Merchandize imported to or exported from the said Piers, Wharfs, Landing Places, Quays, and other Works, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding Rates.

1ST SCH.  
—cont.

One Penny per Hundred Weight; and for any Parcel not exceeding One Hundred Weight, the Sum of One Halfpenny: For every Person landed upon or embarked from the said Piers, Wharfs, Landing Places, Quays, and other Works, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of One Shilling for each Person.

Anno nono George IV Regis

Cap XXIX

An Act to authorize the Company of Proprietors of the Canterbury and Whitstable Railway to raise a further Sum of Money for completing the undertaking; and for enlarging and amending the Powers of the Acts passed for making and maintaining the said Railway and Works connected therewith

[9th May 1828]

Lessees of Tolls, their Servants, &c. to receive the Tolls, and to be liable to the like Penalties as the Company and their Servants.

XIV. And be it further enacted, That during such Time as the said Rates, Tolls, and Duties, or any Part or Parts thereof, shall be leased to any Person or Persons, it shall be lawful for the Lessee or Lessees, and his or their Collectors, Agents, and Servants, to demand and take such Rates, Tolls, and Duties, and to use all such Means and Methods for the Recovery thereof in case of Nonpayment or Evasion, as the said Company, or their Collectors, Agents, or Servants, are empowered to demand; take, or use by virtue of the several herein-before recited Acts and of this Act; and such Lessee or Lessees, and his or their Collectors, Agents, and Servants, so demanding and taking such Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions as the said Company, or their Collectors, Agents, or Servants, are subject or liable to.

Amount of Tolls to be fixed before any Lease of them is granted.

XV. And be further enacted, That before any Lease shall be made or granted in pursuance of this Act the said Company shall, in manner and subject to the Restrictions in the said recited Acts expressed, fix and determine the Amount of the several Rates, Tolls, and Duties which may be received and taken during the Continuance of such Lease; and that it shall not be lawful for any Lessee or Lessees, or his or their Collectors, Agents, or Servants, to take any greater Rates, Tolls, or Duties than shall be fixed and determined as last aforesaid: Provided nevertheless, that any Lessee or Lessees shall be at liberty from Time to Time, during his or their Term, to reduce the Amount of all or any of such Rates, Tolls, and Duties, and again to raise the same, provided the same shall at no Time exceed the Amount to be fixed and determined by the said Company previously to the Commencement of the said Lease.

Collector of the Rates and Duties at Whitstable to have Control of the Basin and Works.

XX. And be it further enacted, That it shall be lawful for the Collector or Collectors for the Time being of the Rates and Duties by the said Act of the Seventh and Eighth Years of His present Majesty authorized to be received and taken from the Master or other Person commanding any Ship or Vessel resorting to or using any Basin, Wharf, or other Work of the said Company, erected or to be erected in or near the Bay of Whitstable aforesaid, from Time to Time to order and require every or any such Master, or other Person commanding such Ship or Vessel, to moor or lay such Ship or Vessel in such proper Place or Places within the same Basin, or the Approach thereto, as

such Collector or Collectors shall from Time to Time assign or direct; and also to remove such Ship or Vessel out of the said Basin, or the Approach thereto, from Time to Time, as Occasion shall require, and in case any Master or Person having the Command of any such Ship or Vessel shall refuse or neglect to obey any Order so to be given, such Person so offending shall, for every such Refusal or Neglect, forfeit and pay any Sum not exceeding Five Pounds to the said Company of Proprietors.

1ST SCH.  
—cont.

XXII. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any Manner destroy or injure any Rope, Chain, or other Thing, by which any Ship or other Vessel lying in either of the said Basins or Reservoirs, or within any Part of the Entrance, Pier, or Jetties thereof, shall be moored and fastened, such Person or Persons shall for every such Offence forfeit and pay any sum not exceeding Five Pounds: Provided always, that such Penalty shall not in any Manner preclude or bar or affect the Recovery of any Damages in any Action which may be brought for any Injury which may arise from cutting, breaking, destroying or injuring any such Rope, Chain, or other Thing as aforesaid: Provided also, that nothing herein contained shall hinder or restrain any such Superintendant or Superintendants to be appointed in pursuance of this Act, or his or their Assistant or Assistants, from exercising, in a due and reasonable Manner, any of the Powers and Authorities hereby vested in them, or to hinder or restrain him or them, or other the Servant or Servants of the said Company, from casting off any Rope or Ropes that may be fastened to any Post or Posts, or other Fixture or Fixtures on such Quays or Wharfs, without the Licence and Consent in Writing of the Company or their Superintendant, for that Purpose first had and obtained.

Penalty for  
destroying  
Ropes, &c.  
of Vessels.

XXVII. And be it further enacted, That nothing herein or in the said recited Acts or either of them contained, shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Company of Free Fishers and Dredgers of Whitstable, save only in such Cases as are specially mentioned or contained in the said recited Acts or either of them, or in this present Act.

Saving Rights  
of Company of  
Free Fishers of  
Whitstable.

Anno quinto & sexto Gulielmi iv Regis  
Cap LXXXII

An Act for enlarging and amending the Powers and Provisions of the Acts passed for making and maintaining a Railway or Tramroad from the Seashore at or near Whitstable in the County of Kent to or near to the City of Canterbury, and the Works connected therewith; and to authorize the Company of Proprietors to raise a further Sum of Money.

[21st July 1835]

VIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to dig, excavate, make, erect, place, complete, and maintain at some convenient Place or Places near the said Harbour at Whitstable aforesaid One or more Dock or Docks, Reservoir or Reservoirs, with Mains, Pipes, Shafts, Tunnels, Drains, Gates, Sluices, Channels, and other Works, to receive, convey, collect, and pen-up

Power to make  
Reservoirs, &c.  
near the  
Harbours, and  
a Branch  
Railway from  
North Lane  
to Pound Lane.



1ST SCH.  
—cont.

the Tide and Land Waters respectively, and to convey and introduce the same into the said Harbour from Time to Time and at all Times when and as Occasion shall require for the purpose of scouring and cleansing the same, and preventing the Accumulation or Deposit therein, or in the Entrance or Approach thereof, of any Beach, Shingle, Sand, Mud, or other Sediment whatsoever, . . . and also to make, erect, and execute all such Roads, Bridges, Fences, Works, Matters, and Things as shall be requisite and convenient to or for the said several and respective Works.

All persons shall be at liberty to use the Piers &c. for certain specific Purposes, on Payment of certain Rates.

XII. And whereas the said Company of Proprietors are willing that all Persons shall have free Liberty to use and employ the said Piers, Wharfs, Landing Places, and Quays, together with the Cranes thereon, for the Purpose of loading and unloading Goods into and from Waggons, Carts, and other Carriages thereupon, on Payment of the following Rates and Duties; be it therefore enacted, That it shall be lawful for all Persons to use and employ the said Piers, Wharfs, Landing Places, Quays, and Cranes for the purpose of loading and unloading thereupon Goods, Wares, and Merchandize into and from the Waggons, Carts, and other Carriages hereinafter mentioned, upon Payment of the Rates and Duties for the same herein-after specified; and that it shall and may be lawful for the said Company of Proprietors, by any Collector or Collectors for the Time being of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be taken, or by such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf, and they are hereby authorized and empowered, from Time to Time and at all Times, to demand, take, collect, receive, and recover, to and for the Use and Benefit of the said Company of Proprietors, the several Rates and Duties herein-after mentioned; (that is to say,) in respect of every Waggon or other Carriage with Four Wheels using any of the said Piers, Wharfs, Landing Places, and Quays for loading or unloading any Goods, Wares, and Merchandize, such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding for each and every Load or Quantity carried or conveyed to or from any Part of the said Piers, Wharfs, Landing Places, and Quays, Six Shillings, and in respect of every Cart or other Carriage with Two Wheels using any of the said Piers, Wharfs, Landing Places, and Quays for loading or unloading any Goods, Wares, and Merchandize, such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding for each and every Load or Quantity carried or conveyed to or from any Part of the said Piers, Wharfs, Landing Places, and Quays, Three Shillings:

\* \* \* \* \*

Power to rate according to the Register Tonnage of Vessels instead of the actual Tonnage of Goods.

XIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors from Time to Time, if they shall think fit, in lieu and stead of the Rates and Duties by the said second-recited Act authorized to be demanded and taken for Goods, Wares, and Merchandize imported to or exported from the said Piers, Wharfs, Landing Places, Quays, and other Works in any Vessel or Ship, to demand, take, collect, receive, and recover, by any Collector or Collectors for the Time being of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be taken, or by such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf, to and

for the Use and Benefit of the said Company, of and from all and every or any of the Masters, Commanders, Owner or Owners, or other Person or Persons having the Rule or Command of or navigating all and every or any of the Vessels or Ships resorting to or using the said Piers, Wharfs, Landing Places, Quays, or other Works, for the Purpose of importing to or exporting from the same any Kind of Goods, Wares, or Merchandize for or in respect of each and every Voyage or Arrival, the Rate and Duty hereinafter mentioned; (that is to say,) for every Ton of the Burthen of any such Vessel or Ship, according to the Amount of the Number of such Tons mentioned in the Register thereof, such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding One Shilling.

1ST SCH.  
—cont.

XV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, by any Collector or Collectors for the Time being of any of the Rates and Duties by either of the said recited Acts or by this Act authorized to be taken, or by such other Person or Persons as the said Company of Proprietors shall from Time to Time appoint in this Behalf, and they are hereby authorized and empowered, from Time to Time and at all Times to demand, take, collect, receive, and recover, to and for the Use and Benefit of the said Company of Proprietors, of and from all and every the Masters, Commanders, Owner or Owners, or other Person or Persons having the Rule or Command of or navigating every or any Ship, Boat, or Vessel entering the said Harbour, or the Entrance or Approach thereof, the several and respective Rates and Duties hereinafter mentioned, and also of and from all and every the Owner or Owners, or other Person or Persons having the management, ordering, or Control of any Timber or Spars floated or otherwise brought into or to the said Harbour, or the Entrance or Approach thereof, the Rates and Duties also herein-after mentioned; (that is to say,)

Power to  
recover Rates  
on Vessels,  
&c. entering  
the Harbour.

For every Ship, Boat, or Vessel entering or using the said Harbour, or the Entrance or Approach thereof, for the Purpose of Repair, and not remaining therein for such Purpose longer than Three Weeks, for every Ton of the Burden of such Ship, Boat, or Vessel, according to the Amount of the Number of such Tons mentioned in the Registry thereof, such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding Sixpence, and for every additional Week for every such Ton not exceeding Threepence:

For every Ship or Vessel of the Burden of Twenty of such Tons or upwards entering or using the said Basin or Harbour, or the Entrance or Approach thereof, for any Purpose whatsoever, except for the Purpose of Repair, or of importing or exporting any Goods, Wares, Merchandize, or Passengers, and not remaining therein longer than Two Weeks, for every Ton of the Burden of such Ship or Vessel, according to the Amount of the Number of such Tons mentioned in the Register thereof, for every Week or any fractional Part of a Week that such Ship or Vessel shall remain or be therein such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding

1ST SCH.  
—cont.

Two-pence; and for every additional Week or any fractional Part thereof, for every such Ton, not exceeding One Penny:

For every Ship, Boat, or Vessel under the Burden of Twenty of such Tons entering or using the said Harbour, or the Entrance or Approach thereof, for any Purpose whatsoever, except for the Purpose of Repair, or of importing or exporting any Goods, Wares, Merchandize, or Passengers, for every Ton of the Burden of such Ship, Boat, or Vessel, according to the Amount of the Number of such Tons mentioned in the Register thereof, for the Right or Privilege of entering or using for any Purpose except as aforesaid the said Harbour, or the Entrance or Approach thereof, at all Times, for the Space of Twelve Calendar Months, not exceeding the Sum of One Shilling, or, at the Option of the said Company of Proprietors, for each and every Time of entering or using the said Harbour, or the Entrance or Approach thereof, for any Purpose except as aforesaid, and not remaining therein longer than Two Weeks, not exceeding the Sum of Five Shillings in the whole for each Time:

For all Timber and Spars, floated or otherwise, brought into or to or being in the said Harbour, or the Entrance or Approach thereof, except in Ships or Vessels, and not remaining therein longer than Two Calendar Months, for every Load or any fractional Part of a Load thereof respectively such Sum as the said Company of Proprietors shall from Time to Time set, impose, direct, or appoint, not exceeding Twopence; and for every additional Week, for every such respective Load or any fractional Part thereof not exceeding One Penny.

Power to  
rate Foreign  
Vessels.

XVI. And be it further enacted, That the Masters, Commanders, Owners, and other Person or Persons having the Rule or Command of or navigating any Foreign Ship or Vessel, shall be subject and liable to the same Rates, Duties, Fines, and Penalties as the Masters, Commanders, Owners, and other Person or Persons having the Rule or Command of or navigating any Ship or Vessel belonging to the Subjects of this Realm, or registered at any of the British Ports, are by virtue of either of the said recited Acts or of this Act subject and liable to and to be raised, levied, and recovered by the same Means, and the Amount of the Number of Tons of such Foreign Ships and Vessels shall be ascertained and taken according to the estimated or reputed Admeasurement thereof.

Limits of  
the Entrance  
or Approach  
to Harbour.

XX. And be it further enacted, That for the Purposes of this Act the Limits and Boundaries of the said Entrance or Approach of the said Harbour shall extend over and include the whole Area or Extent of the said Company's Property there over which the Tide flows, exclusively of the said Harbour.

Saving Rights  
of Company  
of Free Fishers  
and Dredgers of  
Whitstable.

XXXIX. And be it further enacted, That nothing herein or in the said recited Acts or either of them contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Company of Free Fishers and Dredgers of Whitstable, save only in such cases as are specially mentioned or contained in the said recited Acts or either of them, or in this present Act.

## SECOND SCHEDULE

## PROVISIONS OF THE FORMER ACTS DEALING WITH RATES

7 & 8 Geo. 4 c. xi	...	Section ix (Company empowered to take rates for the use of the quays—Rates).
5 & 6 Will. 4 c. lxxxii	...	Section xii (All persons shall be at liberty to use the piers etc. for certain specific purposes on payment of certain rates). Section xiv (Power to rate according to the registered tonnage of vessels instead of the actual tonnage of goods). Section xv (Power to recover rates on vessels etc. entering the harbour). Section xvi (Power to rate foreign vessels).

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*Table of Statutes referred to in this Act*

Title	Session and chapter
“ An Act for making and maintaining a Railway or Tram Road from the Sea Shore at or near Whitstable in the County of Kent, to or near to the City of Canterbury in the said County ”	6 Geo. 4 c. cxx.
“ An Act to authorize the Company of Proprietors of the Canterbury and Whitstable Railway to vary the Line of the Railway, to raise a further Sum of Money for completing their Works, and to alter and enlarge the Powers of the Act passed for making and maintaining the said Railway ”	7 & 8 Geo. 4 c. xi.
“ An Act to authorise the Company of Proprietors of the Canterbury and Whitstable Railway to raise a further Sum of Money for completing the undertaking; and for enlarging and amending the Powers of the Acts passed for making and maintaining the said Railway and Works connected therewith ”	9 Geo. 4 c. xxix.
“ An Act for enlarging and amending the Powers and Provisions of the Acts passed for making and maintaining a Railway or Tramroad from the Seashore at or near Whitstable in the County of Kent to or near to the City of Canterbury and the Works connected therewith; and to authorize the Company of Proprietors to raise a further Sum of Money ”	5 & 6 Will. 4 c. lxxxii.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Harbours Docks and Piers Clauses Act 1847...	10 & 11 Vict. c. 27
Explosives Act 1875	38 & 39 Vict. c. 17.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.

Title	Session and chapter
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
Petroleum (Consolidation) Act 1928 ... ..	18 & 19 Geo. 5 c. 32.
Local Government Act 1933 ... ..	23 & 24 Geo. 5 c. 51.
Housing Act 1935 ... ..	25 & 26 Geo. 5 c. 40.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Transport Act 1947 ... ..	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Whitstable Urban District Council Act 1948 ...	11 & 12 Geo. 6 c. 1.
Lands Tribunal Act 1949 ... ..	12 & 13 Geo. 6 c. 42.
Arbitration Act 1950 ... ..	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Sea Fish Industry Act 1951 ... ..	14 & 15 Geo. 6 c. 30.
Transport Charges &c. (Miscellaneous Provisions) Act 1954	2 & 3 Eliz. 2 c. 64.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

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