

Seaham Harbour Dock Act, 1958

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CHAPTER xix

An Act to confer further powers on the Seaham Harbour Dock Company in relation to lands to make provision with respect to certain of the rates leviable by the Company in respect of the dock and for other purposes.

[7th July 1958.]

WHEREAS—

(1) The Seaham Harbour Dock Company (hereinafter referred to as “the Company”) were incorporated by the Seaham Harbour Dock Act 1898 and under the authority of that Act and subsequent Acts the Company are the owners of the harbour and certain docks railways and other works at Seaham in the county of Durham:

(2) It is expedient that further powers be conferred on the Company in relation to the purchase of lands by agreement and the sale and letting on lease of lands as in this Act contained:

(3) It is expedient that certain of the rates which may be demanded and taken by the Company should be increased and that further or new provision as in this Act contained should be made with respect thereto:

(4) It is expedient that the other powers contained in this Act should be conferred on the Company and that the other provisions of this Act be enacted:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I

PRELIMINARY

Short and
collective
titles.

1.—(1) This Act may be cited as the Seaham Harbour Dock Act 1958.

(2) The Seaham Harbour Dock Acts and Order 1898 to 1952 the Seaham Harbour (Revision of Charges) Order 1955 and this Act may be cited together as the Seaham Harbour Dock Acts and Orders 1898 to 1958.

Division of
Act into
Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Harbour.

Part IV.—Rates.

Part V.—Administration.

Part VI.—Miscellaneous and general.

Inter-
pretation.

3. In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“ Act of 1898 ” means the Seaham Harbour Dock Act 1898;

“ Company ” means the Seaham Harbour Dock Company;

“ directors ” means the directors for the time being of the Company;

“ harbour ” means the harbour as defined by the Act of 1898;

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

“ harbour master ” includes every officer of the Company having the powers of a harbour master under the Harbours Clauses Act;

“ land ” includes any interest in land and any easement or right in to or over land;

“ undertaking ” means the undertaking of the Company as from time to time authorised.

PART II

LANDS

Power to
purchase
lands by
agreement.

4. In addition to the powers conferred upon the Company by the Act of 1898 the Company may by agreement acquire (whether

by purchase lease or exchange) and hold any land which in their opinion it is desirable that they should acquire for or in connection with any of the purposes of the undertaking.

PART II
—cont.

5. Section 35 (Lands for extraordinary purposes) of the Act of 1898 shall have effect as if for the word "fifteen" in that section there were substituted the word "thirty".

Amendment
of section 35
of Act of
1898.

6.—(1) Notwithstanding anything to the contrary in the Lands Clauses Acts or any Act relating to the Company the Company may sell or dispose of or may let on lease for such periods as they think fit (and shall be deemed always to have had power to sell or dispose of or to let on lease as aforesaid) any lands for the time being belonging to the Company which have been acquired by agreement and which may not at the time be required for the purposes of the undertaking and any such sale or disposal or lease may be to such person for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company may think fit.

Power to sell
and lease
lands.

(2) Nothing in this section shall release the Company or any person purchasing or acquiring any land or interest in land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Company or any persons from or through whom the Company have derived title to it.

PART III HARBOUR

7.—(1) The powers of the Company to make byelaws under section 83 of the Harbours Clauses Act are extended so as to enable them to make byelaws—

Extension
of section 83
of Harbours
Clauses
Act.

(a) prohibiting the use navigation or mooring within the limits of the harbour of such class or classes of vessels to which this paragraph applies as may be prescribed in such byelaws as being vessels unsuitable for use within the said limits;

(b) regulating and controlling vehicles resorting to the harbour.

(2) Paragraph (a) of subsection (1) of this section applies to any vessel (not being a vessel which is solely used as a tug or for the carriage of goods or for the catching of fish).

8. Notwithstanding the provisions of the Harbours Clauses Act relating to the procedure for the making and confirmation of byelaws by the Company the provisions of subsections (2) to (7) of section 250 and sections 251 and 252 of the Local Government Act 1933 shall apply to all byelaws to be made by the Company

Application
of Local
Government
Act 1933 to
byelaws.

PART III
—cont.

in respect of their undertaking (except byelaws which relate solely to the Company their officers or servants) as if the Company were a local authority and for the purposes of such application the Minister of Transport and Civil Aviation shall be the confirming authority.

Harbour
master may
prevent
sailing of
vessels.

9. The harbour master may prevent the removal or sailing from 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.

Directions of
harbour
master.

10. Section 52 of the Harbours Clauses Act in its application to the Company and the harbour master—

(a) shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour;

(b) shall not be construed to require the harbour master in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section but in pursuance of that section for all or any of the purposes thereof the harbour master shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels.

Orders of
harbour
master need
not be in
writing.

11. Section 53 of the Harbours Clauses Act in its application to the Company and the harbour master shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master but a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.

PART IV

RATES

Increase of
rates on
goods.

12. The rates authorised by section 47 (Rates payable on goods etc.) of the Act of 1898 other than the rate for every ton of coal coke culm or stone coal are hereby increased by an amount equal to two hundred and fifty per centum thereof and the Act of 1898 shall have effect accordingly.

PART V

ADMINISTRATION

Notices of
meetings.

13. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by a prepaid letter sent by post to each shareholder instead of by public advertisement:

Provided that—

PART V
—cont.

(a) any such letter shall be directed according to the registered address of each shareholder and posted not later than seven clear days before the date of the meeting; and

(b) in proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and posted as a prepaid letter not later than the time prescribed by this section.

14. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any enactment from time to time relating to the Company the Company shall not be under any obligation to issue a new mortgage deed or a new certificate of any share capital or debenture stock or a new warrant in respect of interest or dividend in lieu of any mortgage deed certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new mortgage deed certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed mortgage deed certificate or warrant or the mortgage share capital debenture stock dividend or interest represented thereby.

Indemnity
before issue
of substituted
certificates
etc.

15. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any share capital of the Company any one of those persons may vote at any meeting at which holders of share capital of the same class are entitled to vote either personally or by proxy in respect of the share capital as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the share capital shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member of the Company in whose name any share capital stands shall for the purposes of this section be deemed joint holders thereof.

Joint holders.

16. The Company shall not be bound to see to the execution of any trust whether express implied or constructive to which any share capital or debenture stock of the Company may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any share capital or debenture stock of the Company as if such share capital or debenture stock were shares to which that section applies.

Company not
bound to
regard trusts.

17.—(1) Notwithstanding anything in any enactment for the time being relating to the Company any contract or agreement

Authenti-
cation of
contracts and
notices.

PART V
—cont.

required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed in that behalf by the directors.

(2) Any notice to be served by the Company shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised by the directors or by the name of the officer being printed or stamped on the notice.

Exercise of
minor
powers by
one director.

18. Section 95 of the Companies Clauses Consolidation Act 1845 shall be deemed to authorise the directors to appoint any one of their body as a committee for the purposes of passing transfers and sealing certificates of any shares or other securities of the Company and of executing any other minor powers exercisable by the directors.

Directors
not to be
disqualified
from holding
offices of
profit or
entering into
contracts.

19.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 a director shall not be disqualified by his office from—

- (a) holding any office or place of trust or profit (other than that of auditor) under the Company or any company promoted by the Company or in which the Company is interested; or
- (b) being interested in any contract with the Company or with any company of which the Company is a shareholder on his own behalf or as a member of any other company or any corporation or partnership:

Provided that if a director or any company corporation or partnership of which he is a member be or become interested in any contract with the Company or with any company of which the Company is a shareholder (whether such interest shall arise before or after his appointment as a director) the nature of his interest or of the interest of such company corporation or partnership in the contract shall be disclosed by him at a meeting of the directors at which the contract is determined if his or their interest then exists or in any other case at the first meeting of the directors after the acquisition of his or their interest or after his appointment.

For the purposes of the proviso to this subsection a general notice given to the directors by one of them to the effect that he is a member of any specified company corporation or partnership and is to be regarded as interested in any contract which may after the date of the notice be made with that company corporation or partnership shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

(2) No director shall as a director vote in respect of any contract in which he is interested and if he does so vote his vote shall not be counted:

Provided that—

PART V
—cont.

(a) this subsection shall not apply to—

(i) a contract with any other company in which he is interested only as a director or officer of such other company or as a holder of shares or other securities of such other company;

(ii) a contract by or on behalf of the Company to give to the directors or any of them security by way of indemnity;

(iii) the exercise of the powers conferred upon the directors by section 25 (Power to grant pensions etc.) of this Act notwithstanding that the director is or may be interested therein;

(b) for the purpose of determining whether there is a quorum a director shall be treated as being present at a meeting notwithstanding that under the foregoing provisions of this subsection he cannot vote.

(3) A director who by reason of the foregoing provisions of this section is not disqualified from holding office shall not be liable to account to the Company for any profit realised as a result of holding any such office or place of trust or profit as is mentioned in paragraph (a) of subsection (1) of this section or of any such contract as is mentioned in paragraph (b) of the said subsection by reason of such director holding that office or the fiduciary relation thereby established.

20. Section 23 (Receipt in case of persons not sui juris) of the Act of 1898 shall have effect as if after the word "shareholder" in that section there were inserted the words "debenture stockholder or mortgagee". Amendment of section 23 of Act of 1898.

21. Section 98 of the Companies Clauses Consolidation Act 1845 shall in its application to the Company have effect as if the words "or of the next succeeding meeting" were inserted therein after the words "shall be signed by the chairman of such meeting". Signing of minutes etc.

22. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary. As to remuneration of secretary.

PART VI

MISCELLANEOUS AND GENERAL

23.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise moneys on temporary loans by means of overdrafts from bankers or otherwise: Company may incur temporary loans.

Provided that the aggregate amount outstanding at any time of the moneys so borrowed or raised shall not exceed one hundred thousand pounds.

PART VI
—cont.

(2) The power conferred by this section shall be in addition to any power for the time being of the Company to raise moneys by borrowing on mortgage of the undertaking or the creation and issue of debenture stock.

Application
of money.

24. All moneys received by the Company in respect of the sale of any lands under section 6 (Power to sell and lease lands) of this Act shall be applied only to purposes to which capital is properly applicable.

Power to
grant pensions
etc.

25.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they think fit to any employee or where in any particular case no adequate provision is in their opinion otherwise made to the widow or family or any dependant of an employee.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(3) The directors may subscribe or make donations to any fund raised in case of national emergency and to infirmaries hospitals convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees.

(4) The directors may apply the revenues of the Company for the purposes of this section.

(5) In this section "employee" includes a person who was formerly in the employment of the Company.

Saving for
powers of
Treasury.

26. It shall not be lawful to exercise the powers of borrowing conferred by 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.

For protection
of Postmaster-
General.

27. The Harbours Clauses Act as incorporated with the Act of 1898 shall have effect as if in section 28 thereof for the words from "or any packet boat" to "any such packet boat or packet" there were substituted the words "or any vessel employed by or under the authority of the Postmaster-General for the conveyance under contract of postal packets as defined by the Post Office Act 1953 not being a vessel also conveying passengers or goods for hire or reward or any mail bag as so defined conveyed by any such vessel".

Costs of Act.

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

Table of Statutes referred to in this Act

Short title	Session and chapter
Companies Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 16.
Harbours Docks and Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
Seaham Harbour Dock Act 1898	61 & 62 Vict. c. ccxxxvii.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Post Office Act 1953	1 & 2 Eliz. 2 c. 36.

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