

[38 & 39 VICT.] *Channel Tunnel Company (Limited)* [Ch. cxc.]
Act, 1875.



CHAPTER cxc.

An Act to empower the Channel Tunnel Company (Limited) A.D. 1875.
to acquire certain lands in the parish of Saint Margaret at
Cliffe in the county of Kent. [2d August 1875.]

WHEREAS the Channel Tunnel Company, Limited (in this Act called the Company) was incorporated on the 15th day of January 1872 under the Companies Act, 1862, for the object, as stated in their memorandum of association, of constructing an underground tunnel beneath the Straits of Dover between England and France, with all proper and necessary approaches, accessories, and conveniences, so as to afford the means of complete land communication between the two countries for any purposes to which the same may be applicable, and of acquiring and holding lands in Great Britain and France for the purposes of the undertaking, and with power to raise capital for effecting those objects :

And whereas it is expedient that for the purpose of carrying out preliminary experimental operations in connexion with the objects aforesaid the Company should be empowered to purchase and take certain lands, houses, and buildings at the foot of the cliff in Saint Margaret's Bay in the parish of Saint Margaret at Cliffe in the county of Kent lying between Ness Point and Coney Burrow Point, and including the beach and foreshore abutting on the said lands, and also certain other lands situate on the top of the said cliff, and shown on the amended plans and described in the amended book of reference herein-after referred to :

And whereas amended plans showing the lands so proposed to be taken at the foot of, and also the lands proposed to be taken on the top of the said cliff, and an amended book of reference thereto containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the clerk of the peace for the county of Kent at his

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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:

Short title. 1. This Act may be cited as the "Channel Tunnel Company (Limited) Act, 1875."

Provisions of certain general Acts incorporated. 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, so far as the same are applicable to and not expressly varied by this Act, are incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated with this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" in any Act incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company may acquire lands. 4. Subject to the provisions of this Act, the Company, for the purpose of carrying out preliminary experimental operations in connexion with their undertaking, may enter upon, purchase, and take all or any of the lands delineated on the deposited plans and described in the deposited book of reference, and may use and apply the same to or for such purpose; provided always, that the Company shall not commence any such preliminary operations in or upon the said lands without the previous consent in writing of the Board of Trade, and such operations shall thereupon be carried on only to the extent authorised by the Board of Trade, and subject to and in accordance with such conditions and restrictions as the Board of Trade may prescribe.

Company to accept conditions imposed by Her Majesty in Council. 5. The Company shall accept any conditions which Her Majesty by Order in Council may, in pursuance of any arrangements made or to be made between the Governments of this country and of France, hereafter impose in connexion with the undertaking of the Company, and the passing of this Act shall not be deemed to give to the Company any right or claim other than the title to the lands

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shown on the deposited plans which they would not have had if this Act had not been passed. A.D. 1875.

6. The following provisions shall have effect for the protection of the Submarine Telegraph Company between Great Britain and the Continent of Europe (herein-after called "the Telegraph Company"); that is to say, For the protection of the Submarine Telegraph Company.

1. The Company shall not exercise any of the powers of this Act with reference to any land, building, or property of the Telegraph Company without the consent in writing of that Company first had and obtained for that purpose :

2. If under the powers of this Act the Company purchase or acquire, or enter upon or use any part of the land or foreshore lying between the telegraph house or hut belonging to the Telegraph Company situated at the easternmost corner of the "Green Man" public house, Saint Margaret's Bay, and the sea, the Company shall at all times and from time to time permit the Telegraph Company, and their officers and servants, freely to enter into and upon such land and foreshore for the purpose of laying down, testing, examining, maintaining, relaying, repairing, renewing, or removing one or more telegraph cable or cables between the said telegraph house or hut and the sea, and the Telegraph Company may lay down and maintain, and from time to time relay, renew, or remove one or more cable or cables accordingly, and any works or buildings to be constructed or placed upon the said land or foreshore by the Company shall be constructed and placed so as not to prevent or interfere with the exercise by the Telegraph Company of their rights and powers under this section.

7. The powers of the Company for the compulsory purchase of the said lands shall not be exercised after the expiration of one year from the passing of this Act. Powers for compulsory purchases limited.

8. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any stone or any metallic or other mineral substances belonging to the Queen's most Excellent Majesty in right of Her Crown without the previous consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); and as incidental to any such consent as aforesaid the Company may enter into any agreement with the Commissioners Savings rights of the Crown under the management of the Commissioners of Woods, &c.

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A.D. 1875. of Her Majesty's Woods, Forests, and Land Revenues, or either of them, who respectively may, with the approval of the Commissioners of Her Majesty's Treasury, join in every such agreement, and the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, with the like approval, and the Company, may respectively execute all necessary conveyances, leases, licenses, or other deeds of or relating to any land, hereditaments, or rights belonging to Her Majesty in right of Her Crown, and under the management of the same Commissioners; and every agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively; and nothing in this Act contained shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority now or from time to time vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights
of the Crown
under the
management
of Board of
Trade.

9. Nothing contained in this Act shall authorise the Company to take, use, tunnel under, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses
of Act.

10. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Company.