

BOURNEMOUTH-SWANAGE MOTOR
ROAD AND FERRY ACT 1923.

AN
ACT

To incorporate and confer powers upon the
Bournemouth-Swanage Motor Road and
Ferry Company and for other purposes.

[ROYAL ASSENT 31ST JULY, 1923.]

13 & 14 GEO. V.—SESSION 1923.

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BOURNEMOUTH-SWANAGE MOTOR ROAD AND FERRY ACT 1923.

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ACT

To incorporate and confer powers upon the
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[ROYAL ASSENT 31ST JULY, 1923.]

WHEREAS the motor road and ferry by this Act authorised Preamble.
to be constructed and established would provide a more
direct means of communication between Bournemouth and
Swanage and be of public and local advantage :

5 And whereas the persons in this Act named with others
are willing to construct the said motor road and establish such
ferry and it is expedient that they be incorporated into a
Company for those purposes and that the powers in this Act
contained be conferred upon the Company :

10 And whereas plans and sections showing the lines situations
and levels of the several works authorised by this Act and the
lands required or which may be taken or used compulsorily
for the purposes or under the powers of this Act and also a book
of reference to such plans containing the names of the owners and
15 lessees or reputed owners and lessees and of the occupiers of those

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lands were duly deposited with the Clerk of the Peace for the County of Dorset and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference :

And whereas the objects aforesaid cannot be attained without the authority of Parliament : 5

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted and be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :— 10

Short title. 1. This Act may be cited as the Bournemouth-Swanage Motor Road and Ferry Act 1923.

Incorporation of Acts. 2. The following Acts and Parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act are subject to the provisions of this Act hereby incorporated with this Act (that is to say) :— 15

The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) Sections 13 and 15 (relating to preference shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ; 20 25

The Lands Clauses Acts ; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act " the railway " and " the work " mean the works authorised by this Act and " the centre of the railway " means the centre of such works respectively. 30

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

Interpretation.

- “ The Company ” means the Bournemouth-Swanage Motor Road and Ferry Company incorporated by this Act ;
- 10 “ The directors ” and “ the secretary ” mean respectively the directors and the secretary of the Company ;
- “ The motor road ” “ the ferry ” “ the landing stages ” and “ the undertaking ” mean respectively the motor road the service of ferry vessels the landing stages and the undertaking authorised by this Act ;
- 15 “ Vessel ” means vessel ship boat yacht lighter barge seaplane hydroplane and craft of every description however propelled ;
- “ The County Council ” means the Council of the administrative County of Dorset ;
- 20 “ The Commissioners ” means the Poole Harbour Commissioners ;
- “ The harbour ” means Poole Harbour as defined by the Poole Harbour Act 1914.

INCORPORATION OF COMPANY CAPITAL &C.

- 25 4. Frank Gerard Aman Edwin John Burt Philip George Gregory Moon Sir Julian Walter Orde Thomas Gregorie Tulloch and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of “ The Bournemouth-

Company incorporated.

4 *Bournemouth-Swanage Motor Road and Ferry Act 1923.*

Swanage Motor Road and Ferry Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and with all other powers and privileges of a body corporate. 5

Capital. 5. The capital of the Company shall be sixty thousand pounds in sixty thousand shares of one pound each.

Issue of shares. 6. Except as hereinafter provided the Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof. 10

no bonus issues?

Receipt in case of persons not sui juris. 7. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. 15

Preference shares. 8. (1) The Company may issue any portion not exceeding one-half of their capital of sixty thousand pounds as preference shares with such rights liabilities privileges and preferences as they think fit Provided that the nominal amount of such preference shares shall not at any time exceed the nominal amount of capital issued as ordinary shares. 20

(2) The Company may notwithstanding anything in Section 13 of the Companies Clauses Act 1863 provide that such preference shares shall be entitled to a cumulative preference dividend not exceeding such rate as the directors at the time of issue may determine and that if the profits of any year are not sufficient to pay such dividend the deficiency shall be made good out of any funds of the Company which may be available for that purpose or out of the profits of any subsequent year. 25

(3) Such preference shares may from time to time be issued by the Company with such rights of priority and other rights in the distribution of the assets of the Company as the Company may think fit (including the right to repayment of the amount of 30

preference capital at the time issued and paid up and of any arrears or deficiency of dividend thereon in priority to the ordinary share capital) and the Company may provide that when the holders of such preference shares shall have received
5 repayment in full of the amounts paid up by them and of any arrears or deficiency in the dividend which should have been paid to them thereon they shall not in respect of such shares be entitled to any further participation in the assets of the Company.

10 (4) Subject to the foregoing provisions of this section the provisions of Sections 13 and 15 of the Companies Clauses Act 1863 shall be applicable to the issue of such preference shares and to the Company in the same way as they apply to the issue of new preference shares.

15 9. The Company may in issuing any portion of the capital by this Act authorised dispose of all or any of the shares representing the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company. As to disposal of shares.

20 10. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the share capital for the time being issued but no part thereof shall be borrowed until the whole of the portion of capital in respect of which the borrowing power is exercised is issued and
25 accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one-half thereof has been
30 paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bona fide and is held by the persons to whom the same was issued or their
35 executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice

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of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Appoint-
ment of
receiver.

11. The mortgagees of the undertaking may enforce payment 5
of arrears of interest or principal or principal and interest due on
their mortgages by the appointment of a receiver In order
to authorise the appointment of a receiver in respect of arrears
of principal the amount owing to the mortgagees by whom the
application for a receiver is made shall not be less than five 10
thousand pounds in the whole.

Debenture
stock.

12. The Company may create and issue debenture stock
subject to the provisions of Part III. of the Companies Clauses Act
1863 as amended by subsequent Acts but notwithstanding
anything therein contained the interest of all debenture stock 15
and of all mortgages at any time created and issued or granted
by the Company under this Act or any subsequent Act shall
subject to the provisions of any subsequent Act rank pari passu
(without respect to the dates of the securities or of the Acts
of Parliament or resolutions by which the stock and mortgages 20
were authorised) and shall have priority over all principal
moneys secured by such mortgages Notice of the effect of
this enactment shall be endorsed on all mortgages and certificates
of debenture stock.

Issue of
redeemable
preference
shares or
debenture
stock.

13. (1) If the Company desire to raise by the issue of 25
preference shares any capital which they are by this Act
authorised to raise or to issue any debenture stock under the
powers of this Act they may create and issue such preference
shares or debenture stock so as to be redeemable on such terms
and conditions as may be specified in a resolution of the Company 30
passed by a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may —

(A) Call in and pay off such shares or stock or any part thereof
at any time before the fixed date of redemption ; and

(B) Redeem such shares or stock or any part thereof either by paying off the same or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor and may for the purpose of providing money for paying off such shares or stock or of providing substituted shares or stock create and issue new shares or stock (either redeemable or irredeemable) or reissue shares or stock originally created and issued under this section.

10 14. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing
15 of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company
20 which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof
25 or by the exercise of any powers conferred on the Company.

Priority of mortgages and debenture stock over other debts.

15. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Application of moneys.

30 16. When a sum of not less than thirty thousand pounds of the capital of the Company shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of this Act
35 in relation to the compulsory taking of land for the purposes of

Portion of capital to be subscribed before compulsory powers be put in force.

this Act and such sum shall be deemed to be the prescribed sum for the purposes of Section 16 of the Lands Clauses Consolidation Act 1845.

Shares &c.
may be
issued in
payment
for land.

17. The Company may agree with the owner of any lands or any estate or interest therein or any right or easement in over 5 or affecting the same which the Company are by this Act authorised to acquire that the consideration to be paid for the same including the compensation (if any) for damage by severance or other injurious affection of the lands of the owner shall be paid wholly or in part by the allotment to such owner of 10 such number of fully paid-up shares in the capital of the Company or such amount of debenture stock as shall be agreed upon between the Company and such owner and thereupon it shall be lawful for the Company to issue such shares or debenture stock accordingly and all shares issued pursuant to this section shall for 15 all purposes (including the borrowing of money by the Company) be deemed to be fully paid-up shares in the capital of the Company and shall vest as such in the persons to whom they are issued and the names of the holders of such shares or debenture stock shall be inserted as such in the registers of the 20 Company of shareholders or debenture stockholders as the case may be.

First and
subsequent
ordinary
meetings.

18. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. The subsequent ordinary meetings of the Company shall be held in the month of 25 November or December in every year or at such other time or times as shall be appointed for that purpose by the directors.

Number of
directors.

19. The number of directors shall be three but the Company may increase the number provided that the number be not at any time more than five. 30

Qualifica-
tion of
directors.

20. (1) The qualification of a director shall be the possession in his own right of not less than one hundred shares.

(2) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of 35

trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or
5 profit or becoming interested in any such contract. Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting
10 of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any
15 such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

21. (1) The quorum of a meeting of directors shall until
20 otherwise determined by the directors be two. Quorum of meetings.

(2) The quorum of a general meeting of the Company whether ordinary or extraordinary shall be seven shareholders present in person or by proxy holding together not less than one-twentieth part of the capital of the Company for the time
25 being issued.

22. Frank Gerard Aman Edwin John Burt and Thomas Gregorie Tulloch shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. First and subsequent directors.

30 At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the places of those not continued in office the directors appointed by this Act being if they continue qualified
35 eligible for election.

At the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by

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proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845.

The several persons elected at any such meeting being 5
neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Continuing directors.

23. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of 10
the directors holding office shall be less than the minimum number prescribed by this Act the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum. 15

Notice of candidature for office of director.

24. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice 20
in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company fourteen days at least before the day of election.

Appointment of managing director.

25. (1) The directors may appoint one or more of their body 25
to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

(2) A managing director shall not while holding that office 30
be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director 35

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

5 (4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

10 26. 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 letter sent by ordinary letter post to
15 each shareholder instead of by public advertisement Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been
20 the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Notices of ordinary meetings.

27. (1) At all general meetings of the Company every holder of ordinary shares shall be entitled to one vote in respect of every share of the nominal amount of one pound held by him
25 Provided always that no shareholder shall be entitled to vote at any meeting in respect of any share on which any call remains unpaid.

Defining right of voting by shareholders.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of
30 any share to which a preferential dividend shall be assigned.

28. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder and for that purpose
35 may execute on behalf of the shareholder the necessary form of

Appointment of proxies.

proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint holders.

29. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any share in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares of the same class are entitled to vote) either personally or by proxy in respect of the share 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 shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any share stands shall for the purposes of this section be deemed joint holders thereof.

Interim dividend and annual accounts.

30. If and so long as the ordinary meetings of the Company shall be held once only in each year:—

(A) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting;

(B) The balance sheet and accounts made up by them in accordance with Section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Closing of transfer books.

31. (1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of mortgages or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate.

(2) Any transfer of shares mortgages or debenture stock made during the time when the register of transfers of such security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered
5 as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

32. No interest shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls
10 made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. Interest not to be paid out of capital.

15 33. The prescribed number of auditors of the Company shall be one but the number may be increased to two by a resolution of the Company passed at a general meeting and such auditor or auditors shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved
20 by the Minister of Transport The auditor or auditors need not hold shares in the Company. Auditors.

34. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Act 1845
25 and the Companies Clauses Act 1863 as amended by subsequent Acts they may determine the remuneration of the secretary and auditors. Determination of remuneration of secretary and auditors.

35. (1) The Company shall keep separate accounts in respect of so much of the undertaking as relates to the motor
30 road and the ferry respectively in such form as may be approved by the Minister of Transport and shall furnish to the Minister a copy of their annual accounts within a period of two months after the date to which the same are made up or such longer period as the Minister may allow. Annual accounts to be furnished to Minister of Transport.

35 (2) The Company shall as from the expiration of such period be liable to a penalty not exceeding twenty pounds for

every week or part of a week during which they refuse or neglect so to furnish to the Minister a copy of their annual accounts.

LANDS.

Power to acquire lands.

36. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the undertaking. 5

Correction of errors in deposited plans and book of reference.

37. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the County of Dorset for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the County of Dorset and a duplicate thereof shall be deposited with the town clerk of the borough or with the clerk of the council of the parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace town clerk or clerk of the council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate. 10 15 20 25 30

Purchase of additional lands by agreement.

38. In addition to the lands which the Company are by this Act authorised to purchase compulsorily the Company may for any of the purposes of this Act purchase take on lease or acquire by agreement and may hold for the purposes of the undertaking and may sell lease dispose of or let on hire any lands not exceeding in the whole ten acres and they may on 35

such lands and on any other lands purchased or acquired under the authority of this Act erect or construct and hold and use or sell lease dispose of or let on hire depôts wharves garages repair shops stores engine houses car sheds stables yards buildings
5 works and other conveniences in connection with the undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any such lands.

10 39. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or
15 privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid
20 respectively.

Persons under disability may grant easements &c.

40. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

25 41. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished.

As to private rights of way over lands taken compulsorily.

Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands
30 Clauses Acts with reference to the taking of lands otherwise than by agreement.

42. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts the Company may retain hold and use for such time as they may think fit and may from
35 time to time sell lease or otherwise dispose of in such manner

Power to retain sell &c. lands.

for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands acquired or purchased by them under this Act and not required for the purposes of the undertaking and may execute and do any deed act or thing proper for effectuating any such sale lease or other disposition. 5

CONSTRUCTION OF MOTOR ROAD.

Power to make motor road. 43. Subject to the provisions of this Act the Company may make and when made shall afterwards maintain upon the lands and in the line or situation and according to the levels shown on the deposited plans and sections the motor road hereinafter described together with all necessary and proper bridges approaches footways toll houses gates barriers fences culverts depots offices buildings yards works and conveniences connected therewith. 15

The motor road will be situate in the County of Dorset and is :—

A motor road (Work No. 1) 2 miles 7 furlongs 7·50 chains or thereabouts in length wholly in the Parish of Studland in the Rural District of Wareham and Purbeck commencing at South Haven Point and terminating by a junction with the public road leading from Studland to Swanage. 20

Deviation. 44. In the execution of the motor road the Company may subject to the provisions of this Act deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards or downwards. 30

Power to make connections with streets and roads. 45. (1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Company in connection with the motor road and for the purposes thereof may make junctions and communications with any streets or roads which may be interfered with by or be contiguous to the 35

motor road and may make diversions widenings or alterations of lines or levels of any existing streets or roads for the purpose of connecting the same with the motor road.

(2) All such junctions and communications shall be made in
5 accordance with plans and sections previously submitted to and reasonably approved in writing by the authority or person responsible for the maintenance of the streets or roads with which such junctions or communications are made Provided that such approval shall be deemed to have been given unless
10 such authority or person signify their disapproval within twenty-eight days after submission of the said plans and sections for approval.

(3) Any difference arising under this section between the
15 Company and any such authority or person shall be settled by arbitration.

46. The Company may for the purposes of or in connection
with the motor road within the limits of deviation shown on
the deposited plans raise sink or otherwise alter the position
of any watercourse water pipe or gas pipe belonging to or con-
20 nected with any house or building adjoining or near to such work and also any gas or water main drain or other pipe and also any telegraphic line and any pipe tube wire or apparatus laid down for supplying electricity and may remove any other obstruction making in cases of alteration proper substituted
25 works in the meantime and causing as little detriment and inconvenience as circumstances admit and making full compensation to any person who suffers damage by such alteration.

Alteration
of position
of mains
and pipes.

Provided that all such alterations shall be made in accordance with plans and sections previously submitted to and reasonably
30 approved in writing by the owners of any watercourse gas or water main drain or other pipe tube wire or apparatus so proposed to be raised sunk altered or otherwise interfered with but such approval shall be deemed to have been given unless such owners signify their disapproval within twenty-eight days after sub-
35 mission of the said plans and sections for approval Any difference arising between the Company and any such owners under this section shall be settled by arbitration.

Provided further that the Company shall not raise sink or otherwise alter or in any way interfere with any telegraphic line belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

5

As to
accommodation
works.

47. The Company (subject to any agreement made with any owner lessee or occupier of lands adjoining the motor road) shall construct and maintain such subways bridges gates passages drains and other works and conveniences over under or by the side of the motor road as shall be necessary for making good the interruption caused by the motor road to the use or drainage of or access to the lands through which the same will be made and if any question arise as to the kind number dimensions or sufficiency of the works to be constructed or maintained by the Company under the provisions of this section the same shall be determined by arbitration.

10

15

Provided that the Company shall not be compelled to make any works for the accommodation of owners and occupiers of lands under the provisions of this section after the expiration of five years from the completion of the motor road.

20

Power to
connect
drains with
sewers &c.

48. (1) Any drains or works laid or constructed by the Company in connection with the motor road for the purpose of draining or carrying away surface water therefrom or otherwise may be connected with any available stream or watercourse or subject to the provisions of Section 21 of the Public Health Act 1875 with any sewer maintainable by the local authority of the district in which the motor road is situate and the Company may accordingly but within the limits of deviation shown on the deposited plans lay down maintain and alter or remove any conduits pipes and other works and make any convenient connections with any such stream watercourse or sewer.

25

30

Provided that for the purposes of this subsection the motor road shall be deemed to be premises within the meaning of Section 21 of the Public Health Act 1875 but nothing in this Act contained shall enlarge the duty of such local authority to drain their district.

35

Provided further that any connection with any such stream or watercourse shall only be executed with the previous consent in writing of the owner thereof which consent shall not be unreasonably withheld the Company making full compensation
5 to such owner for any damage arising by reason of such works
Any difference arising between the Company and any such owner under this section shall be settled by arbitration.

(2) The Company and the owners of or any authority or person having the control of any such stream watercourse or
10 sewer may enter into and carry into effect agreements and arrangements with respect to the execution or maintenance of any such works as are mentioned in this section.

49. Subject to the provisions of this Act the Company may from time to time make vary alter and enforce regulations
15 and by-laws for all or any of the following purposes (that is to say) :—

Power to make and enforce by-laws and regulations.

- (A) Appropriating any portion of the motor road for the exclusive use of any particular class of vehicle or traffic ;
- 20 (B) Preventing obstruction to traffic on the motor road and generally in reference to the regulation controlling and use of the motor road and the traffic thereof and the prevention of any nuisance on any premises occupied by the Company in connection with the motor road ;

and the Company may by any such regulations or by-laws
25 impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of five pounds for each offence.

Provided that no regulations or by-laws made by the Company under this section shall come into operation until
30 the same shall have been confirmed by the Minister of Transport.

Provided further that the Company shall when submitting any such regulations or by-laws to the Minister of Transport for confirmation under this section forward a copy of such regulations or by-laws to the County Council and that the
35 County Council may if they so desire make representations with regard thereto to the Minister of Transport.

20 *Bournemouth-Swanage Motor Road and Ferry Act 1923.*

By-laws
to be
exhibited.

50. All regulations or by-laws made by the Company in respect of the motor road shall be exhibited in some conspicuous places where the tolls and charges in respect thereof shall be payable.

Motor road
to be kept
open at all
times.

51. The Company shall at all times keep open the motor road so as to be available for use by foot passengers free of toll and by all other persons and all animals vehicles and other traffic upon payment of the tolls and charges payable under this Act and compliance with the regulations and by-laws for the time being of the Company. 5
10

Application
of Locomo-
tives Acts
&c.

52. (1) The provisions of the Locomotives Acts 1861 and 1865 Parts II. and III. of the Highways and Locomotives (Amendment) Act 1878 the Locomotives Act 1898 the Motor Car Acts 1896 and 1903 the Lights on Vehicles Act 1907 the Roads Act 1920 and any general Act passed before or after the passing of this Act regulating the use of vehicles on highways and the orders and regulations made thereunder and Sections 72 and 78 of the Highways Act 1835 so far as the same are applicable shall subject to the provisions of this Act apply and have effect in relation to all persons and vehicles using the motor road as if the same were a highway within the meaning of those Acts. 15
20

(2) The motor road shall be deemed to be a "highway" within the meaning of Section 6 of the Telegraph Act 1878.

Limiting
interference
with
Knowle
Hill Road.

53. (1) Notwithstanding anything in this Act the Company shall not under the powers of this Act acquire by compulsion the road known as Knowle Hill Road numbered upon the deposited plans 16 in the parish of Studland but the Company shall be entitled to acquire such easements in or over or right of user of the said road as may be required for making and maintaining in accordance with the provisions of this Act so much of the motor road as is situate upon or along the said road and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. 25
30

(2) The Company shall not fence off from the adjoining lands or demand or take any tolls or charges for the user of such portion of the motor road and the Company shall not in any manner restrict the user thereof. 35

(3) The Company shall from and after the date when the motor road is connected with the said Knowle Hill Road and until such last-mentioned road is taken over by a highway authority as a public highway undertake the upkeep and 5 repair of such last-mentioned road so far as may be necessary to accommodate motor and other traffic.

54. The Company shall not under the powers of this Act interfere with the free user of such public rights of way as exist at the passing of this Act over any lands which or easements 10 over which may be acquired for the purposes of the motor road.

As to public rights of way.

55. (1) If at any time after the opening of the motor road the Company shall fail to keep the same in a reasonable state of repair the highway authority for the district in which the motor road is situate may after fourteen days' notice to the 15 Company of their intention so to do make complaint thereof to the County Council and the County Council if satisfied after due inquiry and report by their surveyor that the Company have failed to keep the motor road in repair as aforesaid may make an order requiring the Company to execute such necessary 20 repairs as may be specified in such order within a reasonable time to be prescribed thereby. Provided that before making any such order the County Council shall serve on the Company notice of their intention to make the same accompanied by a draft of the proposed order and if the Company shall within ten days after 25 service on them of the proposed order give notice to the clerk to the County Council that they deny that the repairs specified in the proposed order are necessary or object to any of the requirements of the proposed order the County Council shall 30 order to meet the objections of the Company or make the order with or without modification as they may deem proper.

Motor road to become public highway in certain events.

(2) In the event of the Company failing to effect such repairs within the time limited by an order of the County Council as aforesaid then on the application of the County 35 Council to the Minister of Transport that Minister may direct an inquiry to be held in manner provided by this Act. If the person holding such inquiry shall report that it has been proved to his satisfaction that the motor road is not maintained

in a reasonable state of repair the Minister of Transport may make an order confirming the order of the County Council in all or any of its particulars and may by his order declare that in the event of the Company failing to comply with the order of the Minister to his satisfaction within the period limited by such order the powers of the Company in relation to the motor road under this Act shall at the expiry of such period cease and the said powers shall accordingly cease and thereupon the motor road shall become a public highway and be vested in and be repairable by the highway authority for the district subject to the provisions of the Highways Acts 1835 to 1885 and of any Act or Acts amending the same.

(3) At the expiration of the period of sixty-five years from the passing of this Act the rights powers and obligations of the Company in relation to the motor road under this Act shall cease and thereupon the motor road shall become a public highway vested in and repairable by the highway authority for the district subject as aforesaid.

(4) In addition to their obligations under the foregoing subsections of this section the Company shall during the last five years of the period of sixty-five years aforesaid keep and maintain the motor road in a state of repair at least as good as that in which it shall have been maintained during the then preceding sixty years.

(5) Notwithstanding anything in this section contained all lands or buildings belonging to or held by the Company in connection with the undertaking (other than the land or easements in the land on which the motor road is situate) shall remain the property of the Company and the Company may deal with the same in such manner as they may think fit.

ESTABLISHMENT OF FERRY.

Power to establish ferry.

56. Subject to the provisions of this Act the Company may establish maintain work and use a ferry service for passengers animals vehicles and goods between the Sandbanks and South Haven Point within the harbour and may for that purpose

purchase construct hire and provide employ maintain use work
and sell or lease such vessels as they may deem necessary together
with all proper appliances and conveniences including the laying
down and maintaining of chains cables and other apparatus
5 along across over or under the harbour.

57. (1) The Company may by agreement purchase and use
any franchise or right (if any) of ferry between the Sandbanks
and South Haven Point and any property (real and personal)
rights powers and privileges held or enjoyed by the owner or
10 owners of such franchise or right (if any) of ferry for the purposes
thereof Provided that nothing in this Act shall recognise or
confirm any title right or claim to any existing or other ferry
across the harbour as an ancient ferry.

Acquisition
of ferry
rights.

(2) The Company and the Commissioners may enter into
15 and carry into effect agreements for the lease to or working by
the Company of any ferry or ferries of the Commissioners or
the rights of the Commissioners to establish any such ferry
or ferries.

58. Subject to the provisions of this Act the Company
20 may construct and maintain upon the lands and in the situations
and lines and according to the levels shown on the deposited
plans and sections the landing stages shown on the deposited
plans which shall be of solid work throughout The said
landing stages will be situate in the county of Dorset and are :--

Power to
construct
landing
stages.

25 A landing stage (Work No. 2) in the parish of Parkstone
in the borough of Poole at the junction of Banks
Road with the roads leading therefrom to the Haven
Hotel and the existing pier ;

30 A landing stage (Work No. 3) in the parish of Studland in
the Rural District of Wareham and Purbeck at or
near the commencement of the motor road.

59. In the construction of the landing stages the Company
may subject to the provisions of this Act deviate laterally to any

Limits of
deviation.

extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards or downwards. Provided that no deviation either lateral or vertical below high water mark shall be 5 made without the consent in writing of the Board of Trade and the Commissioners. Provided further that notwithstanding anything in this Act contained or shown upon the deposited plans the limits of lateral deviation for the construction of the landing stage (Work No. 2) by this Act authorised shall not exceed 10 thirty feet on either side of the centre line of the said landing stage (Work No. 2) as such centre line is shown upon the deposited plans.

Power to dredge.

60. (1) Subject to the provisions of this Act the Company may deepen dredge scour and excavate the bed 15 and foreshore of the harbour to the extent necessary to secure a sufficient waterway and approach to the landing stages for vessels using the ferry and may purchase hire provide and maintain all necessary dredgers barges and machinery therefor. 20

(2) All sand mud shingle and other materials dredged up or removed shall be the property of the Company and they may use sell or otherwise dispose of or remove or deposit the same as they think fit. Provided that no sand mud shingle or other material shall be laid down or deposited in any place below 25 high water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade and the Commissioners.

Subsidiary works in connection with ferry.

61. Subject to the provisions of this Act the Company may construct purchase take on lease provide and maintain 30 all proper necessary and convenient approaches landing stages warehouses sheds storage yards waiting rooms toll houses gates turnstiles dolphins moorings slipways hoists cranes and other works machinery appliances and conveniences for the purposes of and in connection with the ferry. 35

62. The following provisions shall unless otherwise agreed in writing between the Company and the Commissioners have effect with respect to the ferry (that is to say):—

For protection of
Poole
Harbour
Com-
missioners.

5 (1) Subject to the provisions of this Act the Company shall establish or acquire and thereafter continuously work a ferry between the Sandbanks and South Haven Point and so long as such ferry shall be worked by the Company upon the terms and conditions hereinafter contained the Commissioners shall not under the powers 10 rights and privileges conferred on them by the Poole Harbour Act 1914 or otherwise either purchase take or use any other ferry between the Sandbanks and South Haven Point or establish a new ferry between such 15 points or license or otherwise permit to be established under their authority any further or new service of ferry between such points ;

20 (2) The ferry shall be worked by a vessel propelled by steam or other power on the chain cable system and the chains shall be of such weight and design as will ensure that they keep to the channel bed and will drop under water to a depth of at least fourteen feet at a distance of not exceeding fifty feet from the stern of the vessel and that when the vessel is lying at the 25 landing stage on either shore the chains will be lying on the ground at a distance of not exceeding ten feet from the end of the vessel ;

30 (3) The vessel shall be of such size design and carrying capacity as may be reasonably approved by the Commissioners and the overlap or prow of the vessel shall be adequately triced up when not in actual use ;

35 (4) The landing stages shall within the limits of deviation shown on the deposited plans be constructed and the chain cable shall be laid at such points and in such manner as may be reasonably approved by the Commissioners and to the reasonable satisfaction in all respects of the Commissioners and the Company shall to the like satisfaction provide and maintain

suitable and convenient facilities for a public landing place in connection with the landing stage (Work No. 2);

- (5) The landing stage (Work No. 2) shall be so constructed that the total combined length of such landing stage 5 and of the vessel when lying at the end thereof shall not extend in all beyond a point one hundred feet below low water mark of ordinary spring tides;
- (6) Not more than one vessel shall be at any time used on the ferry without the consent of the Commissioners 10 Provided that the Commissioners shall not refuse their consent to a second vessel unless in their opinion it would interfere with or be detrimental to the traffic of the harbour;
- (7) The Company shall pay to the Commissioners on the 15 first day of July one thousand nine hundred and twenty-three the sum of one hundred and twenty-five pounds on the first day of July one thousand nine hundred and twenty-four and on the first day of July one thousand nine hundred and twenty-five the sum of 20 one hundred and fifty pounds and on the first day of July one thousand nine hundred and twenty-six and on the first day of July in every succeeding year during which the ferry shall be worked the sum of one hundred and seventy-five pounds Provided that if 25 and when a second vessel shall be used by the Company such annual sum as aforesaid shall be forthwith increased to the sum of four hundred pounds which said sum of four hundred pounds shall be thereafter payable by the Company to the Commissioners on the 30 first day of July in every year during the continuance of the ferry;
- (8) The annual sum or sums to be paid by the Company to the Commissioners as hereinbefore provided shall be paid and received in full satisfaction of all claims by 35 the Commissioners for harbour dues or rates in respect of such vessel or vessels as aforesaid and all persons

animals vehicles goods or other cargo embarked on or disembarked from or carried thereon ;

- 5 (9) The Commissioners shall be entitled to exercise and use all such rights powers and remedies for the recovery of the said annual sum or sums as are provided by the Harbours Docks and Piers Clauses Act 1847 or by any special Act or Acts for the recovery of any rates or dues payable thereunder ;
- 10 (10) The Company shall provide from seven o'clock in the forenoon when summer time is in force and from eight o'clock in the forenoon at all other times of the year until one hour after sunset on every day and at stated times a minimum hourly service of vessels from each shore ;
- 15 (11) The Company shall not be required to continue and efficiently work the ferry if at any time they are prevented from so doing by any accident or damage to the vessel or vessels or the machinery works or gear connected therewith or by force majeure or by any strike lock-out civil com-
20 motion or other cause beyond their control but the liability of the Company to continue and efficiently work the ferry shall only cease during such period or periods as is or are necessary to repair or renew the
25 vessel or the machinery works or gear connected therewith or for so long as any such force majeure lock-out or other cause beyond the control of the Company shall continue ;
- 30 (12) The Company shall adequately light and buoy any necessary underwater works in connection with the landing stages or the ferry in accordance with such regulations (if any) as may from time to time be made by the Commissioners ;
- 35 (13) The Company shall carry out execute complete and maintain all such protective works as may in the opinion of the Commissioners be from time to time

reasonably required for the protection of the Sand-banks shore or the sea wall abutting thereon from erosion or damage arising by reason of the construction of the landing stage (Work No. 2) or anything incidental to the ferry ;

5

- (14) The ferry shall be worked in accordance with such reasonable regulations as the Commissioners may from time to time deem it necessary to enact and enforce for the safe navigation of the harbour and such regulations shall provide (inter alia) that the ferry shall give 10 way to vessels navigating the harbour Provided that no such regulations shall come into operation until the consent of the Board of Trade has been given thereto ;
- (15) The Company shall not have any right of action in 15 respect of any loss or damage which may be suffered caused or done to the ferry chains or other equipment of the ferry by any vessel lawfully using the harbour unless such loss or damage shall be caused by wilful default or gross neglect in the navigation of such vessel 20 and the Company shall at all time save harmless and keep indemnified the Commissioners and all vessels so using the harbour and the owners charterers and masters pilots and crew of such vessels respectively from and against all actions proceedings claims and 25 demands whatsoever for or by reason of any such loss or damage suffered caused or done as aforesaid ;
- (16) The Company shall before commencing any dredging deliver to the Commissioners plans and sections defining the nature extent and manner of such dredging and if 30 the Commissioners within one month after the delivery of such plans and sections express their disapproval of the same any question as to the dredging proposed to be carried out by the Company shall be referred to an arbitrator to be appointed as provided by this section 35 and the Company shall not carry out such dredging otherwise than in accordance with such plans and sections and in such manner as may be approved by

5 the Commissioners or by such arbitrator as the case
may be Provided that if the Commissioners do not
express their disapproval of such plans and sections
within one month after the same shall have been
furnished to them they shall be deemed to have approved
thereof;

10 (17) Notwithstanding anything contained in the section of
this Act of which the marginal note is "Subsidiary
works in connection with ferry" the Company shall
not under the powers conferred by that section construct
provide or maintain any dolphins moorings slipways
or other works below high water mark within the
harbour except with the licence of the Commissioners
15 but no such licence shall be unreasonably withheld nor
shall the Commissioners be entitled to demand and take
any fee or make any charge for or in respect of granting
any such licence or any consideration whatsoever for
and in respect of any such works;

20 (18) All by-laws made by the Company under the section
of this Act of which the marginal note is "By-laws as
to ferry" shall be subject to the previous approval of
the Commissioners which approval shall not be
unreasonably withheld;

25 (19) If at any time after the Company shall have commenced
to work the ferry they shall cease to work the same for
a period of one calendar month (except as provided
by subsection (11) of this section) the Commissioners
may at any time thereafter serve upon the Company
one month's notice in writing requiring them to sell
30 to the Commissioners so much of the undertaking of the
Company as relates to the ferry (including all such
vessels landing stages buildings equipment and property
as may have been employed by the Company in
connection therewith) and as from the expiration of the
said notice the Company shall sell and the Com-
missioners shall purchase such part of the undertaking
upon terms of paying the then value of such part of
35 the undertaking (exclusive of any allowance for past

or future profits or any compensation for compulsory purchase or of goodwill or of any similar considerations) such value to be in case of difference determined by arbitration and as from the expiration of the said notice the Commissioners may work and use such vessels 5 landing stages buildings equipment and property and the provisions of the Poole Harbour Act 1914 shall extend and apply in respect thereof as if the same were a ferry purchased or established by the Commissioners under that Act; 10

(20) Nothing in this Act shall be deemed to curtail or abridge the statutory powers of the Commissioners to from time to time make such by-laws as they shall think fit for all or any of the purposes specified in Section 51 (Additional by-laws) of the Poole Harbour 15 Act 1914;

(21) Any dispute or difference arising between the Company and the Commissioners under this section shall be referred to a single arbitrator to be approved by the Board of Trade; 20

(22) As from the passing of this Act Frank Gerard Aman shall be and is hereby freed and relieved from all obligations and liability under an agreement made the twenty-seventh day of February one thousand nine hundred and twenty-two between the Commissioners 25 and the said Frank Gerard Aman.

For
protection
of Poole
Corpora-
tion.

63. For the protection of the Mayor Aldermen and Burgesses of the Borough of Poole (in this section called "the Corporation") the following provisions shall unless otherwise agreed between the Company and the Corporation have effect (that is to say):— 30

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not enter upon break up or interfere with the road known as Banks Road numbered upon the deposited plans 1 in the Borough of Poole for the purpose of executing any 35 works under this Act except with the previous approval of the Corporation which approval shall not be unreasonably withheld;

- 5 (2) If at any time after the ferry has been established the Corporation shall acquire land for the purpose of widening the said Banks Road between the points marked "A" and "B" on the plan signed in duplicate by Frank Gerard Aman on behalf of the Company and by Charles Lisby Town Clerk on behalf of the Corporation and shall widen the said road between such points accordingly the Company shall contribute and pay to the Corporation the sum of five hundred pounds towards the cost incurred by the Corporation in connection with the acquisition of such land and the execution of such widening ;
- 10
- 15 (3) Any dispute or difference arising between the Company and the Corporation under this section shall be referred to a single arbitrator to be agreed upon or failing agreement to be appointed on the application of the Company or the Corporation after notice in writing to the other by the President of the Institution of Civil Engineers.

20 64. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

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

Any alteration or extension of any such works shall be subject to the like approval.

30 If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

35 65. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or

Survey of works by Board of Trade.

across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily. 5

Abatement
of work
abandoned
or
decayed.

66. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily. 10

Lights on
works
during
construc-
tion.

67. The Company shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds. 15 20

Permanent
lights on
works.

68. The Company shall at the outer extremity of their works below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds. 25 30

Provision
against
danger to
navigation.

69. In case of injury to or destruction or decay of the works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Company shall be liable to a 35

penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

70. The officers of the coastguard and all other persons for
5 the time being actually employed in connection with the life-boat or the rocket life saving apparatus may without payment use the landing stages for the purpose of saving life and may either permanently or temporarily and from time to time attach or cause to be attached to the landing stages apparatus for
10 saving life and may also either in course of using or of exercising the rocket life saving apparatus fire rockets over the landing stages.

Works may be used for life saving purposes.

71. Subject to the provisions of this Act the Company shall if so required by the Board of Trade at their own expense
15 and subject to such conditions as the Board of Trade may prescribe remove the coastguard look-out house at Sandbanks and re-erect the same in a suitable position to be determined by the Board of Trade on the landing stage (Work No. 2) or on the foreshore adjoining the same and in such a manner as will
20 in the opinion of the Board of Trade ensure that an uninterrupted view of the channel is obtained therefrom.

As to coastguard look-out house at Sandbanks.

72. Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the Company under or across any tidal water shall be laid or placed at such depth
25 under or such height over the tidal water as the Board of Trade may require.

Cables pipes or wires under or across tidal waters.

73. The Company may subject to the provisions of this Act make alter repeal vary amend and enforce by-laws with respect to the ferry for all or any of the purposes following (that is
30 to say) :—

By-laws as to ferry.

(A) For regulating controlling and limiting the use of the vessels and works ;

(B) For preventing the commission of nuisances in or upon the ferry works or the vessels used for the purposes of
35 the ferry ;

B

K

- (c) For preserving the vessels and works and preventing injuries and damage to the same ;
- (D) For regulating the duties and conduct of all persons and the officers and servants of the Company who shall be employed in and about the ferry and in and about the vessels used for the purposes thereof ;
- (E) For regulating the conveyance of passengers passengers' luggage parcels animals vehicles articles and merchandise in or upon any vessels and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any luggage parcels animals vehicles articles and merchandise in any vessels used for the purposes of the ferry which may in the opinion of the Company be injurious to or prejudicially affect the use of such vessels or the traffic to be carried therein ;
- (F) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels of every description to any of the works ;
- (G) For preventing persons navigating vessels from negligently or wilfully obstructing the working of the ferry and the vessels used for the purposes thereof and for preventing any persons with vessels horses or carriages or otherwise negligently or wilfully obstructing the approaches to the ferry and works or to such vessels or doing anything to hinder or interfere with the proper working of the same.

Provided that no such by-laws shall come into operation until the same shall have been confirmed by the Minister of Transport.

Provided further that the Company shall when submitting any such by-laws to the Minister of Transport for confirmation under this section forward a copy of such by-laws to the County Council and the Mayor Aldermen and Burgesses of the Borough of Poole (in this section called " the Corporation ") and that the County Council and the Corporation or either of them may if they so desire make representations with regard thereto to the Minister of Transport.

74. Upon payment of the ferry tolls all persons shall be entitled to use the ferry subject to the by-laws and regulations in that behalf from time to time made by the Company under this Act.

Ferry open to traffic.

5 75. The Company may from time to time appoint a sufficient number of persons to preserve order on or at any landing stage or other work constructed or acquired by the Company.

Persons may be appointed to preserve order &c. at ferry works.

10 76. The Company may enter into contracts and arrangements with any Company firm or person for the provision and working of the ferry and works connected therewith.

Arrangements for provision of ferry service by other parties.

15 77. Subject to the provisions of this Act the Company may with the consent of the Minister of Transport let to such persons upon such terms and for such consideration as they may think fit the right to establish and work the ferry and works connected therewith.

Power to let ferry.

TOLLS AND CHARGES.

20 78. The Company may demand and take for the use of the motor road any tolls not exceeding the sums mentioned in the First Schedule to this Act and for any other services rendered by the Company in connection with the motor road such reasonable charges as the Company may think fit Provided that no tolls or charges shall be taken in respect of the user of the motor road by foot passengers.

Tolls and charges in respect of motor road.

25 79. The Company may demand and receive for the use of the ferry any tolls not exceeding the sums mentioned in the Second Schedule to this Act.

Ferry tolls.

30 80. In connection with the ferry the Company may make such reasonable charges as they think fit for the use of warehouses sheds and other buildings works and conveniences provided by them for the storage and accommodation of animals and goods and for the loading and unloading of animals and goods and the amount of such charges shall be recoverable in like manner as ferry tolls.

Power to charge for goods accommodation in connection with ferry.

Periodical
revision
of tolls.

81. If at any time after the expiration of ten years from the opening for traffic of the motor road or the ferry respectively or after five years from the date of any order made in pursuance of this section the Company or the County Council or the local authority of the district in which the motor road or the ferry are situate make a representation to the Minister of Transport that in the circumstances then existing all or any of the tolls which may be demanded and taken by the Company under this Act in respect of the motor road or the ferry should be revised the Minister of Transport may (if he thinks fit) direct an inquiry to be held in manner provided by this Act and if it is proved to the satisfaction of the Minister that all or any of the said tolls should be revised the Minister may by order in writing alter modify reduce or increase all or any of such tolls and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section.

Lists of
tolls &c.
to be
exhibited.

82. (1) Lists of all tolls and charges from time to time appointed by the Company to be taken under this Act shall be exhibited in some conspicuous place or places where such tolls and charges shall respectively be payable and also (in the case of the ferry tolls) on some conspicuous parts of the vessels used for the purposes of the ferry and no tolls or charges by this Act authorised shall be demanded or taken during any time at which the list containing the same shall not be exhibited in accordance with the provisions of this section.

(2) If any person shall wilfully pull down deface or destroy any such list of tolls and charges he shall be liable to a penalty not exceeding five pounds for every such offence.

Taking and
recovery of
tolls &c.

83. The tolls and charges which may be taken by the Company under this Act in respect of the motor road and the ferry respectively shall be paid to such persons and at such places upon or near the motor road or the ferry as the case may be and in such manner and under such regulations as the Company shall by notice to be annexed to the list of tolls and charges appoint and the Company may recover such tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction.

84. If the tolls or charges payable by any person desirous of using the motor road or the ferry be demanded from him before using the same and such person shall after demand from him of such tolls or charges (such demand being made by any collector 5 or other person appointed to receive the same) knowingly and wilfully refuse or neglect to pay the same or any part thereof the collector or other person so appointed may refuse to permit the person so in default to use the motor road or the ferry as the case may be and may by himself or with such assistance as he shall 10 think necessary stop and prevent the person so in default from using the same.

Persons may be prevented from using motor road or ferry on refusal to pay tolls.

85. If any person knowingly and wilfully and with intent to defraud refuse or neglect to pay the tolls or charges which shall have been demanded from him and be payable by him 15 by virtue of this Act he shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalties on persons practising frauds.

86. Every toll collector who shall commit any of the following offences shall upon conviction be liable to a penalty not exceeding ten pounds for each such offence (that is to say):—

20 If he refuse to tell his Christian name and surname to any person demanding the same who shall have paid or tendered the tolls and charges demanded of him or if he give a false name to any such person ;

25 If he wilfully and with intent to defraud demand or take a greater or less toll or charge from any person than he shall be authorised to do by virtue of this Act and of the orders of the Company made in pursuance thereof.

Penalties in case of offences by toll collectors.

87. The Company may enter into a composition with any person with respect to the payment of any tolls or charges under 30 this Act but so that no preference be in any case given to any person.

Power to compound for payment of tolls &c.

88. (1) Without prejudice to any existing right of His Majesty and save as provided by the Army Act and Air Force Act nothing in this Act shall extend to authorise any tolls or 35 charges to be demanded or received from any person when on

Exemptions from tolls &c. in case of persons in service of Crown &c.

duty in the service of the Crown or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or from any police officer acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908.

5

(2) Any police officer acting as aforesaid shall have the same right of access to and over the motor road for the purposes of supervision and carrying out his police duties as if the motor road were a public highway but nothing in this section shall place any obligation on the police authority or their officers to enforce any regulations made by the Company in so far as such regulations go beyond the ordinary law.

10

(3) Any officer or servant of the Wareham and Purbeck Rural District Council or any other person employed by the said Council and acting in the execution of his employment shall have the right of access to and over the motor road with all necessary carts or other vehicles free of all tolls or charges.

15

(4) If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

20

MISCELLANEOUS.

Dwelling-houses for employees offices &c.

89. The Company may purchase or take on lease and may hold houses cottages and other buildings for persons in their employ and offices and other buildings for the purposes of the undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging or leased to the Company.

25

Accommodation for workmen employed on construction of works.

90. (1) The Company shall erect fit up and maintain or provide :—

30

(A) Such huts or buildings for the accommodation of the workmen employed in and about the construction of the Works Nos. 1 and 3 authorised by this Act;

(B) Such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases ;

5 as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

10 (2) The Company shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the
15 provisions of the National Insurance Act 1911 or otherwise.

(3) The medical officer of health of the County Council shall be entitled at any time to enter into and inspect and examine any accommodation afforded under this section in order to ascertain whether overcrowding exists therein and
20 whether proper and sufficient sanitary arrangements are provided.

(4) The Company shall give such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of
25 his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

(5) If at any time it appears to the County Council that the Company have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Company shall
30 afford and maintain such accommodation as the County Council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the County Council under this subsection the Company give notice to the County Council that they dispute the reasonableness of any such require-
35 ment the difference shall be determined by the Minister of Health on the application of either of the parties to the difference

and the Minister of Health may make such requirements (if any) in variation of the requirements of the County Council as he may think fit.

(6) If the Company fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the County Council. 5 10

(7) Any expenses incurred by the County Council in carrying out the provisions of this section shall be repaid to the County Council by the Company and shall be recoverable as a debt due from the Company to the County Council.

(8) The Company shall pay to the Minister of Health any expenses incurred by him under this section including a sum not exceeding five guineas a day for the services of any inspector in connection with any local inquiry or investigation which he may consider necessary in the exercise of his powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector. 15 20

Penalty for obstructing works.

91. Any person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Act or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for every such offence be liable to a penalty not exceeding five pounds. 25

Period for completion of works.

92. If the motor road and the landing stages are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. 30

93. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 two thousand six hundred and forty-nine pounds and six pence Local Loans three per centum stock has been transferred
5 into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act of which stock two thousand one hundred and thirteen pounds twelve shillings and sixpence (hereinafter referred to as "the motor road deposit fund") is equal to
10 five per centum upon the amount of the estimate in respect of the motor road and the remainder (hereinafter referred to as "the landing stages deposit fund") (that is to say) five hundred and thirty-five pounds and eight shillings is equal to four per centum upon the amount of the estimate for
15 the landing stages Be it enacted that notwithstanding anything contained in the said Act the motor road deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of
20 the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the motor road open the same for the use of traffic and if the Com-
25 pany shall make default in so opening the motor road the motor road deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the motor road for the use of traffic then on the production of a
30 certificate of the Minister of Transport specifying the length of the portion of the motor road opened as aforesaid and the portion of the motor road deposit fund which bears to the whole of the motor road deposit fund the same proportion as the length of the motor road so opened bears to the entire length of the
35 motor road the High Court shall on the application of the depositors order the portion of the motor road deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Minister of Transport shall be sufficient evidence of the facts therein certified
40 and it shall not be necessary to produce any certificate of this

Motor road
deposit
fund not to
be repaid
except so
far as motor
road is
opened.

Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of motor
road
deposit
fund.

94. If the Company do not previously to the expiration of the period limited for the completion of the motor road complete the same and open it for the use of traffic then and in 5 every such case the motor road deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less 10 valuable by the commencement construction or abandonment of the motor road or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate 15 compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the motor road deposit fund has been found sufficient to satisfy all just claims 20 in respect of such compensation then the motor road deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as 25 part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors. Provided that until the motor road deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as hereinbefore 30 mentioned any interest or dividends accruing thereon shall from time to time and as often as the same become payable be paid to or on the application of the depositors.

Repayment
of landing
stages
deposit
fund.

95. On the application of the depositors in a summary way at any time after the passing of this Act the High Court may 35 and shall order that the landing stages deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

96. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

97. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions for the protection and benefit of George Henry William Hervey and the Right Honourable Sir John Eldon Bankes their heirs or successors in estate or other the owner or owners for the time being of the lands or premises situate in the Parish of Studland which at the first day of June one thousand nine hundred and twenty-three formed part of the Bankes Settled Estates (all of whom are in this section included in the expression "the Owners" which expression shall also be deemed to include the Lord or Lords for the time being of the Manors of Studland Corfe and Langton Wallis and the Hundred of Hasilore) shall (without prejudice to the provisions of the section of this Act the marginal note of which is "Crown rights") unless otherwise agreed between the Company and the Owners apply and have effect (that is to say) :—

For protection of Bankes Settled Estates.

(1) The Company shall not acquire any part of the estates of the Owners or any easements or rights in or over the same other than :—

(A) Such lands as may be required by the Company for purposes connected with the undertaking extending in all to five acres of which four acres or thereabouts shall be situate at or near the commencement of the motor road and one acre or thereabouts shall be situate at or near the point where the motor road joins the Knowle Hill Road and in the event of any difference arising between the Company and the Owners as to the situation of such lands such difference shall be determined by arbitration as hereinafter provided ;

(B) An easement in or over or right of user of the lands required for the purposes of making and main-

taining the motor road and the landing stage
(Work No. 3);

and for those purposes the Owners shall convey and
grant to the Company free of charge the freehold of
the lands referred to in paragraph (A) hereof and the 5
said easement or right of user in perpetuity of the lands
referred to in paragraph (B) hereof;

- (2) The motor road where the same is constructed through
the estates of the Owners shall be constructed to the
reasonable satisfaction in all respects of the Owners 10
and shall be of a width not exceeding fifty feet of which
not less than twenty-five feet shall be properly
metalled and drained throughout;
- (3) The Company in constructing the motor road shall not
deviate from the line and levels thereof as shown on 15
the deposited plans and sections except between such
points and to such extent as may be approved in writing
by the Owners but such approval shall not be un-
reasonably withheld;
- (4) The Company shall not be entitled to fence off the 20
motor road from the adjoining lands of the Owners
except at such points as may reasonably be required
in the interests of traffic using the motor road;
- (5) The Owners may at all times lay down and construct
such drains sewers gas and water pipes and mains 25
and electric and other power cables under or over the
motor road as may be reasonably requisite for the
development of their estates or the convenience of
their tenants Provided that all such drains sewers
pipes mains and cables shall be laid down or constructed 30
in accordance with plans and sections previously sub-
mitted to and reasonably approved in writing by the
Company and under their superintendence if the same
be given and so as not to interfere with the traffic
using the motor road and that the Owners shall at their 35

5 own expense and to the reasonable satisfaction of the Company restore and reinstate the motor road with all reasonable despatch. Such approval shall be deemed to have been given unless the Company signify their disapproval within twenty-eight days after submission of the said plans and sections for approval ;

(6) No toll shall be demanded or taken by the Company in respect of the user of the motor road by :—

(A) The Owners their estate agent and employees ;

10 (B) Any vehicle (not being an omnibus char-a-banc wagonette brake stage coach or other carriage plying for hire) proceeding to or returning from any premises situate in the area defined in subsection (8) of this section and conveying or about to convey or returning from conveying to or from such premises either :—

15 (i.) The occupier thereof or any member of his family or any servant or guest of such occupier residing on the premises ; or

20 (ii.) Any goods supplied for domestic purposes or for the use of or consumption by such occupier member of his family servant or guest ;

(c) Any animal belonging to any such occupier member of his family servant or guest ;

25 (D) Any vehicle bona-fide the property of the keeper of a hotel or boarding house situate in the said area conveying or about to convey or returning from conveying resident guests to or from such hotel or boarding house ;

30 (7) The Company shall demand and take for any vehicle conveying or about to convey building materials for use in the construction or repair of buildings within the said area for each journey only one-half of the toll for the time being payable under this Act in respect of a like vehicle and no toll shall be demanded in respect of such vehicle on its return through the toll-gate ;

35

- (8) In subsections (6) and (7) of this section "vehicle" includes bicycle perambulator handcart truck barrow motor steam or horse-drawn vehicle of any description and "the area" or "the said area" comprises that part of the lands situate in the parish of Studland lying to the north of a line drawn due east and west through the point of termination of the motor road as shown on the deposited plans and east of a line drawn due north and south two thousand yards west of that point which on the first day of June one thousand nine hundred and twenty-three formed part of the estates of the Owners ; 5
- (9) Subject to the provisions of this Act the Company shall within four years after the passing of this Act establish or acquire and thereafter continuously work a ferry between the Sandbanks and South Haven Point and so long as such ferry shall be worked by the Company upon the terms and conditions hereinafter in this section contained the Owners shall not carry on a ferry between the Sandbanks and South Haven Point or after the passing of this Act grant any consent to the carrying on of any other ferry between such points ; 15 20
- (10) The Company shall provide from seven o'clock in the forenoon when summer time is in force and from eight o'clock in the forenoon at all other times of the year until one hour after sunset on every day and at stated times a minimum hourly service of vessels from each shore ; 25
- (11) The Company shall continually and efficiently work the ferry unless at any time they are prevented from so doing by any accident or damage to the vessel or vessels or the machinery works or gear connected therewith or by force majeure or by any strike lock-out civil commotion or other cause beyond their control but the liability of the Company to continually and efficiently work the ferry shall only cease during such period or periods as is or are necessary to repair 30 35

or renew the vessel or the machinery works or gear connected therewith or for so long as any such force majeure lock-out or other cause beyond the control of the Company shall continue ;

- 5 (12) The landing stage (Work No. 3) shall within the limits of deviation shown upon the deposited plans be constructed to the reasonable satisfaction in all respects of the Owners ;
- 10 (13) The Company shall carry out execute complete and maintain all such protective works as may in the opinion of the Owners be from time to time reasonably required for the protection of the shore at or near South Haven Point or the sea wall abutting thereon from erosion or damage arising by reason of the construction of the landing stage (Work No. 3) or anything
- 15 incidental to the ferry ;
- (14) Nothing in this Act shall prejudice limit or in any way affect any ferry franchise of the Owners or prevent their carrying on and working any such ferry except
- 20 as in this section hereinbefore expressly provided ;
- (15) If from any cause other than those referred to in subsection (11) of this section the Company having established and commenced to work a ferry between the Sandbanks and South Haven Point should fail
- 25 to continue to efficiently work such ferry then the Owners shall be at liberty to exercise any ferry franchise they may possess between such points ;
- (16) The sections of this Act of which the marginal notes respectively are " As to private rights of way over
- 30 lands taken compulsorily " and " Power to retain sell &c. lands " shall not apply to any lands of the Owners over or in respect of which the Owners shall have granted to the Company merely an easement or right of user as aforesaid nor shall the last-mentioned section
- 35 apply to any lands conveyed by the Owners to the Company as hereinbefore provided ;

- (17) The provisions of the section of this Act of which the marginal note is "Power to dredge" shall not authorise the Company to take use or in any way interfere with the foreshores of the Manors of Studland Corfe and Langton Wallis or the Hundred of Hasilore or the foreshores adjoining any lands belonging to the Owners without the consent in writing of the Owners which consent shall not be unreasonably withheld ; 5
- (18) No advertisements hoardings posters or placards other than lists of tolls and charges and regulations by-laws and notices relating to the undertaking shall be erected or posted up upon any part of the motor road and no advertisements hoardings posters or placards other than as aforesaid and excepting advertisements having letters not exceeding one foot in height shall be erected or posted up upon the landing stage (Work No. 3) or any land conveyed by the Owners to the Company as hereinbefore provided and no house or building shall be erected upon the motor road or the landing stage (Work No. 3) or any such land unless and until the plans and elevations shall have first been approved by the Owners in writing but such approval shall not be unreasonably withheld ; 10 15 20
- (19) Any dispute or difference arising between the Company and the Owners under this section shall be referred to an arbitrator to be appointed failing agreement by the President of the Surveyors Institution. 25

Agreements
with road
authorities.

98. (A) The Company on the one hand and the County Council and the Rural District Council of Wareham and Purbeck (which councils are in this section together referred to as "the said councils") or either of them on the other hand may enter into and carry into effect contracts agreements and arrangements with respect to the construction of the motor road and works authorised by this Act or any of them or any portions thereof the making by the said councils or either of them of contributions to the cost thereof and the acquisition by the said councils or either of them from the Company of any works of or any lands acquired by or which may at any time be vested in the Company. 30 35

Provided that if any work executed by the said councils or either of them in pursuance of any agreement made under the provisions of this section involves an alteration of a telegraphic line belonging to or used by the Postmaster-General the enactments contained in Section 7 of the Telegraph Act 1878 shall apply to such alteration as if the said councils or either of them were "undertakers" within the meaning of the said Act.

(B) It shall be lawful for the said councils or either of them in pursuance of any such agreement with the Company which may be so entered into as aforesaid to apply their funds revenues or rates for the purposes of such agreement.

99. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any by-law made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

100. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

101. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

102. In respect of the exercise of any powers or duties conferred on the Minister of Transport under this Act the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred

to therein in lieu of the Board of Trade and as if in Section 4 of that Act the words " under the seal of the Minister of Transport " were substituted for the words " by writing under the hand of the President or of one of the Secretaries of the Board."

Crown
rights.

103. Nothing in this Act affects prejudicially any estate 5
right power privilege or exemption of the Crown and in
particular nothing herein contained authorises the Company to
take use or in any manner interfere with any portion of the shore
or bed of the sea or of any river channel creek bay or estuary
or any land hereditaments subjects or rights of whatsoever 10
description belonging to His Majesty in right of His Crown
and under the management of the Commissioners of Woods or
of the Board of Trade respectively without the consent in
writing of the Commissioners of Woods or the Board of Trade
as the case may be on behalf of His Majesty first had and obtained 15
for that purpose (which consent the said Commissioners and
Board are hereby respectively authorised to give).

Costs of
Act.

104. All costs charges and expenses of and incident to the
preparing for obtaining and passing of this Act or otherwise 20
in relation thereto shall be paid by the Company.

[SCHEDULES.]

THE SCHEDULES REFERRED TO IN THE FOREGOING ACT.

FIRST SCHEDULE.

TOLLS IN RESPECT OF MOTOR ROAD.

The tolls are chargeable in respect of each single journey along the road.

	s.	d.
For each calf goat pig or sheep.. .. .	0	2
For each head of cattle	0	3
For each horse mule or donkey	0	3
For each bicycle including rider	0	3
For each perambulator including person in charge thereof	0	3
For each handcart truck or barrow including person in charge thereof	0	3
For each vehicle not exceeding two tons (including load) drawn by one horse	1	6
For each additional ton or part thereof	1	0
For each vehicle not exceeding two tons (including load) drawn by two horses	2	0
For each additional ton or part thereof	1	0
For each motor cycle including rider	0	6
For each motor tri-car or motor cycle and sidecar	1	0
For each motor car having seats for not more than three persons	1	6
For each motor car having seats for more than three persons	2	0
For each charabanc or omnibus having seats for not more than twelve persons	2	0
For each charabanc or omnibus having seats for more than twelve persons	2	6
For each motor van or motor lorry not exceeding two tons (including load)	2	0
For each additional ton or part thereof.. .. .	1	0
For each steam wagon not exceeding two tons (including load)	2	0
For each additional ton or part thereof	1	0
For each traction engine not exceeding five tons (including load)	30	0
For each additional ton or part thereof	10	0
For each trailer hauled by motor van motor lorry steam wagon or traction engine not exceeding two tons (including load)	2	0
For each additional ton or part thereof	1	0
For any vehicle not hereinbefore specified a toll not exceeding the tolls specified in this Schedule for a vehicle of a similar description.		
The tolls in respect of vehicles include the drivers thereof and persons conveyed therein.		

SECOND SCHEDULE.

FERRY TOLLS.

For each crossing.

	s.	d.
For each person on foot or in a vehicle other than the driver thereof ..	0	3
For each dog	0	1
For each calf goat pig or sheep	0	4
For each head of cattle	0	6
For each horse mule or donkey	0	6
For each bicycle including rider	0	6
For each perambulator including person in charge thereof	0	6
For each handcart truck or barrow including person in charge thereof ..	0	6
For each vehicle not exceeding two tons (including load) drawn by one horse	2	6
For each additional ton or part thereof	1	0
For each vehicle not exceeding two tons (including load) drawn by two horses	3	0
For each additional ton or part thereof	1	0
For each motor cycle including rider	1	6
For each motor tri-car or motor cycle and sidecar	2	0
For each motor car having seats for not more than three persons	2	6
For each motor car having seats for more than three persons	3	0
For each charabanc or omnibus having seats for not more than twelve persons	3	0
For each charabanc or omnibus having seats for more than twelve persons	3	6
For each motor van or motor lorry not exceeding two tons (including load)	3	0
For each additional ton or part thereof	1	0
For each steam wagon not exceeding two tons (including load)	3	0
For each additional ton or part thereof	1	0
For each traction engine not exceeding five tons (including load)	50	0
For each additional ton or part thereof	10	0
For each trailer hauled by motor van motor lorry steam wagon or traction engine not exceeding two tons (including load)	3	0
For each additional ton or part thereof	1	0
For any vehicle not hereinbefore specified a toll not exceeding the tolls specified in this Schedule for a vehicle of a similar description.		
The tolls in respect of vehicles include the drivers thereof.		