

Felixstowe Dock and Railway Act, 1956

4 & 5 ELIZ. 2 Ch. lxxxviii



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CHAPTER lxxxviii

An Act to empower the Felixstowe Dock and Railway Company to construct new works to define and extend the limits of the dock to make provision with respect to the rates leviable by the Company in respect of the dock to convert the existing share capital into stock and to authorise the raising of additional capital by the Company to re-enact with amendments certain provisions relating to the Company and to confer further powers on the Company and for other purposes.

[2nd August 1956.]

WHEREAS the Felixstowe Dock and Railway Company (hereinafter referred to as "the Company") were incorporated by the Felixstowe Railway and Pier Act 1875 under the name of the Felixstowe Railway and Pier Company and by that Act were authorised to construct a railway and pier:

And whereas by the Felixstowe Dock and Railway Act 1879 the Company were authorised to construct a dock and railway:

And whereas by the Great Eastern and Felixstowe Railways Arrangement Act 1887 the railway and pier authorised by the said Act of 1875 were transferred to the Great Eastern Railway Company and the name of the Company was changed to that which they now bear:

And whereas the Company are now carrying on the dock and railway undertaking authorised by the said Act of 1879 and further powers were conferred on the Company in relation to that undertaking by the Felixstowe Dock and Railway Act 1923:

And whereas it is expedient to empower the Company to construct the works as in this Act provided:

And whereas it is expedient that the Company should be authorised to acquire lands for the purpose of the said works and to reclaim part of the bed of the sea and foreshore adjacent to the said dock as in this Act provided:

And whereas part of the said works will be outside the limits of the said dock and it is expedient to extend and redefine the said limits as in this Act provided so as to bring the said works within those limits:

And whereas the Company were authorised by the said Act of 1879 to charge certain rates in respect of the use of the dock and those rates were altered by the said Act of 1923:

And whereas the Minister of Transport and Civil Aviation in exercise of the powers conferred upon him by regulation 56 of the Defence (General) Regulations 1939 as having effect by virtue of the Supplies and Services (Transitional Powers) Act 1945 (as extended by the Supplies and Services (Extended Purposes) Act 1947) authorised the Company by the Felixstowe Dock and Railway (Increase of Charges) Order 1954 to increase by an amount not exceeding one hundred per centum all or any of the rates leviable by virtue of section 4 of and Parts 1 and 2 of the First Schedule to the said Act of 1923:

And whereas it is expedient that the said increased rates and the right of the Company to impose them should be continued for an indefinite period:

And whereas it is expedient to convert the existing share capital of the Company into stock as in this Act provided:

And whereas it is expedient to authorise the Company to raise additional share and loan capital for the purpose of financing the construction of the said works and for the future development of the dock:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Company:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

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

And whereas plans and sections showing the lines and levels of the works by this Act authorised such plans showing also the lands which may be acquired or used compulsorily under the powers of this Act for or in connection with the works and the other purposes mentioned in this Act together with a book of reference to the said plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the clerk of the county council of the administrative county of East Suffolk and such plans sections

and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference:

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

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Felixstowe Dock and Railway Act 1956. Short and collective titles.

(2) The Felixstowe Dock and Railway Acts 1879 to 1923 and this Act may be cited together as the Felixstowe Dock and Railway Acts 1879 to 1956.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Dock and railway.

Part III.—Lands.

Part IV.—Rates.

Part V.—Finance.

Part VI.—Administration.

Part VII.—Miscellaneous and general.

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

(a) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital):

Provided that—

(i) section 11 of the said Act of 1845 shall have effect as if the words "Except as otherwise provided by the conditions of issue thereof" were inserted at the beginning of that section;

(ii) section 15 of the said Act of 1845 shall have effect as if for the words "on demand" there were substituted the words "within two months after delivery thereof";

(b) The Companies Clauses Act 1863 (except sections 17 to 21 and the provisions thereof which limit the rate of dividend on preference capital and Part IV thereof):

PART I
—cont.

Provided that—

- (i) section 14 of the said Act of 1863 shall have effect as if the words “but if in any year” to the end of the section were omitted;
 - (ii) section 22 of the said Act of 1863 shall have effect as if the words “and to the same amount as” were omitted therefrom;
 - (iii) section 25 of the said Act of 1863 shall have effect as if the words “or the sum of ten thousand pounds whichever of the two last mentioned sums is the smaller sum” were omitted therefrom; and
 - (iv) section 31 of the said Act of 1863 shall have effect as if after the words “other than” there were inserted the words “in the case of holders of perpetual debenture stock”;
- (c) The Lands Clauses Acts except section 92 of the Lands Clauses Consolidation Act 1845 and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860:

Provided that the Company being a railway company within the meaning of the Railway Companies Act 1867 section 36 of that Act shall apply with reference to section 85 of the Lands Clauses Consolidation Act 1845;

- (d) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof:

Provided that for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act 1845 the works authorised by this Act shall be deemed to be the railway and the centre lines on those works as shown on the deposited plans shall be deemed to be the centre of the railway;

- (e) The provisions of the Harbours Clauses Act (except sections 6 to 13 16 to 19 and 84 to 87):

Provided that in the application of the said Act of 1847 to this Act—

(i) the said Act of 1847 shall be read and have effect as if the word “vessel” as defined in this Act were substituted for the meaning assigned to that word by section 3 of the said Act of 1847;

(ii) nothing in the said Act of 1847 shall require or authorise the dock master to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

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

(3) The provisions of the Companies Clauses Acts so incorporated shall be deemed always to have been incorporated with the Felixstowe Railway and Pier Act 1875 the Act of 1879 and the Felixstowe Dock and Railway Act 1923.

4.—(1) In this Act the following words and expressions have Interpretation. the several meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):—

“the Act of 1879” means the Felixstowe Dock and Railway Act 1879;

“associated company” means any other company in which the Company have invested or to which the Company has made a loan in pursuance of the powers conferred by section 71 (Power to invest etc. in associated companies) of this Act;

“the Company” means the Felixstowe Dock and Railway Company;

“the date of conversion” means the first day of January one thousand nine hundred and fifty-seven;

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

“the dock” means the dock constructed by the Company in pursuance of the powers conferred on them by the Felixstowe Dock and Railway Acts 1879 to 1923 and includes the open cut or channel also constructed under the said powers the new works and the land buildings works plant property and conveniences connected therewith as for the time being existing;

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

“enactment” means any provision of a public general Act of a local private or personal Act of a Provisional Order confirmed by an Act or of any regulation or order made under an Act;

“existing” means existing immediately before the date of conversion;

“the existing share capital” means the original shares and the new shares;

“the existing works” means the dock railway and other works authorised by the Act of 1879;

PART I
—cont.

- “the Harbours Clauses Act” means the Harbours Docks and Piers Clauses Act 1847;
- “the highway authority” means in the case of a highway maintainable at the public expense the authority in whom that highway is vested;
- “land” includes any interest in land and any easement or right in to or over land;
- “the Minister” means the Minister of Transport and Civil Aviation;
- “the new shares” means the existing two thousand ordinary shares of ten pounds each issued by the Company subsequently to the original shares in respect of which five pounds per share has been paid up;
- “the new works” means the works authorised by section 8 (Power to make works) of this Act and includes those works as extended enlarged altered replaced or relaid in pursuance of that section;
- “the original shares” means the thirteen thousand ordinary shares of ten pounds each originally issued by the Company;
- “the railway” means the railway constructed by the Company in pursuance of the powers conferred on them by the Felixstowe Dock and Railway Acts 1879 to 1923 and includes the sidings buildings and works connected therewith as for the time being existing;
- “rates” includes rents charges and sums of money;
- “seaplane” includes a flying boat and any other aircraft designed to manœuvre on the water;
- “share” means share in the share capital of the Company and includes stock except where a distinction between stock and shares is expressed or implied and “share capital” and “shareholder” shall be construed accordingly;
- “telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “the tribunal” means the arbitrator or other person to whom any question of disputed purchase money or compensation under this Act is referred;
- “the undertaking” means the undertaking of the Company as for the time being existing including the dock the railway and the new works.
- “vessel” includes—
- (a) for the purposes of section 29 (Removal of sunk stranded or abandoned vessels) and section 30

(As to vessels in which the Crown have an interest) of this Act an aircraft of any description (whether designed to manoeuvre on the water or not); and

(b) in all other cases a seaplane on the surface of the water.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

5.—(1) Notwithstanding the repeal of section 4 (Company incorporated) of the Felixstowe Railway and Pier Act 1875 by section 103 (Repeal) of this Act the Company shall continue to be incorporated by the name of “the Felixstowe Dock and Railway Company” for the purpose of carrying on the undertaking in accordance with the provisions of the enactments for the time being applying to them.

Continued
incorporation
of Company.

(2) The directors officers auditors and servants of the Company who held office or were in the employment of the Company immediately before the passing of this Act shall continue to hold office or to be in the employment of the Company on the same terms and conditions in all respects as if the said section had not been repealed.

PART II

DOCK AND RAILWAY

6.—(1) As from the passing of this Act the limits of the dock shall be the area described in the First Schedule to this Act.

Limits of
dock.

(2) The limits within which the powers of the dock master for the regulation of the dock shall be exercised shall be so much of the limits of the dock as lies seawards of high-water mark of ordinary spring tides and the piers jetties quays walls and other similar works forming part of the dock.

7.—(1) Notwithstanding the repeals effected by section 103 (Repeal) of this Act the lands acquired by the Company under powers conferred by the Felixstowe Dock and Railway Acts 1879 to 1923 and the existing works shall continue to be vested in the Company.

Works etc.
to continue
vested in
Company.

(2) The Company may maintain repair renew alter enlarge improve and extend the existing works or any of them.

8.—(1) The Company may make and maintain in the lines and situations and upon the land delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described (that is to say):—

Power to
make works.

PART II
—cont.

Work No. 1 A pier or jetty partly of solid and partly of open construction commencing at a point on the high-water mark of ordinary spring tides three hundred and fifty feet or thereabouts measured in a northerly direction from the point of intersection of the north and west walls of the dock and terminating at a point nine hundred and sixty feet or thereabouts seawards from the point of commencement ;

Work No. 2 A pier or jetty head commencing one hundred and fifty feet or thereabouts measured in a south-easterly direction from the point of termination of Work No. 1 and terminating at a point three hundred feet or thereabouts measured in a north-westerly direction from the point of commencement.

(2) The Company may extend enlarge alter replace or relay the said works.

(3) The Company may by means of the new works enclose and reclaim from the foreshore and bed of the sea and may hold and use as part of the undertaking so much of the foreshore and bed of the sea as is situate within the limits of deviation and is required for or in connection with the new works.

Subsidiary
works.

9.—(1) The Company for the purposes of or in connection with the new works or the existing works may in addition to such works—

(a) construct or place and maintain all such cuts channels locks dock entrances sea walls gates weirs dams basins reservoirs ponds trenches pounds dry docks lay-byes sluices culverts syphons by-passes arches bridges (fixed or opening) ferries sewers drains mains pipes cables tanks embankments towing-paths banks walls jetties landing places dolphins moorings buoys beacons lights signals groynes quays wharves warehouses sheds buildings engines pumps machinery lifts cranes drops winches capstans gantries conveyors staithes tips railways tramways junctions sidings turntables roads approaches works and appliances as may be necessary or convenient for or in connection with or subsidiary to the new works or the existing works ;

(b) temporarily or permanently use strengthen widen improve alter or otherwise interfere with drains sewers telegraphic telephonic electric gas water and other pipes lines wires works and apparatus (all of which are hereinafter in this section referred to as "apparatus") and highways public and private roads paths and streams providing where possible a proper substitute before interrupting the passage of sewage electricity gas or

water in or through any apparatus or any such stream or the traffic on any such highway road or path ;

(c) raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove any other obstruction.

(2) Any paving metalling or materials in or on or under any highway public or private road or path altered or otherwise interfered with by the Company under the powers of this section and any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Company and the substituted apparatus shall be under the same jurisdiction care management and direction as the existing apparatus for which it may be so substituted.

(3) (a) In the exercise of the powers conferred by this section the Company shall cause as little detriment and inconvenience as the circumstances permit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(b) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Lands Clauses Acts.

(4) (a) Not less than twenty-eight days before executing any works under paragraph (b) of subsection (1) of this section affecting any drains sewers or pipes belonging to or repairable by the local authority or any highway or public road or path the Company shall submit to the appropriate authority sufficient plans sections and particulars of the proposed works for their reasonable approval.

(b) The Company shall execute such works in accordance with such plans sections and particulars as may be submitted to and approved by the appropriate authority or if such approval be refused as may be settled by arbitration and all such works shall be executed to the satisfaction of the appropriate authority and the Company shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) The Company shall give reasonable notice to the appropriate authority of the time at which such works are intended to be executed and shall comply with such reasonable conditions as the appropriate authority may require for obviating or reducing interference with the traffic using the highway public road or path.

(d) Any dispute or difference which may arise between the appropriate authority and the Company under this subsection shall be settled by arbitration.

PART II
—cont.

(e) In this subsection “the appropriate authority” means in relation to any drain or sewer or pipe the local authority to whom they belong or by whom they are repairable and in relation to any highway or public road or path the highway authority.

(5) Notwithstanding anything in this section contained the Company shall not—

(a) use any telegraphic line belonging to or used by the Postmaster-General;

(b) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

(6) Any electrical works or apparatus constructed erected laid down maintained worked or used in pursuance of the powers conferred by this section shall be so constructed erected or laid down and so maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(7) Any telegraphic and telephonic apparatus used under the provisions of this section shall be so used as not to contravene the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(8) In subsection (5) of this section the expression “alter” has the same meaning as in the Telegraph Act 1878.

Power to deviate.

10. In the construction of the new works the Company may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards.

New works to form part of undertaking.

11. The new works shall for all purposes form part of the undertaking.

New works to be within petty sessional division and urban district of Felixstowe.

12. So much of the new works as are outside the area of the petty sessional division of Felixstowe in the county of East Suffolk or the urban district of Felixstowe shall be deemed to be within the said area or the said urban district (as the case may be).

Period for completion of new works.

13. If the new works are not completed within ten years from the first day of October one thousand nine hundred and fifty-six then on the expiration of that period the powers by

this Act granted to the Company for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed:

Provided that nothing in this section shall prejudice or affect the powers of the Company to maintain use extend enlarge alter replace or relay the new works or such of those works as have been completed within the said period of ten years at any time and from time to time as occasion may require.

14.—(1) The Company shall at or near such part of the new works as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister shall from time to time require or approve. Lights on works during construction.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

15.—(1) Subject to the provisions of this Act any work authorised by this Act shall be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun. Works below high-water mark to be subject to approval of Minister.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister 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 either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

16.—(1) The Company shall at the outer extremity of such works constructed by them for the purposes of the undertaking as are situated below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct. Permanent lights on works.

PART II
—cont.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Provision
against danger
to navigation.

17.—(1) In case of injury to or destruction or decay of the works constructed by the Company for the purposes of the undertaking or any part thereof so far as the same are constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides 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 of Deptford Strond and shall apply to the said corporation for directions as to the means to be taken.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement
of work
abandoned
or decayed.

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

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the

Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

PART II
—cont.

19. The Company may from time to time deepen dredge scour and improve the bed and foreshore of so much of the sea as is within the limits of the dock and outside those limits so much thereof as is within a distance of two hundred and fifty yards measured from any point on the open cut or channel constructed in pursuance of the powers conferred on the Company by the Act of 1879 and blast any rock and any chalk gravel rock or other materials taken up or collected by means of such deepening dredging scouring or blasting 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: Power to dredge.

Provided that no such materials shall be laid down or deposited in any place below high-water mark of ordinary spring tides except in such a position and under such restrictions and regulations as may be fixed by the Minister.

20. If at any time the Minister deems it expedient to order a survey and examination of any work constructed by the Company for the purposes of the undertaking which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct 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 shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt. Survey of works by Minister.

21. If it shall appear to the Minister that through the operations of the Company any accumulation of silt or other material shall have been created which may be an impediment to the free navigation of Harwich Harbour the Company shall at the request of the Minister dredge such accumulation of silt or other material and restore the harbour to its former condition and if the Company on such request refuse or fail to do so the Minister may himself cause the work to be done and restore the said harbour to its former condition and may recover from the Company the expense to which he may have been put by such dredging and restoration. Company to dredge Harwich Harbour if silt accumulated.

22.—(1) Notwithstanding anything in this Act the Company shall not without the consent in writing of the Secretary of State for Air cause or permit to be erected in connection with Works Nos. 1 and 2 by this Act authorised any building structure or erection which protrudes into the flight funnel described in the Second Schedule to this Act. Saving for Secretary of State for Air.

(2) If the erection of any such work building structure or erection be commenced or completed contrary to the provisions

PART II
—cont.

of this section the Secretary of State may at the cost of the Company abate and remove the same and the amount of such cost shall be recoverable either as a debt due from the Company to the Crown or where the amount does not exceed twenty pounds by the Secretary of State summarily as a civil debt.

For protection
of East
Suffolk and
Norfolk
River Board
and Felixstowe
Urban District
Council.

23. The following provisions for the protection of the river board and the council unless otherwise agreed in writing between the Company on the one hand and the river board or the council on the other shall apply and have effect:—

- (1) In this section unless the context otherwise requires—
“ authorised work ” means so much of—

- (i) any new work ;
- (ii) the alteration enlargement or extension of any existing work ;
- (iii) the extension enlargement alteration replacements or relaying of any new work ; or
- (iv) any subsidiary work carried out under the powers of section 9 (Subsidiary works) of this Act ;

as in the case of the river board affects any of the river board works and in the case of the council will or may directly affect the operation of the sluice ;

“ the council ” means the urban district council of Felixstowe ;

“ plans ” includes sections and (when reasonably required by the protected authority) working drawings ;

“ the protected authority ” means the river board or the council ;

“ the river board ” means the East Suffolk and Norfolk River Board ;

“ river board works ” means any works now constructed or to be hereafter constructed by the river board or any works under their jurisdiction or under the jurisdiction of any internal drainage board now or hereafter to be constituted ;

“ the sluice ” means the sluice marked “ B ” on the plan attached to the agreement dated the twelfth day of June nineteen hundred and sixteen and made between Ernest George Pretzman of the one part and the council of the other part.

- (2) (a) The Company shall before commencing to construct any authorised work submit to the protected authority for their reasonable approval plans thereof and of any temporary works If the protected authority do not

within twenty-eight days after the submission to them of any such plans signify to the Company in writing their approval or disapproval thereof they shall be deemed to have approved thereof ;

- (b) No authorised work shall be constructed otherwise than in accordance with such plans as may have been approved (or deemed to have been approved) by the protected authority or if such approval be withheld as may be settled by arbitration and any such work shall be executed to the reasonable satisfaction of the protected authority :

Provided that—

(a) if any requirements of the protected authority under this subsection conflict with any requirements of the Minister under section 15 (Works below high-water mark to be subject to approval of Minister) of this Act the latter shall prevail ;

(b) in any case where any plans have been submitted both to the river board and to the council and either or both these authorities disapprove such plans the plans shall not be deemed to have been approved unless approved by both the authorities and in any arbitration proceedings which may take place as a result of the disapproval of one of the authorities the protected authority which is not a party to these proceedings shall be entitled to be heard in such proceedings and the plans as settled by such arbitration shall be deemed to have been approved by such protected authority (whether or not it has been heard in the proceedings) :

- (3) The Company shall at all times keep the protected authority indemnified against all damages losses costs and expenses which they may sustain or be liable for or reasonably and properly incur by reason or in consequence of any injury or damage which may be caused or may result in the case of the river board to any river board works and in the case of the council to the sluice or as a result of any interference in the operation thereof by or as a direct consequence of the construction of an authorised work or in the case of either protected authority in the exercise of any powers conferred by this Act :

Provided that the protected authority shall give to the Company notice of any claim or demand made against them which in the opinion of the protected authority is a claim or demand for which the Com-

PART II
—cont.

pany may be liable under this subsection and no settlement or compromise of any such claim or demand shall be made without the consent in writing of the Company.

Notice of use
of explosives.

24. Before any explosive substance is used in exercise of the powers of this Act the Company shall give at least seven days' notice in writing marked "Urgent" (which shall be served by posting by registered post) of the intention to use an explosive substance addressed to the engineer and surveyor of the Felixstowe Urban District Council.

Additional
powers.

25.—(1) In addition to the powers conferred by the Felixstowe Dock and Railway Acts 1879 to 1956 the Company may provide such supplies and services for persons using the dock as in the opinion of the Company are required for the purpose of maintaining or improving the prosperity of the undertaking.

(2) The Company may fix such rates as appear to them reasonable for any supplies or services provided under this section and all such rates shall be respectively recoverable from the owner of the vessel or other person to whom such supplies or services are afforded.

Company may
provide
steamers tugs
etc.

26.—(1) The Company may from time to time build purchase contract for or hire and may maintain and use vessels to which this section applies and may from time to time fix such rates or charges as may appear to them reasonable for or in respect of the use thereof and such rates or charges shall be paid by the owner agent master consignee or other person having charge of any vessel obtaining or demanding the assistance or use of any vessel to which this section applies to the Company or to the person with whom they may contract as the case may be and such rates shall be due and payable whether such vessels to which this section applies shall be actually employed or not provided the assistance or use thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having the command of such vessel to which this section applies.

(2) The raising of steam or any other act of preparation done in consequence of and with a view to complying with a request for assistance shall be deemed to constitute the tendering of assistance notwithstanding that such request is cancelled or withdrawn before the vessel to which this section applies leaves the berth or place at which it was lying at the time when the request for assistance was received.

(3) This section applies to tugs hoppers lighters barges and other ships and boats for the use and accommodation of vessels frequenting the dock.

27.—(1) The Company may for such term or terms and on such conditions as they may deem expedient lease or grant the use or occupation of any warehouses buildings sheds cranes hoists jiggers weighing or other machines or conveniences in connection therewith to any company body or person and may confer on the lessees all or any of the powers of the Company in connection with such warehouses buildings sheds cranes hoists weighing or other machines or conveniences including the power to take and levy rates in respect of the user thereof and any such lease as aforesaid shall duly take effect as a transfer of the powers exercisable by the Company so purporting to be transferred thereby.

Power to lease
warehouses
etc.

(2) Notwithstanding that under this section the power to levy any rates for which statutory maxima are fixed by the Felixstowe Dock and Railway Acts 1879 to 1923 is transferred by the Company to some other person the rates in respect of which the power to levy is so transferred shall for the purposes of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 be deemed to be charges (within the meaning of the said Act of 1954) which the Company are for the time being authorised to demand and take in pursuance of the said Acts and in connection with any application for the revision of such rates the provisions of the said section 6 shall apply as if the said power to levy had not been so transferred.

28. The Company may appoint and licence a sufficient number of persons to be meters and weighers.

Power to
appoint meters
and weighers.

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

Removal of
sunk stranded
or abandoned
vessels.

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

Provided that the Company shall before selling any such cargo goods chattels or effects as aforesaid pay all duties of customs or excise and purchase tax payable to Her Majesty and surcharge in respect of sugar or molasses in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties of customs or excise and purchase tax

PART II
—cont.

and surcharge in respect of sugar or molasses so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

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

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

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

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

(a) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by or on behalf of the Company for the purpose of preventing interference with navigation; and

(b) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal be not completed within seven days after the giving of such notice by the owner such notice

shall be null and void and the Company shall be at liberty to cause the vessel to be raised removed blown up or destroyed in accordance with the provisions of this section as if the owner had not given such notice.

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

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

(8) (a) In this and the following section the expression "owner" in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of that vessel at the time of the sinking stranding or abandonment thereof.

(b) For the purposes of this subsection where a ship is registered under the Merchant Shipping Act 1894 or under any corresponding provision of the law of any country other than the United Kingdom the registered owner of the ship at the time of the sinking stranding or abandonment thereof shall be deemed to be the owner thereof at that time.

(9) The Company shall (except in any case which in their opinion is a case of emergency) before raising removing blowing up or destroying any vessel under the provisions of this section give to the Postmaster-General in writing as long notice as is practicable of their intention so to do.

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

(11) Except for the purpose of removing any obstruction to the dock nothing in this section shall entitle the Company to remove any wreck (as defined in section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the Receiver of Wrecks under the provisions of Part IX of the said Merchant Shipping Act and if the Company shall for any purpose as aforesaid remove any such wreck they shall (without prejudice to the

PART II
—cont.

rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.

(12) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her Majesty or held by any person on behalf of or for the benefit of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for any expenses incurred by the Company except where such consent is given as is provided for in section 30 (As to vessels in which the Crown have an interest) of this Act and the vessel was not such a vessel as aforesaid at the time of its sinking stranding or abandonment.

30.—(1) The Company shall before taking possession of raising removing blowing up or destroying any vessel sunk stranded or abandoned under the powers conferred upon them by this Act or by any other enactment give to the Admiralty and to the Minister notice in writing of their intention so to do and if within fourteen days after the receipt of such notice the Admiralty or the Minister gives to the Company—

(a) a certificate that the vessel was sunk stranded or abandoned by a person acting on behalf of Her Majesty or otherwise by an officer or servant of the Crown acting in the course of his duty as such and that it is not in the national interest that the Company should take possession of the vessel or that the vessel should be raised removed or blown up or destroyed; or

(b) a notice that the exercise by the Company of the rights of recovery conferred by subsection (2) of section 29 (Removal of sunk stranded or abandoned vessels) of this Act would render the Crown liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for all or a substantial proportion of the expense incurred by the Company;

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

Provided that in any case which in their opinion is a case of emergency the Company may take possession of raise remove blow up or destroy any vessel without giving notice of their intention so to do to the Admiralty or to the Minister and

As to vessels
in which the
Crown have
an interest.

in that event the Company shall not be entitled to recover from any person the expenses incurred by them in so doing if the effect of such recovery would be to render the Crown so liable.

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

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

PART II
—cont.

Extension of
section 83 of
Harbours
Clauses Act.

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

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

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

32. The dock master may prevent the removal or sailing from dock of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector.

Dock master
may prevent
sailing of
vessels.

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

Directions of
dock master.

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

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

34. Section 53 of the Harbours Clauses Act in its application to the Company and the dock master shall not be construed to require the dock master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such

Orders of dock
master need
not be in
writing.

PART II
—cont.

master but a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.

Power to enter
into working
agreements
with
commission.

35. The Company and the British Transport Commission (hereinafter in this and the next succeeding section referred to as "the commission") may from time to time enter into and carry into effect and rescind contracts agreements or arrangements with respect to the purposes hereinafter mentioned or any of them but subject so far as such purposes are purposes within the meaning of Part III of the Railway Clauses Act 1863 to the provisions of that Part of that Act (that is to say):—

The working use management and maintenance by the Company and the commission or either of them of their respective undertakings and works or any part or parts thereof respectively;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the undertakings of the Company and the commission or either of them;

The supply and maintenance under any agreement for the railway being worked and used by the commission of engines stock and plant necessary for the purposes of such agreement;

The erection formation and providing by the Company and the commission or either of them of wharves piers landing places stairs tramways sidings accommodation works buildings and conveniences upon or in connection with their respective undertakings and the maintenance use and repair thereof;

The fixing collection payment appropriation apportionment and distribution of the rates income and profits arising from the respective undertakings and works of the Company and the commission or either of them or any part thereof;

The payments allowances drawbacks or rebates to be made by either the Company or the commission to the other of them; and

The employment of officers and servants.

Rates on
traffic con-
veyed partly
on railway
and partly on
railway
undertaking
of commission.

36. During the continuance of any agreement to be entered into under the last foregoing section of this Act for the working or use of the railway or any part thereof by the commission the railway and the railway undertaking of the commission shall for the purposes of short-distance tolls and charges be considered as one railway and in estimating the amount of

tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway undertaking of the commission for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles tolls and charges as for a quarter of a mile only and no other short-distance charge shall be made for the conveyance of passengers animals or goods partly on the railway and partly on the railway undertaking of the commission.

37. Subject to the provisions of this Part of this Act empowering the Company to construct the new works and any works constructed for the purposes thereof or in connection therewith nothing therein shall affect the rights powers obligations or duties of the Harwich Harbour Conservancy Board under the Harwich Harbour Acts and Orders 1863 to 1949. Saving for Harwich Harbour Conservancy Board.

PART III

LANDS

38.—(1) 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 purpose of the new works or for the purpose of obtaining access thereto. Power to acquire lands.

(2) The power of the Company for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October one thousand nine hundred and fifty-six.

39.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Company after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county in which the land is situated for the correction thereof. Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the council of the county of East Suffolk and a copy thereof shall be deposited with every clerk of a local authority and

PART III
—cont.

chairman of a parish council or parish meeting with whom a copy of the deposited plans has been deposited in accordance with the Standing Orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Company to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

Power to
expedite entry.

40. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act but not less than one month after giving to the owner and occupier of the land notice of their intention to exercise the powers of this section the Company may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 :

Provided that the Company shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter
for survey or
valuation.

41. Any person acting on behalf of the Company and duly authorised by the secretary of the Company may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land :

Provided that no land shall be entered under this section unless the Company not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land in manner provided by section 285 of the Public Health Act 1936.

Disregard of
recent
improvements
and interests.

42. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty-five ; or

(b) any interest in the land created after the said date ;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

43.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

PART III
—cont.

Extinction of
private rights
of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Company compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

44.—(1) In addition to their powers under section 20 of the Harbours Clauses Act and section 45 of the Railways Clauses Consolidation Act 1845 and notwithstanding any restrictions imposed by those sections the Company shall have power under this section to acquire land by agreement whether by way of purchase lease or exchange for any of the purposes of the undertaking.

Power of
Company to
acquire land
by agreement.

(2) Without prejudice to the generality of the foregoing subsection the Company may acquire land thereunder for the purpose of erecting houses and other buildings thereon for the use of persons employed by them for the purposes of the undertaking.

(3) The Lands Clauses Acts except the provisions relating to the acquisition of land otherwise than by agreement and the provisions relating to access to the special Act and except sections ninety-nine to one hundred and seven and sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act 1845 are hereby incorporated with the foregoing provisions of this section and in construing those Acts those provisions shall be deemed to be the special Act and the word "land" shall have the meaning assigned to it in this Act.

45.—(1) The Company may notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or any enactment from time to time relating to the Company retain hold or use and from time to time for such considerations at such rents and upon such terms (pecuniary or otherwise) and conditions as they may from time to time think fit sell exchange or lease any lands from time to time belonging to them and which in the opinion of the Company may not be for the time being required for the purposes of the undertaking and (for such term or period as they may think proper) lease or grant the use or occupation of or easements or rights over or affecting any warehouses buildings wharves yards cranes machines or other works or conveniences for the time being belonging to or provided by them.

Power to sell
and lease lands
etc.

(2) Nothing in this section shall release the Company or any person purchasing or acquiring any land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which the land has been

PART III
—cont.

conveyed or leased to or otherwise acquired by the Company or any persons from or through whom the Company have derived title to it.

Grant of
easements by
persons under
disability.

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

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

PART IV

RATES

Rates.

47.—(1) The rates which the Company were immediately before the coming into operation of the Felixstowe Dock and Railway (Increase of Charges) Order 1954 authorised to levy demand receive and recover under or by virtue of section 4 (Power to levy rates) of and Parts 1 and 2 of the First Schedule to the Felixstowe Dock and Railway Act of 1923 shall be increased by one hundred per centum of the respective amounts thereof:

Provided that nothing in this subsection shall interfere with or affect any rights of the Company with reference to the amount of any rates leviable or chargeable by them for which no maxima are prescribed by the Felixstowe Dock and Railway Acts 1879 to 1923.

(2) The Felixstowe Dock and Railway (Increase of Charges) Order 1954 is hereby revoked.

Company may
charge for
unloading
warehousing
etc.

48.—(1) The Company may charge such reasonable rates as they from time to time determine for shipping or unshipping or otherwise handling or for warehousing any goods of whatever description which may be shipped or landed at the dock or warehoused in premises of the Company and for any services rendered by the Company in connection therewith:

Provided that in the case of any such rates as are referred to in Parts 3 4 5 and 6 of the First Schedule to the Felixstowe Dock and Railway Act 1923 nothing in this section shall empower the Company to charge any rates exceeding those prescribed by the said Parts respectively.

(2) Any rates charged by the Company under this section may be recoverable from the owner of the vessel or other person responsible therefor.

49. The schedule of charges applied by the Railway Rates Tribunal to the London and North Eastern Railway Company under section 31 of the Railways Act 1921 and subsequently applied under section 33 of that Act to the Company as subsequently modified by or under any enactment (whether before or after the passing of this Act) shall continue to apply to the Company and the Company may charge and shall be deemed always to have had power to charge for all services rendered or facilities provided in respect of which the charges are fixed by the said schedule charges not exceeding those appearing in the said schedule as so modified :

PART IV
—cont.

As to railway
charges.

Provided that nothing in this section shall prejudice or affect the power of the Minister to make regulations under section 82 of the Transport Act 1947 or to make an order under section 3 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954.

50. In addition to the remedy given by section 44 of the Harbours Clauses Act and whether the demand required by that Act has been made or not the Company may recover any rates which by any enactment from time to time relating to the Company they are authorised to demand and take as a debt in any court of competent jurisdiction.

Recovery
of rates.

PART V

FINANCE

51.—(1) As from the date of conversion the existing share capital shall be converted into one hundred and forty thousand pounds of stock to be called “ordinary stock” and ranking in all respects as one and the same class of stock and conferring on the holders thereof the same rights in all respects inter se.

Conversion
of existing
ordinary
capital.

(2) As on the date of conversion there shall be created by virtue of this section one hundred and forty thousand pounds of ordinary stock and the ordinary stock so created shall be deemed to be fully paid up and shall be divided among and shall as from the date of conversion but subject to the provisions of section 53 (Certificates to be called in and others issued) of this Act be vested without payment in the persons who immediately before the date of conversion are entitled to be the holders of the existing share capital according to their respective holdings at the following rates :—

For each original share ten pounds of ordinary stock ;

For each new share five pounds of ordinary stock.

(3) The ordinary stock so to be created and divided as aforesaid shall as soon as practicable after the date of conversion be registered in the books of the Company in the respective names of the persons entitled thereto and shall rank for dividend as

PART V
—cont.

from the date of conversion and the existing share capital shall cease to bear any dividend in respect of any period other than the period between the last period for which a dividend was paid by the Company before the date of conversion and the date of conversion.

Ordinary
stock to be
held on same
trusts etc.
as existing
share capital.

52. All ordinary stock of which the holders of shares in the existing share capital are pursuant to the foregoing provisions of this Act registered as holders shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the shares in the existing share capital for which the ordinary stock is substituted were held immediately before the date of conversion and shall be dealt with applied and disposed of accordingly and so as to give effect to and not revoke any deed will or other instrument disposing of or affecting any shares in the existing share capital and trustees executors administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the ordinary stock of which they are pursuant to the foregoing provisions of this Act registered as holders in substitution for the shares in the existing share capital held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such shares in the existing share capital.

Certificates to
be called in
and others
issued.

53.—(1) The Company shall call in and cancel the certificates of the shares in the existing share capital and shall issue in exchange for those certificates to the respective holders thereof free of charge certificates of ordinary stock to the amount to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate or to receive any amount by way of dividend on the amount of ordinary stock to which he would otherwise be entitled until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction of such existing certificate and shall have given such guarantee or indemnity in respect thereof as the directors may require:

Provided that subject to the provisions of this section until the issue of a new certificate the holders of existing certificates shall according to the amount of ordinary stock to be issued by virtue of this Act for the shares in the existing share capital and to which such existing certificates respectively relate have and possess the same rights and privileges as if such existing certificates were certificates for the amount of ordinary stock so to be issued.

(2) In the event of the holder of any shares in the existing share capital failing to deliver to the Company the existing certificate or proving to the reasonable satisfaction of the directors that it has been lost and giving such guarantee or indemnity as aforesaid the Company shall pay the amount of ordinary stock to which he is entitled under the provisions of this Act into court as if the said amount and sum (if any) belonged to a trust of which they were trustees and on payment into court as aforesaid the Company shall cause a notice to be sent by post in a registered letter to such holder stating that such amount has been placed to his credit as aforesaid.

54.—(1) (a) The register of transfers of the shares in the existing share capital shall be closed during the period of fourteen days immediately before the date of conversion. Closing of
transfer books
before issue
of substituted
stock.

(b) The Company shall give not less than seven days' notice of the closing of the said register by advertisement in one or more local newspapers circulating in the immediate vicinity of the dock.

(2) Any transfer of shares in the existing share capital made during the time when the registers of transfers are closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequent to the date of conversion.

55.—(1) Notwithstanding anything in this Act the Company shall continue to be authorised from time to time after the date of conversion for the purposes of the undertaking to raise capital (hereinafter in this Act referred to as "the unissued capital") to an amount not exceeding in the whole the sum of ten thousand pounds by the creation and issue of further amounts of ordinary stock or by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes and any such share capital so raised shall for the purposes of section 57 (Additional share capital to be part of general capital) of this Act be deemed to be part of the additional capital authorised by this Act. As to
unexercised
powers of
raising capital.

(2) It shall not be lawful for the Company to create any greater nominal amount of share capital for the purposes of this section than shall be sufficient to produce including any premiums and allowing for any discounts which may be obtained or allowed on the issue thereof the sum of ten thousand pounds.

56.—(1) In addition to the unissued capital the Company may from time to time raise additional capital not exceeding in the whole four hundred and thirty-three thousand pounds such additional capital being raised partly by the creation and issue of share capital and partly either by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock in accordance with the following provisions of this section. Additional
capital.

PART V
—cont.

(2) (a) The Company may from time to time after the date of conversion raise additional share capital not exceeding in the whole one hundred and forty-one thousand five hundred pounds by the creation and issue of further amounts of ordinary stock or by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by one or more of those modes.

(b) It shall not be lawful for the Company to create and issue under the powers of this subsection any greater nominal amount of share capital than shall be sufficient to produce including any premiums and allowing for any discounts which may be obtained or allowed on the issue thereof one hundred and forty-one thousand five hundred pounds.

(3) (a) The Company may without obtaining a certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845 raise for the purposes of the undertaking either by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock or by both of those modes or partly by one and partly by the other any additional sum or sums of money not exceeding in the whole the aggregate of the following amounts:—

- (i) one hundred and forty thousand pounds being a sum equal to the amount of the ordinary stock created by section 51 (Conversion of existing ordinary capital) of this Act;
- (ii) a sum equal to the amount of the unissued capital (including premiums and allowing for discounts) which at the time of the calculation has been raised by the Company;
- (iii) a sum equal to the amount of the capital (including premiums and allowing for discounts) which at the time of the calculation has been raised by the Company under subsection (2) of this section by the creation and issue of additional share capital.

(b) The powers conferred by this subsection shall be without prejudice to the right of the Company to reborrow from time to time any amounts which having been raised by borrowing on mortgage or by the creation and issue of redeemable debenture stock are thereafter paid off.

Additional
share capital
to be part of
general capital.

57. The additional share capital authorised by subsection (2) of section 56 (Additional capital) of this Act shall form part of the general share capital of the Company and save as is otherwise expressly provided by the terms of issue thereof the holders thereof respectively in proportion to the amount of their shares or stock shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents in all respects as

holders of share capital of the Company of the same class or description.

58.—(1) Any share capital created after the passing of this Act may subject to the terms of the resolution by which it was created be issued at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company. Issue of new capital.

(2) The Company shall not issue any share of less value than one pound.

59. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended in its application to the Company but notwithstanding anything therein contained the interest of all debenture stock created and issued by the Company under any previous Act or 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 Act or resolutions by which the debenture stock was authorised). Debenture stock.

Notice of the effect of this enactment shall be endorsed on all certificates of debenture stock issued after the passing of this Act.

60. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of the Act of 1879 and subsisting at the passing of this Act shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act. Priority of principal moneys secured by existing mortgages.

61.—(1) Notwithstanding anything in the last two foregoing sections of this Act the existing debentures shall so long as they subsist have priority both as to the principal moneys secured thereby and as to the interest payable thereon over any mortgages granted or debenture stock created and issued by the Company under this Act. Saving for certain redeemable debentures.

(2) The Company shall not be required to obtain the consent of any registered holder of the existing debentures to the granting of any such mortgage or to the creation and issue of any such debenture stock as aforesaid and accordingly paragraph (e) of clause 4 of the conditions subject to which the existing debentures were issued is hereby revoked.

(3) In this section “the existing debentures” means the debentures carrying interest at the rate of four and one-half per cent. per annum and redeemable by the Company on the sixteenth day of March nineteen hundred and seventy-five which were issued by the Company on the sixteenth day of March nineteen hundred and fifty-five.

PART V

—cont.

Priority of
mortgages and
debenture
stock over
other debts.

62. All money to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of the Act of 1879 or 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 of this Act:

Provided 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 or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Appointment
of receiver.

63. The mortgagees of the undertaking may enforce payment 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 one-tenth of the amount for the time being borrowed by the Company.

Application
of money.

64.—(1) All money raised under the Felixstowe Dock and Railway Acts 1879 to 1956 including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of share capital under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise under the Felixstowe Dock and Railway Acts 1879 to 1956.

Redeemable
preference
shares and
stock and
debenture
stock.

65.—(1) In this section unless the context otherwise requires—

“stock” means preference stock and debenture stock;

“preference stock” includes preference shares;

“issue” includes reissue;

“redeemable stock” means stock issued under the powers of this section so as to be redeemable;

“redeemed stock” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act and any redeemed stock:

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of a general meeting of the Company.

(3) Redeemable stock may be redeemed out of revenue or out of capital and such redemption may be effected by purchase as provided for in subsection (8) of this section or by paying off the stock or by issuing to the holder of the stock other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit:

Provided that—

- (i) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that particular class which the Company are for the time being authorised to create except during an interval of three months between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued ;
- (ii) during such interval as aforesaid the amount raised by means of any stock so created or issued shall for the purpose of any enactment regulating the borrowing powers of the Company be deemed not to have been raised.

(4) The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage or debenture stock if the grant or issue thereof by the Company was lawful in the circumstances existing at the date of grant or issue.

(5) Redeemable stock shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine:

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for subscription and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) Any discount allowed on the issue or any premium payable on the redemption of any redeemable stock may be written off out of revenue.

PART V
—cont.

(7) For the purpose of any enactment relating to stamp duty the share capital of the undertaking shall be deemed not to have been increased by the issue or in the case of the creation of new stock under subsection (3) of this section by the creation and issue of share capital in pursuance of this section for the purpose of redeeming preference stock except to such extent (if any) as the aggregate nominal amount of any share capital issued or created and issued as aforesaid shall exceed the nominal amount of the preference stock to be redeemed so long as the preference stock to be redeemed is redeemed before the expiration of such an interval as is mentioned in the provisos to subsection (3) of this section.

(8) (a) The Company may from time to time set aside out of revenue after providing for the payment of interest on any mortgages debentures or debenture stock and for other fixed charges and obligations such sums as the Company consider proper for the purpose of redeeming any redeemable stock and which under the terms of the issue thereof is redeemable wholly or partly in cash and the Company may invest any sums so set apart and the income thereof in any securities (not being securities of the Company).

(b) All sums so set aside shall be applied in or towards the redemption of any redeemable stock for the redemption of which they may have been so set aside or may if the directors think fit be at any time applied in the purchase of any such redeemable stock at a price not exceeding the redemption price.

Company
may incur
temporary
loans.

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

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

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

Payment of
interest out
of capital.

67.—(1) Where under the authority of this Act the Company have raised money by the issue of preference share capital for the purpose of defraying the expense of the construction of the new works and any other work which they are for the time being authorised to construct and from which revenue may be derived after its construction (hereinafter in this section referred to as a "specified work") the Company may notwithstanding anything in the Felixstowe Dock and Railway Acts 1879 to 1923 pay and charge to capital account interest on so much of that share capital as is for the time being paid up at such rate not exceeding

(except with the consent of the Minister) five pounds per centum per annum as the directors may determine but subject however to the conditions hereinafter stated (that is to say):—

- (a) no such interest shall be paid otherwise than in respect of a period of five years from the commencement of the construction of the work ;
- (b) the payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid ;
- (c) no such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear ;
- (d) the aggregate amount to be so paid for interest shall not exceed one-fifth of the preference capital for the time being issued for the purpose aforesaid and paid up and the amount so paid shall not be deemed capital in respect of which the borrowing powers of the Company may be exercised ;
- (e) notice that the Company have power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares ;
- (f) the annual accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

(2) The Company may charge to capital account the interest accruing during the period of five years from the commencement of the construction of a specified work or such less period as the directors may determine on all or any moneys borrowed under the powers of this Act or raised by the issue of debenture stock under the powers of this Act for the construction of such specified work.

(3) Save as hereinbefore set forth no dividend or interest shall be paid out of capital 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.

68. The Company may in pursuance of a resolution of the Company passed at a special meeting convened for the purpose by proprietors present in person or by proxy holding at least three-fourths of the paid-up capital of the Company represented by the votes at such meeting and with the consent of the holder of any such debenture stock redeem the whole or any part of any issue of debenture stock issued under the powers of this Act but without prejudice to the powers of the Company from time

Power to
redeem
perpetual
debenture
stock.

PART V
—cont.

to time to reborrow under the powers of this Act any sum or sums of money in respect of the debenture stock so redeemed or paid off so long as the creation and reissue for the purposes aforesaid of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create.

Power to pay
underwriting
commission
and brokerage.

69.—(1) The Company shall have power and shall be deemed always to have had power to pay a commission to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any share or loan capital to be offered for subscription by the Company or his procuring or agreeing to procure subscriptions whether absolute or conditional therefor if—

(a) the commission paid or agreed to be paid does not exceed three per centum or if the Minister consents five per centum of the price at which the capital is issued; and

(b) the amount or rate per centum of the commission paid or agreed to be paid is disclosed in every prospectus advertisement or other document published by the Company relating to the offer of the capital for subscription.

(2) The Company shall have power and be deemed always to have had power to pay such brokerage as is customary.

(3) The powers conferred on the Company by this section may be exercised by the directors.

Modification
of share-
holders'
rights.

70.—(1) Notwithstanding anything in any other enactment relating to the Company if at any time more than one class of share capital has been issued by the Company the rights attaching to any class (unless otherwise provided by the terms of issue of the shares of that class) may whether or not the Company is being wound up be varied with the consent in writing of the holders of three-fourths of the nominal value of the shares of that class which are then in issue or with the sanction of a resolution passed by a majority of not less than three-fourths of the holders of such shares as being entitled so to do vote in person or by proxy at a separate general meeting of the holders of the shares of that class.

(2) The provisions of the Companies Clauses Consolidation Act 1845 and of this Act relating to the holding of general meetings of the Company shall apply mutatis mutandis to a general meeting of holders of any separate class of share capital as if it were a general meeting of the Company but the necessary quorum shall be two persons holding either in person or by proxy one-third of the issued shares of the class and any holder of the shares present in person or by proxy may demand a poll.

(3) Section 72 of the Companies Act 1948 shall apply in relation to the exercise by the Company of the powers of subsection (1) of this section as if the Company were a company to which that section applies.

71.—(1) In order to provide or facilitate the provision of funds for the establishment carrying on or extension by any other company of any undertaking business or activity which the Company are themselves for the time being authorised to carry on or which is connected with or ancillary to any of the objects of the undertaking being in every case an undertaking business or activity which is likely to increase the traffic in the dock or on the railway and which is carried on in the urban district of Felixstowe and to the extent requisite therefor the Company shall be entitled and shall be deemed always to have been entitled to subscribe for purchase take up and hold or dispose of any shares stock mortgages debentures or debenture stock of and to lend money to such company and may in respect of any such stock shares mortgages debentures or debenture stock for the time being held by them exercise either by themselves or through some person nominated by the directors for the purpose all or any of the rights exercisable by an individual holder of such shares stock mortgages debentures or debenture stock.

Power to invest etc. in associated companies.

(2) The Company may apply for the purposes of this section any money which they have raised or are authorised to raise or any of their funds except money carried to depreciation account or maintenance renewal or insurance funds in the accounts of the Company.

(3) The accounts of the Company for each year shall contain particulars of any investments made by them under this section and of the income derived from such investments.

72. In making any order under section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 the Minister shall disregard any investment or loan made by the Company under section 71 (Power to invest etc. in associated companies) of this Act and any payment made under either section 99 (Power to grant pensions etc.) or section 100 (Superannuation scheme) of this Act to or on account of any person in respect of his office as a director of or his employment with an associated company and in estimating the financial position and future prospects of the undertaking under subsection (3) of the said section 6 no profits or losses which the Company may have made or be likely to make from any such investment or loan made by the Company under the said section 71 and no such existing or contingent liabilities of the Company under either the said section 99 or the said section 100 of this Act as are hereinbefore in this section referred to shall be taken into account.

Minister to exclude certain transactions for purposes of orders under section 6 of Transport Charges &c. (Miscellaneous Provisions) Act 1954.

PART V
—cont.Minimum
holdings of
stock and
debenture
stock.

73. All ordinary and preference stock and debenture stock of the Company shall be issued and be held in amounts of one pound or of a multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of any ordinary or preference stock or debenture stock which would make the holding (if any) of the transferor or transferee an amount other than one pound or a multiple of one pound of ordinary or preference stock or debenture stock.

Voting rights.

74.—(1) At every general meeting of the Company (whether ordinary or extraordinary) every holder of share capital entitled to attend and vote thereat shall on a show of hands be entitled to one vote and on a poll to one vote for each complete one pound of the nominal value of such capital.

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

Annual
accounts to
be sent to
Minister.

75.—(1) The Company shall within three months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Minister and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such accounts.

(2) The Company shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every refusal or neglect to comply with the foregoing provisions.

PART VI

ADMINISTRATION

Notices of
meetings.

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

Provided that—

- (a) any such letter shall be directed according to the registered address of each shareholder and posted not later than seven clear days before the date of the meeting; and
- (b) in proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and posted as a prepaid letter not later than the time prescribed by this section.

77. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 or in any enactment relating to the Company the ordinary general meeting of the Company shall be held in each year in the month of March or at such other times and at such place as the directors may from time to time appoint and it shall not be obligatory on the Company to hold half-yearly meetings or to balance their accounts or to make up a balance sheet half-yearly.

Annual
general
meeting and
yearly
accounts.

78. The quorum for a general meeting of the Company (whether ordinary or extraordinary) shall be proprietors of the Company holding in the aggregate not less than five thousand pounds in nominal value of the share capital of the Company to which voting rights are attached and being present in person in number not less than five.

Quorum for
General
meetings.

79. At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded then a declaration by the chairman that the resolution has been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

Proof of
majority of
votes.

80. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

Register of
shareholders
and share-
holders'
address book.

(a) to keep separately a register of shareholders and a shareholders' address book if in lieu thereof the Company keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

81. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Company may substitute for the shareholders' address book provided under that section or for the portion of any register which the Company may keep under section 80 (Register of shareholders and shareholders' address book) of this Act containing such particulars as are required by the said Act to be entered in the shareholders' address book a card or other index (of a type to be approved by the auditors of the Company) containing the names and addresses of the several shareholders of the Company and the said section 10 in its application to the Company shall be read and have effect accordingly.

Substitution
of card index
for share-
holders'
address book.

PART VI

—cont.

Addresses of
shareholders
etc. abroad.

82.—(1) Any registered holder of shares debenture stock or mortgages of the Company of any class whose address is not in Great Britain shall from time to time name an address within Great Britain which shall for the purposes of the Company be deemed to be the address of the holder and shall be entered in the appropriate register and it shall not be obligatory on the Company to send any notice to any such holder otherwise than to an address so named.

(2) In this section “the appropriate register” means—

(a) in relation to any shares—

(i) the shareholders’ address book ; or

(ii) the register which the Company may keep in lieu thereof under section 80 (Register of shareholders and shareholders’ address book) of this Act ;

(iii) the card or other index which the Company may keep in lieu of either the shareholders’ address book or the said register under section 81 (Substitution of card index for shareholders’ address book) of this Act ;

(b) in relation to any debenture stock the register of debenture stockholders kept by the Company pursuant to section 28 of the Companies Clauses Act 1863 ;

(c) in relation to any mortgages the register of mortgages kept by the Company pursuant to section 45 of the Companies Clauses Consolidation Act 1845.

Closing of
transfer books.

83.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend on any share capital of the Company and they may close the registers of transfers of debenture stock and mortgages of the Company for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and the directors may in any such case fix a day for the closing of any register which they are authorised to close under the provisions of this section. Seven clear days’ notice at least of the closing of any such register shall be given by advertisement in the newspaper which in the opinion of the directors is most suitable for bringing such closing to the attention of the shareholders.

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

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

PART VI
—cont.

Indemnity
before issue of
substituted
certificates
etc.

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

Joint holders.

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

Company not
bound to
regard trusts.

87.—(1) Notwithstanding anything in any enactment for the time being relating to the Company any contract or agreement required to be in writing and not under seal may be signed on behalf of the Company and by the secretary or other person appointed in that behalf by the directors.

Authentication
of contracts
and notices.

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

PART VI
—cont.

Directors.

88.—(1) The number of directors shall be not less than three nor more than eight.

(2) The qualification of a director shall be the possession in his own right of share capital of the Company to the nominal amount of not less than two hundred pounds.

(3) Every director who is not qualified at the time of his election as a director shall obtain his qualification within two months after his election. If any director does not within such two months obtain his qualification he shall vacate his office as director and shall be incapable of being re-elected a director until he has obtained his qualification.

(4) The quorum of a meeting of the directors shall be such number (not being less than two) as the directors may from time to time determine and in the absence of any such determination shall be two.

(5) 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 at a general meeting a director of the Company unless notice 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 principal office of the Company ten clear days at least before the day of election.

Continuing
directors.

89. The continuing directors may act notwithstanding any vacancy in their body but if at any time the number of the directors shall be less than three 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 that minimum.

Additional
directors.

90.—(1) The directors shall have power to appoint one or more persons as an additional director or additional directors who shall retire from office at the next ordinary meeting but shall be eligible for election at that meeting as an additional director or additional directors. Provided that no person shall be appointed an additional director under this section if his appointment would make the number of directors more than eight.

(2) For the purposes of the provisions of the Companies Clauses Consolidation Act 1845 relating to the retirement of directors by rotation the term of office of a person who is appointed an additional director under subsection (1) of this section and is elected as an additional director at the next ordinary meeting after such appointment shall be deemed to have commenced at that ordinary meeting.

Quorum of
committees.

91. The directors may from time to time prescribe the number of directors constituting the quorum of any committee appointed by them.

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

Exercise of minor powers by one director.

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

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

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

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

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

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

Provided that—

(a) this subsection shall not apply to—

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

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

PART VI
—cont.

(iii) the exercise of the powers conferred upon the directors by section 99 (Power to grant pensions etc.) and section 100 (Superannuation scheme) of this Act notwithstanding that the director is or may be interested therein ;

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

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

Appointment
of directors
to hold
other offices.

94. Notwithstanding anything in the Companies Clauses Consolidation Act 1845—

(a) the directors may from time to time appoint one or more of their number to the office of managing director or to any other executive office or position under the Company (other than that of auditor) for such period and on such terms as the directors may determine and (subject to the provisions of any agreement entered into in any particular case) may revoke such appointment ;

(b) (i) the appointment of a director to the office of managing director shall (without prejudice to any claim he may have for damages for breach of any contract of service between him and the Company) ipso facto determine if he cease from any cause to be a director ;

(ii) the appointment of a director to any executive office or position under the Company (other than that of managing director) shall not (subject to the provisions of any agreement entered into in any particular case) determine by reason of the fact that such director ceases to be a director of the Company ;

(c) a director so appointed to the office of managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors ;

(d) a director so appointed to the office of managing director or other executive office or position under the Company shall receive such remuneration (whether by way of salary commission or participation in profits or otherwise) as the directors may from time to time determine

and such remuneration shall be either in addition to or in lieu of his remuneration (if any) as a director ;

PART VI
—cont.

- (e) the directors may entrust to and confer upon a director so appointed to the office of managing director or other executive office or position under the Company any of the powers exercisable by the directors (other than the powers to borrow money or to make calls) upon such terms and conditions and with such restrictions as the directors think fit and either collaterally with or to the exclusion of the powers conferred upon the directors and may from time to time (subject to the terms of any agreement entered into in any particular case) revoke withdraw alter or vary all or any of such powers.

95. If any money is payable to a shareholder debenture stockholder or mortgagee being a minor the receipt of his guardian shall be a sufficient discharge to the Company. Receipt in case of minors.

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

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

98.—(1) The Company shall annually appoint one or more persons or a firm of accountants to be the auditor or auditors of the Company :

Provided that no person or firm shall be qualified for appointment as auditor unless he is a member or in the case of a firm unless all the partners are members of one or more of the following bodies :—

The Institute of Chartered Accountants in England and Wales ;

The Society of Incorporated Accountants ;

The Institute of Chartered Accountants of Scotland ;

The Association of Certified and Corporate Accountants ;

The Institute of Chartered Accountants in Ireland ;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act 1948 by the Board of Trade.

(2) It shall not be necessary for any auditor of the Company to hold any shares in the capital of the Company.

PART VI
—cont.

(3) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company not less than seven clear days before the date of the meeting that such a person will be proposed for election as auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor or auditors and during the seven days and day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(4) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

PART VII

MISCELLANEOUS AND GENERAL

Power to
grant pensions
etc.

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

(2) In the event of no superannuation scheme being established under the next succeeding section of this Act the directors may make such payments as they think fit to any superannuation fund otherwise formed for the benefit of the employees.

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

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

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

(6) (a) In this and the next succeeding section "employee" includes—

- (i) a director appointed under section 94 (Appointment of directors to hold other offices) of this Act to the office of managing director or to some other executive office or position as provided in that section or a director of an associated company who holds or has held any such office or position in that company; and

(ii) a person who was formerly in the employment of the Company or who is or was in the employment of an associated company.

PART VII
—cont.

(b) Any payment or allowance made to or benefit received by a director under either this or the next succeeding section of this Act may be retained by the director and his right so to do shall not be affected by his having been appointed or continuing in office as a director or receiving remuneration as such after the date on which the payment allowance or benefit becomes payable.

100.—(1) The directors may establish and carry into effect and from time to time modify alter or rescind a scheme or schemes for the provision of superannuation allowances for employees or for any class or classes of employees and may by any such scheme provide for the making of contributions by the Company and by the employees to the superannuation fund formed under any such scheme and for the investment of moneys forming part of such fund and the accumulation of interest or dividends on such investments by way of compound interest: Super-annuation scheme.

Provided that no modification alteration or rescission of any such scheme shall place any person who at the date of such modification alteration or rescission is a contributor to the fund or entitled under such scheme to a superannuation allowance in a worse position than he would have been if such modification alteration or rescission had not been made.

(2) No superannuation fund established under this section shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

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

101. The provisions of subsections (2) to (7) of section 250 and sections 251 and 252 of the Local Government Act 1933 shall apply to all byelaws to be made by the Company under the provisions of this Act (except byelaws which relate solely to the Company their officers or servants) as if the Company were a local authority and for the purposes of such application the Minister shall be the confirming authority. Byelaws.

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

PART VII

—cont.

Repeal.

103.—(1) The provisions of the Felixstowe Railway and Pier Act 1875 and of the Felixstowe Dock and Railway Acts 1879 to 1923 mentioned in Part I of the Third Schedule to this Act (so far as not already repealed) are hereby repealed.

(2) The provisions of the said Act of 1875 and of the Act of 1879 mentioned in Part II of the said schedule are repealed as from the date of conversion.

Crown rights.

104. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing 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 description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

For protection
of E. Marriage
& Son Ltd.

105.—(1) Nothing in this Act or in any Act incorporated therewith or in any byelaws made under or by virtue of this Act or any Act incorporated therewith shall override or in any way prejudice alter or affect any of the provisions of the mill lease the road toll agreement or the silo lease or empower the Company to impose on Marriage's or other the lessee for the time being under the mill lease or levy in respect of any goods or vessels used in connection with or for the purposes of the business from time to time carried on by Marriage's or other lessee as aforesaid any rates which the Company were not immediately before the passing of this Act entitled so to impose or levy.

(2) In this section—

“Marriage's” means E. Marriage & Son Limited ;

“the mill lease” means the lease dated the twelfth day of April nineteen hundred and six made between the Company of the one part and Marriage's of the other part as for the time being in force and includes any agreement varying the said lease ;

“the road toll agreement” means the agreement dated the twenty-second day of October nineteen hundred and fifty-four made between the Company and Marriage's as for the time being in force and includes any agreement made between the parties extending the said agreement or in substitution therefor ;

“the silo lease” means the lease dated the twenty-second day of October nineteen hundred and fifty-four made between the Company of the one part and Marriage's of the other part as for the time being in force and includes any agreement varying the said lease.

106. Except so far as may be expressly provided by this Act nothing therein shall prejudice or affect any estate right interest or privilege of George Marcus Tomline Pretymán his heirs or assigns.

PART VII
—cont.

Saving for
Mr. G. M. T.
Pretymán.

107. Where under this Act any question difference or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them) and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to the reference and determination.

Arbitration.

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

Saving for
town and
country
planning.

109. It shall not be lawful to exercise the powers of borrowing or raising capital conferred by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for
powers of
Treasury.

110. The costs charges and expenses preliminary to and of and incidental to the applying for and the preparing obtaining and passing of this Act shall be paid by the Company.

Costs of Act.

SCHEDULES

FIRST SCHEDULE

LIMITS OF THE DOCK

(1) An area bounded by an imaginary line commencing at the point at which latitude $51^{\circ} 56' 50.10''$ north intersects longitude $1^{\circ} 19' 10.00''$ east thence in a north-easterly direction along the northern boundary fence of the Felixstowe branch railway of the British Transport Commission (Eastern Region) to the point at which latitude $51^{\circ} 56' 54.50''$ north intersects longitude $1^{\circ} 19' 37.40''$ east thence along the south-westerly boundary of enclosure No. 211 in a north-westerly direction to the point at which latitude $51^{\circ} 56' 56.60''$ north intersects longitude $1^{\circ} 19' 31.00''$ east thence in a north-easterly direction to the point at which latitude $51^{\circ} 56' 57.60''$ north intersects longitude $1^{\circ} 19' 31.60''$ east thence in a north-westerly direction to the point at which latitude $51^{\circ} 56' 57.80''$ north intersects longitude $1^{\circ} 19' 30.90''$ east thence in a north-easterly direction to the point at which latitude $51^{\circ} 56' 59.50''$ north intersects longitude $1^{\circ} 19' 31.80''$ east thence along the centre line of the drain or stream separating enclosures numbered 199 202 and 204 from enclosure numbered 208 to the point at which latitude $51^{\circ} 57' 04.25''$ north intersects longitude $1^{\circ} 19' 13.60''$ east thence in a westerly direction to the point at which latitude $51^{\circ} 57' 03.20''$ north intersects longitude $1^{\circ} 19' 08.20''$ east thence in a westerly direction to the point at which latitude $51^{\circ} 57' 03.20''$ north intersects longitude $1^{\circ} 18' 44.75''$ east thence in a south-easterly direction to the point at which latitude $51^{\circ} 56' 52.00''$ north intersects longitude $1^{\circ} 18' 51.30''$ east thence in an easterly direction to the point at which latitude $51^{\circ} 56' 52.00''$ north intersects longitude $1^{\circ} 19' 01.35''$ east thence in a south-easterly direction to the point at which latitude $51^{\circ} 56' 48.30''$ north intersects longitude $1^{\circ} 19' 03.80''$ east thence in an easterly direction to and terminating at the point of commencement :

Provided that the said area shall be deemed not to include the area coloured red on the plan signed in duplicate by I. C. Trelawny on behalf of the Company and by Cyril E. Cooper on behalf of Mr. George Marcus Tomline Pretymann one copy of which has been deposited with the Company and the other with the said Mr. George Marcus Tomline Pretymann.

(2) In this schedule references to the numbers of enclosures are references to the enclosures on the 1/2500 ordnance survey map (edition of 1926) Suffolk (East) sheet No. LXXXIX. 8.

SECOND SCHEDULE

DESCRIPTION OF THE FLIGHT FUNNEL REFERRED TO IN SECTION 22
(SAVING FOR SECRETARY OF STATE FOR AIR) OF THIS ACT

The air space bounded—

- (a) as to its base by an inclined plane commencing at a line at ordnance datum (Newlyn) joining the points latitude $51^{\circ} 57' 14''$ N. longitude $01^{\circ} 18' 40''$ E. and latitude $51^{\circ} 57' 02''$ longitude $01^{\circ} 18' 41''$ E. and rising in an easterly direction

at a gradient of 1 in 50 to the horizontal to a line joining the points latitude $51^{\circ} 57' 27''$ N. longitude $01^{\circ} 21' 18''$ E. and latitude $51^{\circ} 56' 48''$ N. longitude $01^{\circ} 21' 20''$ E.; and

- (b) On each side by planes rising outwards at a gradient of 1 in 7 to the horizontal normal to the northerly and southerly edges of the plane defined in paragraph (a) of this schedule.

2ND SCH.
—cont.

THIRD SCHEDULE

PART I

Provisions of the Felixstowe Railway and Pier Act 1875 the Felixstowe Railway and Pier (New Works and Additional Powers) Act 1876 and of the Felixstowe Dock and Railway Acts 1879 to 1923 repealed as from the passing of this Act

THE FELIXSTOWE RAILWAY AND PIER ACT 1875—

So much of section 2 (Provisions of certain general Acts incorporated) as incorporates the Companies Clauses Consolidation Act 1845 and the Companies Clauses Act 1863.

Section 4 (Company incorporated).

Section 10 (Receipt clause in case of persons not sui juris).

Section 15 (First ordinary meeting and quorum).

Section 16 (Number of directors).

Section 17 (Qualification of directors).

Section 18 (Quorum).

Section 19 (First directors).

Section 21 (Powers for compulsory purchases limited).

Section 26 (Deposit not to be repaid until line opened or half the capital paid up and expended).

Section 27 (Application of deposit).

Section 39 (Company and Great Eastern Railway Company may agree for certain purposes).

Section 40 (Tolls on traffic conveyed partly on the railway and partly on the Great Eastern Railway).

Section 47 (Making of tramways to be abandoned).

Section 48 (Compensation for damage to roads by promoters of tramways abandoned).

Section 49 (Providing for release of Felixstowe Tramway deposit with the Court of Chancery).

Section 50 (Providing for release of the Ipswich Tramway deposit with the Court of Chancery).

Section 55 (Interest not to be paid on calls paid up).

Section 56 (Deposits for future Bills not to be paid out of capital).

3RD SCH.
—cont.

THE FELIXSTOWE RAILWAY AND PIER (NEW WORKS AND ADDITIONAL
POWERS) ACT 1876—

The whole Act.

THE ACT OF 1879—

- Section 2 (Act to be read as one with former Acts).
- Section 3 (Incorporation of general Acts).
- So much of section 4 (Interpretation of terms) as defines
“superior courts” or “court of competent juris-
diction” or any other like expression.
- Section 5 (Company to abandon works authorised by 39 &
40 Vict. c. cxii).
- Section 6 (Compensation for damage to land by entry etc. for
purposes of works abandoned).
- Section 7 (Compensation to be made in respect of works
abandoned).
- Section 8 (Power to make works).
- Section 9 (Power to make subsidiary works).
- Section 10 (Power to divert water into dock etc.).
- Section 11 (Limits of deviation).
- Section 12 (Lights to be exhibited during construction of works
according to directions of Board of Trade).
- Section 13 (Company to light works).
- Section 14 (Abatement of works abandoned or decayed).
- Section 15 (Survey of work by Board of Trade).
- Section 16 (Company to dredge Harwich Harbour if silt
accumulated).
- Section 17 (Culvert to be constructed for carrying water pipe
belonging to the War Office under railway).
- Section 18 (In crossing Walton Creek Company to construct
culverts and other works).
- Section 19 (Lands for extraordinary purposes).
- Section 20 (Period for compulsory purchase of lands).
- Section 21 (Power to take easements etc. by agreement).
- Section 22 (Power to lease warehouses etc.).
- Section 23 (Power to grant building and improved leases).
- Section 24 (Terms and conditions of such leases).
- Section 25 (Company not to be bound to sell lands demised).
- Section 27 (Railway deposit fund not to be paid except so
far as railway opened).
- Section 28 (Application of deposit).
- Section 29 (Release of dock deposit fund).
- Section 30 (Period for completion of works).
- Section 36 (Company may charge for the trouble of ware-
housing unloading etc.).

- Section 39 (Power to appoint meters and weighers).
 Section 40 (Limits within which dockmaster may exercise his authority).
 Section 49 (Byelaws regulating use of dock by small vessels).
 Section 50 (Company may provide steamers tugs etc.).
 Section 56 (Receipt clause in case of persons not sui juris).
 Section 62 (Shares stock and mortgages may be issued and granted in satisfaction of Company's debts etc.).
 Section 63 (Act not to empower Company to borrow from Public Works Loan Commissioners).
 Section 66 (Power to enter into working agreements with the Great Eastern Railway Company).
 Section 67 (Tolls on traffic conveyed partly on the railway and partly on Great Eastern Railway Company).
 Section 68 (Change of Company's name).
 Section 69 (New certificates of proprietorship and debentures may be issued and granted in lieu of existing certificates and mortgages).
 Section 70 (Saving rights of Crown under Crown Lands Act).
 Section 71 (Saving rights of Crown in foreshore).
 Section 72 (Saving rights of Her Majesty's Principal Secretary of State for the War Department).
 Section 73 (Saving rights of George Tomline).
 Section 74 (Saving rights of Harwich Harbour Conservancy Board).
 Section 75 (Interest not to be paid on calls paid up).
 Section 76 (Deposits for future Bills not to be paid out of capital).
 Section 77 (Company not exempt from provisions of 17 & 18 Vict. c. 120 or any general Acts relating to docks etc.).
 Section 78 (Company not exempt from provisions of present and future general railway Acts).
 Section 79 (Expenses of Act).

3RD SCH.
—cont.

THE GREAT EASTERN AND FELIXSTOWE RAILWAYS ARRANGEMENT
ACT 1887—

- Section 15 (Capital of Felixstowe Company).
 Section 22 (Repeal of proviso to section 52 of Act of 1879).
 Section 23 (Change of name of Felixstowe Company).
 Section 24 (Cancelling stock and debenture stock created and extinguishing money powers under section 62 of Act of 1879).

THE FELIXSTOWE DOCK AND RAILWAY ACT 1923—

- Section 2 (Incorporation of Acts).
 Section 5 (Periodical revision of rates tolls and charges).
 Section 6 (Power to lease warehouses etc.).
 Section 7 (Confirming scheduled agreement).

3RD SCH.
—cont.

- Section 8 (Dwellinghouses for persons in employ of Company).
- Section 9 (Power to acquire leases).
- Section 10 (Lands for extraordinary purposes).
- Section 11 (Power to take easements by agreement).
- Section 12 (Power to retain and sell lands).
- Section 13 (Byelaws).
- Section 14 (Dockmaster may prevent sailing of vessels).
- Section 15 (Power to redeem debenture stock).
- Section 16 (Works below highwater mark not to be constructed without consent of Board of Trade).
- Section 17 (Crown rights).
- Section 19 (Annual account to be sent to Ministry of Transport).
- Section 20 (Provision as to general Railway Acts).

PART II

*Provisions of the Felixstowe Railway and Pier Act 1875
and of the Act of 1879 repealed as from the date
of conversion*

THE FELIXSTOWE RAILWAY AND PIER ACT 1875—

- Section 7 (Capital).
- Section 8 (Shares not to issue until one-fifth paid up).
- Section 9 (Calls).
- Section 11 (Power to borrow on mortgage).
- Section 12 (Arrears may be enforced by appointment of a receiver).
- Section 13 (Debenture stock).
- Section 14 (Application of moneys).

THE ACT OF 1879—

- Section 51 (Extinguishing Company's money powers under 39 and 40 Vict. c. cxii).
- Section 52 (Power to raise additional share capital).
- Section 53 (Shares not to be issued until one-fifth paid).
- Section 54 (Calls).
- Section 55 (Conditions of new stock and shares).
- Section 57 (Power to borrow).
- Section 58 (Repealing provisions of former Acts as to appointment of a receiver).
- Section 59 (Appointment of receiver).
- Section 60 (Debenture stock).
- Section 61 (Application of moneys).
- Section 64 (Priority of principal moneys secured by existing mortgages).
- Section 65 (Priority of mortgages over other debts).

Table of Statutes referred to in this Act

Short title	Session and chapter
Companies Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 16.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Harbours Docks and Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
Lands Clauses Consolidation Acts Amendment Act 1860.	23 & 24 Vict. c. 106.
Railway Clauses Act 1863 ...	26 & 27 Vict. c. 92.
Companies Clauses Act 1863 ...	26 & 27 Vict. c. 118.
Railway Companies Act 1867 ...	30 & 31 Vict. c. 127.
Telegraph Act 1869 ...	32 & 33 Vict. c. 73.
Felixstowe Railway and Pier Act 1875 ...	38 & 39 Vict. c. cxlv.
Telegraph Act 1878 ...	41 & 42 Vict. c. 76.
Felixstowe Dock and Railway Act 1879 ...	42 & 43 Vict. c. clxxvii.
Great Eastern and Felixstowe Railways Arrangement Act 1887.	50 & 51 Vict. c. lxvii.
Merchant Shipping Act 1894 ...	57 & 58 Vict. c. 60.
Felixstowe Dock and Railway Act 1923 ...	13 & 14 Geo. 5 c. lxxx.
Superannuation and other Trust Funds (Validation) Act 1927.	17 & 18 Geo. 5 c. 41.
Local Government Act 1933 ...	23 & 24 Geo. 5 c. 51.
Public Health Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
Supplies and Services (Transitional Powers) Act 1945.	9 & 10 Geo. 6 c. 10.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Supplies and Services (Extended Purposes) Act 1947.	10 & 11 Geo. 6 c. 55.
Companies Act 1948 ...	11 & 12 Geo. 6 c. 38.
Transport Charges &c. (Miscellaneous Provisions) Act 1954.	2 & 3 Eliz. 2 c. 64.

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