

BEFORE THE PLANNING INSPECTORATE

SECRETARY OF STATE

DEPARTMENT FOR TRANSPORT

VIRTUAL PUBLIC INQUIRY

B E T W E E N :

THE BOURNEMOUTH-SWANAGE MOTOR ROAD & FERRY COMPANY INC.

Applicant

APPLICATION TO INCREASE CERTAIN TOLL CHARGES

FEBRUARY 2020

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INDEX FOR VIRTUAL PUBLIC INQUIRY SUPPLEMENTAL BUNDLE

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*Swanage Motor Road and Ferry Act, 1923.*



CHAPTER lxxxviii.

An Act to incorporate and confer powers upon the A.D. 1923.  
Bournemouth-Swanage Motor Road and Ferry  
[Company and for other purposes. —

[31st July 1923.]

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

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

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Act and the lands required or which may be taken or used compulsorily for the purposes or under the powers of this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of Dorset and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference :

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

[Price 3s. 3d. Net.] A

[Ch. lxxxviii.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. — May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

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

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

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

The Lands Clauses Acts; and

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

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

"The Company" means the Bournemouth-Swanage Motor Road and Ferry Company incorporated by this Act;

"The directors" and "the secretary" mean respectively the directors and the secretary of the Company;

[13 & 14 GEO. 5.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [Ch. lxxxviii.]

- “The motor road” “the ferry” “the landing stages” and “the undertaking” mean respectively the motor road the service of ferry vessels the landing stages and the undertaking authorised by this Act; A.D. 1923.  
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- “Vessel” means vessel ship boat yacht lighter barge seaplane hydroplane and craft of every description however propelled;
- “The county council” means the council of the administrative county of Dorset;
- “The commissioners” means the Poole Harbour Commissioners;
- “The harbour” means Poole Harbour as defined by the Poole Harbour Act 1914.

INCORPORATION OF COMPANY CAPITAL &C.

4. Frank Gerard Aman Edwin John Burt Philip George Gregory Moon Sir Julian Walter Orde Thomas Gregorie Tulloch and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of “The Bournemouth-Swanage Motor Road and Ferry Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and with all other powers and privileges of a body corporate. Company  
incorpora-  
ted.

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

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

[Ch. lxxxviii.] *Bournemouth- Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. 7. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

—  
Receipt in case of persons not sui juris.

Preference shares.

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

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

(3) Such preference shares may from time to time be issued by the Company with such rights of priority and other rights in the distribution of the assets of the Company as the Company may think fit (including the right to repayment of the amount of preference capital at the time issued and paid up and of any arrears or deficiency of dividend thereon in priority to the ordinary share capital) and the Company may provide that when the holders of such preference shares shall have received repayment in full of the amounts paid up by them and of any arrears or deficiency in the dividend which should have been paid to them thereon they shall not in respect of such shares be entitled to any further participation in the assets of the Company.

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

[13 & 14 GEO. 5.] *Bournemouth- Swanage Motor Road and Ferry Act, 1923.* [Ch. lxxxviii.]

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

A.D. 1923.  
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As to disposal of shares.

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

Power to borrow.

11. 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 five thousand pounds in the whole.

Appointment of receiver.

12. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by subsequent Acts but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at

Debenture stock.

[Ch. lxxxviii.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. — any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Issue of redeemable preference shares or debenture stock.

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

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

- (a) Call in and pay off such shares or stock or any part thereof at any time before the fixed date of redemption; and
- (b) Redeem such shares or stock or any part thereof either by paying off the same or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor and may for the purpose of providing money for paying off such shares or stock or of providing substituted shares or stock create and issue new shares or stock (either redeemable or irredeemable) or reissue shares or stock originally created and issued under this section.

Priority of mortgages and debenture stock over other debts.

**14.** All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease

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granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company. A.D. 1923.  
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15. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable. Application of moneys.

16. When a sum of not less than thirty thousand pounds of the capital of the Company shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land for the purposes of this Act and such sum shall be deemed to be the prescribed sum for the purposes of section 16 of the Lands Clauses Consolidation Act 1845. Portion of capital to be subscribed before compulsory powers be put in force.

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



[Ch. lxxxviii.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. **18.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act. The subsequent ordinary meetings of the Company shall be held in the month of November or December in every year or at such other time or times as shall be appointed for that purpose by the directors.

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

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

(2) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined or if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

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

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

[13 & 14 GEO. 5.] *Bournemouth-* [Ch. lxxxviii.]  
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22. Frank Gerard Aman Edwin John Burt and Thomas Gregorie Tulloch shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

A.D. 1923.  
—  
First and subsequent directors.

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

At the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845.

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

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

Continuing directors.

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

Notice of candidature for office of director.

25.—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any

Appointment of managing director.

[Ch. lxxxviii.] *Bournemouth- Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. — limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

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

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

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

Notices of ordinary meetings.

26. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each shareholder instead of by public advertisement Provided that the letters giving the notice shall be directed according to the registered address or other known address of each shareholder prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Defining right of voting by shareholders.

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

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

[13 & 14 GEO. 5.] *Bournemouth-* [Ch. lxxxviii.]  
*Swanage Motor Road and Ferry Act, 1923.*

28. Notwithstanding anything in the Companies A.D. 1923.  
Clauses Consolidation Act 1845 the attorney of any  
shareholder of the Company duly authorised in writing —  
may appoint a proxy to vote for and on behalf of the Appoint-  
shareholder and for that purpose may execute on behalf ment of  
of the shareholder the necessary form of proxy Provided proxies.  
that the instrument appointing the attorney shall be  
transmitted to the secretary at the same time as the  
instrument appointing the proxy.

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

30. If and so long as the ordinary meetings of the Interim  
Company shall be held once only in each year :— dividend  
and annual  
accounts.  
(a) It shall be lawful for the directors to declare and  
pay in any year an interim half-yearly dividend  
out of the profits of the Company without the  
sanction or direction of a general meeting;  
(b) The balance sheet and accounts made up by  
them in accordance with section 116 of the  
Companies Clauses Consolidation Act 1845 shall  
relate to the transactions of the Company in  
the course of the preceding year.

31.—(1) The directors may close the register of Closing of  
transfers for a period not exceeding fourteen days previous transfer  
to the declaration of any dividend and they may close books.  
the register of transfers of mortgages or debenture stock  
for a period not exceeding fourteen days previous to each  
date at which the interest thereon shall be payable and  
in the case of any such register they may fix a day for  
closing the same of which seven days' notice shall be

[Ch. lxxxviii.] *Bournemouth- Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. given either by circular to each proprietor or by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate.

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

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

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

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

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

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(2) The Company shall as from the expiration of such period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect so to furnish to the Minister a copy of their annual accounts. A.D. 1923.

LANDS.

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

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

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

[Ch. lxxxviii.] *Bournemouth- Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. — whole ten acres and they may on such lands and on any other lands purchased or acquired under the authority of this Act erect or construct and hold and use or sell lease dispose of or let on hire depôts wharves garages repair shops stores engine houses car sheds stables yards buildings works and other conveniences in connection with the undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any such lands.

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

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

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

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

Power to retain sell &c. lands. **42.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts the Company may retain hold and use for such time as they may think fit and may from time to time sell lease or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands

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acquired or purchased by them under this Act and not required for the purposes of the undertaking and may execute and do any deed act or thing proper for effectuating any such sale lease or other disposition. A.D. 1923.

CONSTRUCTION OF MOTOR ROAD.

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

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

A motor road (Work No. 1) 2 miles 7 furlongs 7.50 chains or thereabouts in length wholly in the parish of Studland in the rural district of Wareham and Purbeck commencing at South Haven Point and terminating by a junction with the public road leading from Studland to Swanage.

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

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

(2) All such junctions and communications shall be made in accordance with plans and sections previously submitted to and reasonably approved in



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*Swanage Motor Road and Ferry Act, 1923.*

A.D. 1923. writing by the authority or person responsible for the  
— maintenance of the streets or roads with which such  
junctions or communications are made Provided that  
such approval shall be deemed to have been given unless  
such authority or person signify their disapproval within  
twenty-eight days after submission of the said plans and  
sections for approval.

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

Alteration  
of position  
of mains  
and pipes.

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

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

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

[13 & 14 GEO. 5.] *Bournemouth- Swanage Motor Road and Ferry Act, 1923.* [Ch. lxxxviii.]

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

A.D. 1923.  
—  
As to accommodation works.

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

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

Power to connect drains with sewers &c.

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

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

[Ch. lxxxviii.] *Bournemouth- [13 & 14 GEO. 5.]  
Swanage Motor Road and Ferry Act, 1923.*

A.D. 1923. — (2) The Company and the owners of or any authority or person having the control of any such stream water-course or sewer may enter into and carry into effect agreements and arrangements with respect to the execution or maintenance of any such works as are mentioned in this section.

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

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

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

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

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

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

Motor road to be kept open at all times. **51.** The Company shall at all times keep open the motor road so as to be available for use by foot passengers free of toll and by all other persons and all animals vehicles and other traffic upon payment of the tolls and

[13 & 14 GEO. 5.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [Ch. lxxxviii.]

charges payable under this Act and compliance with the regulations and byelaws for the time being of the Company. A.D. 1923.

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

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

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

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

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

[Ch. lxxxviii.] *Bournemouth- Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. —  
As to public rights of way.

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

Motor road to become public highway in certain events.

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

(2) In the event of the Company failing to effect such repairs within the time limited by an order of the county council as aforesaid then on the application of the county council to the Minister of Transport that Minister may direct an inquiry to be held in manner provided by this Act If the person holding such inquiry shall report that it has been proved to his satisfaction that the motor road is not maintained in a reasonable state of repair the Minister of Transport may make an order confirming the order of the county council in all or any of its particulars and may by his order declare that in the event of the Company failing to comply with the order of the Minister to his satisfaction within the period limited by such order the powers of the Company in relation to the motor road under this Act shall at the expiry of such period cease

[13 & 14 GEO. 5.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [Ch. lxxxviii.]

A.D. 1923.

and the said powers shall accordingly cease and thereupon the motor road shall become a public highway and be vested in and be repairable by the highway authority for the district subject to the provisions of the Highways Acts 1835 to 1885 and of any Act or Acts amending the same.

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

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

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

ESTABLISHMENT OF FERRY.

56. Subject to the provisions of this Act the Company may establish maintain work and use a ferry Power to establish ferry. service for passengers animals vehicles and goods between the Sandbanks and South Haven Point within the harbour and may for that purpose purchase construct hire and provide employ maintain use work and sell or lease such vessels as they may deem necessary together with all proper appliances and conveniences including the laying down and maintaining of chains cables and other apparatus along across over or under the harbour.

57.—(1) The Company may by agreement purchase Acquisition of ferry rights. and use any franchise or right (if any) of ferry between the Sandbanks and South Haven Point and any property (real and personal) rights powers and privileges held or

[Ch. lxxxviii.] *Bournemouth- Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923. — enjoyed by the owner or owners of such franchise or right (if any) of ferry for the purposes thereof Provided that nothing in this Act shall recognise or confirm any title right or claim to any existing or other ferry across the harbour as an ancient ferry.

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

Power to construct landing stages.

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

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

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

Limits of deviation.

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

[13 & 14 GEO. 5.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [Ch. lxxxviii.]

60.—(1) Subject to the provisions of this Act the Company may deepen dredge scour and excavate the bed and foreshore of the harbour to the extent necessary to secure a sufficient waterway and approach to the landing stages for vessels using the ferry and may purchase hire provide and maintain all necessary dredgers barges and machinery therefor. A.D. 1923. Power to dredge.

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

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

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

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



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- A.D. 1923.
- (2) The ferry shall be worked by a vessel propelled by steam or other power on the chain cable system and the chains shall be of such weight and design as will ensure that they keep to the channel bed and will drop under water to a depth of at least fourteen feet at a distance of not exceeding fifty feet from the stern of the vessel and that when the vessel is lying at the landing stage on either shore the chains will be lying on the ground at a distance of not exceeding ten feet from the end of the vessel :
  - (3) The vessel shall be of such size design and carrying capacity as may be reasonably approved by the commissioners and the overlap or prow of the vessel shall be adequately triced up when not in actual use :
  - (4) The landing stages shall within the limits of deviation shown on the deposited plans be constructed and the chain cable shall be laid at such points and in such manner as may be reasonably approved by the commissioners and to the reasonable satisfaction in all respects of the commissioners and the Company shall to the like satisfaction provide and maintain suitable and convenient facilities for a public landing place in connection with the landing stage (Work No. 2) :
  - (5) The landing stage (Work No. 2) shall be so constructed that the total combined length of such landing stage and of the vessel when lying at the end thereof shall not extend in all beyond a point one hundred feet below low water mark of ordinary spring tides :
  - (6) Not more than one vessel shall be at any time used on the ferry without the consent of the commissioners Provided that the commissioners shall not refuse their consent to a second vessel unless in their opinion it would interfere with or be detrimental to the traffic of the harbour :
  - (7) The Company shall pay to the commissioners on the first day of July one thousand nine hundred and twenty-three the sum of one hundred and twenty-five pounds on the first day of July one

[13 & 14 GEO. 5.] *Bournemouth-* [Ch. lxxxviii.]  
*Swanage Motor Road and Ferry Act, 1923.*

thousand nine hundred and twenty-four and on the first day of July one thousand nine hundred and twenty-five the sum of one hundred and fifty pounds and on the first day of July one thousand nine hundred and twenty-six and on the first day of July in every succeeding year during which the ferry shall be worked the sum of one hundred and seventy-five pounds Provided that if and when a second vessel shall be used by the Company such annual sum as aforesaid shall be forthwith increased to the sum of four hundred pounds which said sum of four hundred pounds shall be thereafter payable by the Company to the commissioners on the first day of July in every year during the continuance of the ferry : A.D. 1923.

- (8) The annual sum or sums to be paid by the Company to the commissioners as hereinbefore provided shall be paid and received in full satisfaction of all claims by the commissioners for harbour dues or rates in respect of such vessel or vessels as aforesaid and all persons animals vehicles goods or other cargo embarked on or disembarked from or carried thereon :
- (9) The commissioners shall be entitled to exercise and use all such rights powers and remedies for the recovery of the said annual sum or sums as are provided by the Harbours Docks and Piers Clauses Act 1847 or by any special Act or Acts for the recovery of any rates or dues payable thereunder :
- (10) The Company shall provide from seven o'clock in the forenoon when summer time is in force and from eight o'clock in the forenoon at all other times of the year until one hour after sunset on every day and at stated times a minimum hourly service of vessels from each shore :
- (11) The Company shall not be required to continue and efficiently work the ferry if at any time they are prevented from so doing by any accident or damage to the vessel or vessels or the machinery works or gear connected therewith or by force majeure or by any strike lock-out civil commotion or other cause beyond their

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A.D. 1923.

control but the liability of the Company to continue and efficiently work the ferry shall only cease during such period or periods as is or are necessary to repair or renew the vessel or the machinery works or gear connected therewith or for so long as any such force majeure lock-out or other cause beyond the control of the Company shall continue :

(12) The Company shall adequately light and buoy any necessary underwater works in connection with the landing stages or the ferry in accordance with such regulations (if any) as may from time to time be made by the commissioners :

(13) The Company shall carry out execute complete and maintain all such protective works as may in the opinion of the commissioners be from time to time reasonably required for the protection of the Sandbanks shore or the sea wall abutting thereon from erosion or damage arising by reason of the construction of the landing stage (Work No. 2) or anything incidental to the ferry :

(14) The ferry shall be worked in accordance with such reasonable regulations as the commissioners may from time to time deem it necessary to enact and enforce for the safe navigation of the harbour and such regulations shall provide (inter alia) that the ferry shall give way to vessels navigating the harbour Provided that no such regulations shall come into operation until the consent of the Board of Trade has been given thereto :

(15) The Company shall not have any right of action in respect of any loss or damage which may be suffered caused or done to the ferry chains or other equipment of the ferry by any vessel lawfully using the harbour unless such loss or damage shall be caused by wilful default or gross neglect in the navigation of such vessel and the Company shall at all time save harmless and keep indemnified the commissioners and all vessels so using the harbour and the owners charterers and masters pilots and crew of such

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vessels respectively from and against all actions proceedings claims and demands whatsoever for or by reason of any such loss or damage suffered caused or done as aforesaid : A.D. 1923.

- (16) The Company shall before commencing any dredging deliver to the commissioners plans and sections defining the nature extent and manner of such dredging and if the commissioners within one month after the delivery of such plans and sections express their disapproval of the same any question as to the dredging proposed to be carried out by the Company shall be referred to an arbitrator to be appointed as provided by this section and the Company shall not carry out such dredging otherwise than in accordance with such plans and sections and in such manner as may be approved by the commissioners or by such arbitrator as the case may be Provided that if the commissioners do not express their disapproval of such plans and sections within one month after the same shall have been furnished to them they shall be deemed to have approved thereof :
- (17) Notwithstanding anything contained in the section of this Act of which the marginal note is " Subsidiary works in connection with ferry " the Company shall not under the powers conferred by that section construct provide or maintain any dolphins moorings slipways or other works below high-water mark within the harbour except with the licence of the commissioners but no such licence shall be unreasonably withheld nor shall the commissioners be entitled to demand and take any fee or make any charge for or in respect of granting any such licence or any consideration whatsoever for and in respect of any such works :
- (18) All byelaws made by the Company under the section of this Act of which the marginal note is " Byelaws as to ferry " shall be subject to the previous approval of the commissioners which approval shall not be unreasonably withheld :

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A.D. 1923.  
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- (19) If at any time after the Company shall have commenced to work the ferry they shall cease to work the same for a period of one calendar month (except as provided by subsection (11) of this section) the commissioners may at any time thereafter serve upon the Company one month's notice in writing requiring them to sell to the commissioners so much of the undertaking of the Company as relates to the ferry (including all such vessels landing stages buildings equipment and property as may have been employed by the Company in connection therewith) and as from the expiration of the said notice the Company shall sell and the commissioners shall purchase such part of the undertaking upon terms of paying the then value of such part of the undertaking (exclusive of any allowance for past or future profits or any compensation for compulsory purchase or of goodwill or of any similar considerations) such value to be in case of difference determined by arbitration and as from the expiration of the said notice the commissioners may work and use such vessels landing stages buildings equipment and property and the provisions of the Poole Harbour Act 1914 shall extend and apply in respect thereof as if the same were a ferry purchased or established by the commissioners under that Act :
- (20) Nothing in this Act shall be deemed to curtail or abridge the statutory powers of the commissioners to from time to time make such byelaws as they shall think fit for all or any of the purposes specified in section 51 (Additional byelaws) of the Poole Harbour Act 1914 :
- (21) Any dispute or difference arising between the Company and the commissioners under this section shall be referred to a single arbitrator to be approved by the Board of Trade :
- (22) As from the passing of this Act Frank Gerard Aman shall be and is hereby freed and relieved from all obligations and liability under an agreement made the twenty-seventh day of

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February one thousand nine hundred and twenty-two between the commissioners and the said Frank Gerard Aman. A.D. 1923.

63. For the protection of the mayor aldermen and burgesses of the borough of Poole (in this section called "the corporation") the following provisions shall unless otherwise agreed between the Company and the corporation have effect (that is to say):— For protection of Poole Corporation.

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

(2) If at any time after the ferry has been established the corporation shall acquire land for the purpose of widening the said Banks Road between the points marked "A" and "B" on the plan signed in duplicate by Frank Gerard Aman on behalf of the Company and by Charles Lisby town clerk on behalf of the corporation and shall widen the said road between such points accordingly the Company shall contribute and pay to the corporation the sum of five hundred pounds towards the cost incurred by the corporation in connection with the acquisition of such land and the execution of such widening:

(3) Any dispute or difference arising between the Company and the corporation under this section shall be referred to a single arbitrator to be agreed upon or failing agreement to be appointed on the application of the Company or the corporation after notice in writing to the other by the President of the Institution of Civil Engineers.

64. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with the following provisions:— Works below high-water mark to be subject to

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A.D. 1923. — approval of Board of Trade. with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

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

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

Survey of works by Board of Trade. 65. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

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

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

[13 & 14 GEO. 5.] *Bournemouth-* [Ch. lxxxviii.]  
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68. The Company shall at the outer extremity of their works below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct. If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

A.D. 1923.  
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Permanent lights on works.

69. In case of injury to or destruction or decay of the works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision against danger to navigation.

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

Works may be used for life saving purposes.

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

As to coastguard look-out house at Sandbanks.



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A.D. 1923.

Cables pipes or wires under or across tidal waters.

Byelaws as to ferry.

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

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

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

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Provided that no such byelaws shall come into operation until the same shall have been confirmed by the Minister of Transport. A.D. 1923

Provided further that the Company shall when submitting any such byelaws to the Minister of Transport for confirmation under this section forward a copy of such byelaws to the county council and the mayor aldermen and burgesses of the borough of Poole (in this section called "the corporation") and that the county council and the corporation or either of them may if they so desire make representations with regard thereto to the Minister of Transport.

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

75. The Company may from time to time appoint a sufficient number of persons to preserve order on or at any landing stage or other work constructed or acquired by the Company. Persons may be appointed to preserve order &c. at ferry works.

76. The Company may enter into contracts and arrangements with any company firm or person for the provision and working of the ferry and works connected therewith. Arrangements for provision of ferry service by other parties.

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

**TOLLS AND CHARGES.**

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

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

[Ch. lxxxviii.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923.

Power to charge for goods accommodation in connection with ferry.

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

Periodical revision of tolls.

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

Lists of tolls &c. to be exhibited.

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

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

Taking and recovery of tolls &c.

83. The tolls and charges which may be taken by the Company under this Act in respect of the motor

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*Swanage Motor Road and Ferry Act, 1923.*

road and the ferry respectively shall be paid to such persons and at such places upon or near the motor road or the ferry as the case may be and in such manner and under such regulations as the Company shall by notice to be annexed to the list of tolls and charges appoint and the Company may recover such tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction. A.D. 1923.

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

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

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

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

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

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A.D. 1923.

Power to compound for payment of tolls &c.

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

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

88.-(1) Without prejudice to any existing right of His Majesty and save as provided by the Army Act and Air Force Act nothing in this Act shall extend to authorise any tolls or charges to be demanded or received from any person when on duty in the service of the Crown or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or from any police officer acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908.

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

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

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

MISCELLANEOUS.

Dwelling-houses for employees offices &c.

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

[13 & 14 GEO. 5.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [Ch. lxxxviii.]

90.—(1) The Company shall erect fit up and maintain or provide:— A.D. 1923.

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

Accommodation for workmen employed on construction of works.

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

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

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

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

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

(5) If at any time it appears to the county council that the Company have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Company shall afford and maintain such accommodation as the county council may require provided that if within fourteen days after the receipt of notice of any requirement of the county council under

[Ch. lxxxviii.] *Bournemouth-Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5

A.D. 1923. this subsection the Company give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister of Health on the application of either of the parties to the difference and the Minister of Health may make such requirements (if any) in variation of the requirements of the county council as he may think fit.

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

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

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

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

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

Motor road deposit fund not to **93.** Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary

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

A.D. 1923.

be repaid  
except so  
far as motor  
road is  
opened.



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Swanage Motor Road and Ferry Act, 1923.*

A.D. 1923.  
—  
Application  
of motor  
road deposit  
fund.

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

Repayment  
of landing  
stages de-  
posit fund.

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

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

A.D. 1923.  
—  
Deposits  
for future  
Bills not to  
be paid out  
of capital.

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

For pro-  
tection of  
Bankes  
Settled  
Estates.

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

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

(b) An easement in or over or right of user of the lands required for the purposes of making and maintaining the motor road and the landing stage (Work No. 3);

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Swanage Motor Road and Ferry Act, 1923.* [13 & 14 GEO. 5.]

A.D. 1923.  
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and for those purposes the owners shall convey and grant to the Company free of charge the freehold of the lands referred to in paragraph (a) hereof and the said easement or right of user in perpetuity of the lands referred to in paragraph (b) hereof :

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

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*Swanage Motor Road and Ferry Act, 1923.*

approval within twenty-eight days after sub- A.D. 1923  
mission of the said plans and sections for —  
approval:

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

(a) The owners their estate agent and  
employees;

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

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

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

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

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

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

(8) In subsections (6) and (7) of this section  
“vehicle” includes bicycle perambulator hand-  
cart truck barrow motor steam or horse-drawn

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A.D. 1923.

vehicle of any description and "the area" or "the said area" comprises that part of the lands situate in the parish of Studland lying to the north of a line drawn due east and west through the point of termination of the motor road as shown on the deposited plans and east of a line drawn due north and south two thousand yards west of that point which on the first day of June one thousand nine hundred and twenty-three formed part of the estates of the owners :

- (9) Subject to the provisions of this Act the Company shall within four years after the passing of this Act establish or acquire and thereafter continuously work a ferry between the Sandbanks and South Haven Point and so long as such ferry shall be worked by the Company upon the terms and conditions hereinafter in this section contained the owners shall not carry on a ferry between the Sandbanks and South Haven Point or after the passing of this Act grant any consent to the carrying on of any other ferry between such points :
- (10) The Company shall provide from seven o'clock in the forenoon when summer time is in force and from eight o'clock in the forenoon at all other times of the year until one hour after sunset on every day and at stated times a minimum hourly service of vessels from each shore :
- (11) The Company shall continually and efficiently work the ferry unless at any time they are prevented from so doing by any accident or damage to the vessel or vessels or the machinery works or gear connected therewith or by force majeure or by any strike lock-out civil commotion or other cause beyond their control but the liability of the Company to continually and efficiently work the ferry shall only cease during such period or periods as is or are necessary to repair or renew the vessel or the machinery works or gear connected therewith or for so long as any such force majeure lock-out or other cause beyond the control of the Company shall continue :

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- (12) The landing stage (Work No. 3) shall within the limits of deviation shown upon the deposited plans be constructed to the reasonable satisfaction in all respects of the owners : A.D. 1923.  
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- (13) The Company shall carry out execute complete and maintain all such protective works as may in the opinion of the owners be from time to time reasonably required for the protection of the shore at or near South Haven Point or the sea wall abutting thereon from erosion or damage arising by reason of the construction of the landing stage (Work No. 3) or anything incidental to the ferry :
- (14) Nothing in this Act shall prejudice limit or in any way affect any ferry franchise of the owners or prevent their carrying on and working any such ferry except as in this section hereinbefore expressly provided :
- (15) If from any cause other than those referred to in subsection (11) of this section the Company having established and commenced to work a ferry between the Sandbanks and South Haven Point should fail to continue to efficiently work such ferry then the owners shall be at liberty to exercise any ferry franchise they may possess between such points :
- (16) The sections of this Act of which the marginal notes respectively are “ As to private rights of way over lands taken compulsorily ” and “ Power to retain sell &c. lands ” shall not apply to any lands of the owners over or in respect of which the owners shall have granted to the Company merely an easement or right of user as aforesaid nor shall the last-mentioned section apply to any lands conveyed by the owners to the Company as hereinbefore provided :
- (17) The provisions of the section of this Act of which the marginal note is “ Power to dredge ” shall not authorise the Company to take use or in any way interfere with the foreshores of the manors of Studland Corfe and Langton Wallis or the Hundred of Hasilore or the foreshores adjoining any lands belonging to the owners

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without the consent in writing of the owners which consent shall not be unreasonably withheld :

- (18) No advertisements hoardings posters or placards other than lists of tolls and charges and regulations byelaws and notices relating to the undertaking shall be erected or posted up upon any part of the motor road and no advertisements hoardings posters or placards other than as aforesaid and excepting advertisements having letters not exceeding one foot in height shall be erected or posted up upon the landing stage (Work No. 3) or any land conveyed by the owners to the Company as hereinbefore provided and no house or building shall be erected upon the motor road or the landing stage (Work No. 3) or any such land unless and until the plans and elevations shall have first been approved by the owners in writing but such approval shall not be unreasonably withheld :
- (19) Any dispute or difference arising between the Company and the owners under this section shall be referred to an arbitrator to be appointed failing agreement by the President of the Surveyors' Institution.

Agreements with road authorities.

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

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

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alteration as if the said councils or either of them were A.D. 1923.  
“undertakers” within the meaning of the said Act. —

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

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

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

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

102. In respect of the exercise of any powers or duties conferred on the Minister of Transport under this Act the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.” Inquiries &c. by Minister of Transport.

103. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river Crown rights.



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A.D. 1923. — channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of  
Act.

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

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The SCHEDULES referred to in the  
 foregoing Act.

A.D. 1923.

FIRST SCHEDULE.

TOLLS IN RESPECT OF MOTOR ROAD.

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

	<i>s.</i>	<i>d.</i>
For each calf goat pig or sheep - - - - -	0	2
For each head of cattle - - - - -	0	3
For each horse mule or donkey - - - - -	0	3
For each bicycle including rider - - - - -	0	3
For each perambulator including person in charge thereof	0	3
For each handcart truck or barrow including person in charge thereof - - - - -	0	3
For each vehicle not exceeding two tons (including load) drawn by one horse - - - - -	1	6
For each additional ton or part thereof - - - - -	1	0
For each vehicle not exceeding two tons (including load) drawn by two horses - - - - -	2	0
For each additional ton or part thereof - - - - -	1	0
For each motor cycle including rider - - - - -	0	6
For each motor tri-car or motor cycle and sidecar - - -	1	0
For each motor car having seats for not more than three persons - - - - -	1	6
For each motor car having seats for more than three persons - - - - -	2	0
For each charabanc or omnibus having seats for not more than twelve persons - - - - -	2	0
For each charabanc or omnibus having seats for more than twelve persons - - - - -	2	6
For each motor van or motor lorry not exceeding two tons (including load) - - - - -	2	0
For each additional ton or part thereof - - - - -	1	0
For each steam wagon not exceeding two tons (including load) - - - - -	2	0
For each additional ton or part thereof - - - - -	1	0
For each traction engine not exceeding five tons (including load) - - - - -	30	0
For each additional ton or part thereof - - - - -	10	0

[Ch. lxxxviii.] *Bournemouth- [13 & 14 GEO. 5.]  
Swanage Motor Road and Ferry Act, 1923.*

A.D. 1923.	For each trailer hauled by motor van motor lorry steam wagon or traction engine not exceeding two tons (including load) - - - - -	s. d. 2 0
	For each additional ton or part thereof - - - - -	1 0
	For any vehicle not hereinbefore specified a toll not exceeding the tolls specified in this schedule for a vehicle of a similar description.	
	The tolls in respect of vehicles include the drivers thereof and persons conveyed therein.	

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SECOND SCHEDULE.

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FERRY TOLLS.

For each crossing.

For each person on foot or in a vehicle other than the driver thereof - - - - -	s. d. 0 3
For each dog - - - - -	0 1
For each calf goat pig or sheep - - - - -	0 4
For each head of cattle - - - - -	0 6
For each horse mule or donkey - - - - -	0 6
For each bicycle including rider - - - - -	0 6
For each perambulator including person in charge thereof	0 6
For each handcart truck or barrow including person in charge thereof - - - - -	0 6
For each vehicle not exceeding two tons (including load) drawn by one horse - - - - -	2 6
For each additional ton or part thereof - - - - -	1 0
For each vehicle not exceeding two tons (including load) drawn by two horses - - - - -	3 0
For each additional ton or part thereof - - - - -	1 0
For each motor cycle including rider - - - - -	1 6
For each motor tri-car or motor cycle and sidecar - - - - -	2 0
For each motor car having seats for not more than three persons - - - - -	2 6
For each motor car having seats for more than three persons - - - - -	3 0
For each charabanc or omnibus having seats for not more than twelve persons - - - - -	3 0
For each charabanc or omnibus having seats for more than twelve persons - - - - -	3 6
For each motor van or motor lorry not exceeding two tons (including load) - - - - -	3 0
For each additional ton or part thereof - - - - -	1 0

[13 & 14 GEO. 5.] *Bournemouth-* [Ch. lxxxviii.]  
*Swanage Motor Road and Ferry Act, 1923.*

	<i>s. d.</i>	A.D. 1923.
For each steam wagon not exceeding two tons (including load) - - - - -	3 0	—
For each additional ton or part thereof - - -	1 0	
For each traction engine not exceeding five tons (including load) - - - - -	50 0	
For each additional ton or part thereof - - -	10 0	
For each trailer hauled by motor van motor lorry steam wagon or traction engine not exceeding two tons (including load) - - - - -	3 0	
For each additional ton or part thereof - - -	1 0	
For any vehicle not hereinbefore specified a toll not exceeding the tolls specified in this schedule for a vehicle of a similar description.		
The tolls in respect of vehicles include the drivers thereof.		

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BOURNEMOUTH-SWANAGE  
MOTOR ROAD AND FERRY  
ACT 1928.

-53-

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AN

ACT

To empower The Bournemouth-Swanage Motor  
Road and Ferry Company to raise additional  
capital and for other purposes.

[ROYAL ASSENT 10TH MAY 1928]

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18 & 19 GEO. V.—SESSION 1928.

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BOURNEMOUTH-SWANAGE MOTOR ROAD  
AND FERRY ACT 1928.

ARRANGEMENT OF SECTIONS.

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A

*Handwritten:*  
Landon  
Lion  
Brentford Emu

AN

# ACT

To empower The Bournemouth-Swanage Motor Road and Ferry Company to raise additional capital and for other purposes.

[ROYAL ASSENT 10TH MAY 1928.]

WHEREAS by the Bournemouth-Swanage Motor Road <sup>Preamble.</sup> and Ferry Act 1928 The Bournemouth-Swanage Motor Road and Ferry Company (hereinafter called "the Company") were incorporated and were authorised to construct and establish  
5 a motor road and ferry to provide a more direct means of communication between Bournemouth and Swanage :

And whereas the capital of the Company authorised by the said Act of 1928 is sixty thousand pounds and the Company were by that Act authorised to borrow on mortgage or raise  
10 by the issue of debenture stock a sum not exceeding one-half of the share capital for the time being issued :

And whereas the Company have raised the whole of their authorised capital by the creation and issue of thirty thousand preference shares and thirty thousand ordinary shares of one  
15 pound each and such shares are fully paid up and the Company have raised thirty thousand pounds by the issue of mortgage debentures :

And whereas it is expedient that the Company should be empowered to raise additional capital and to raise further  
20 money by borrowing or by the creation and issue of debentures or debenture stock and that the further powers in this Act contained be conferred upon the Company :

2 *Bournemouth-Swanage Motor Road and Ferry Act 1928.*

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

MAY IT THEREFORE PLEASE YOUR MAJESTY

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

Short title. 1. This Act may be cited as the Bournemouth-Swanage Motor Road and Ferry Act 1928. 10

Citation of Acts. 2. The Bournemouth-Swanage Motor Road and Ferry Act 1923 and this Act may be cited together as the Bournemouth-Swanage Motor Road and Ferry Acts 1923 and 1928.

Incorporation of Acts. 3. The following Act and Parts of an Act so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act are subject to the provisions of this Act hereby incorporated with this Act (that is to say) :— 15

The Companies Clauses Consolidation Act 1845 ;

Part I (relating to cancellation and surrender of shares) 20  
Part II (relating to additional capital) and Part III  
(relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Interpretation. 4. In this Act the several words terms and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires :— 25

“ The Company ” means The Bournemouth-Swanage Motor Road and Ferry Company ; 30

“ The directors ” means the directors of the Company ;



*Bournemouth-Swanage Motor Road and Ferry Act 1923.* 3

"The Act of 1923" means the Bournemouth-Swanage Motor Road and Ferry Act 1923 ;

"The undertaking" means the undertaking of the Company.

5 The Company may from time to time raise additional capital not exceeding in the whole forty thousand pounds by the creation and issue at their option of new ordinary shares preferred ordinary shares deferred ordinary shares or preference shares of one pound each or wholly or partially by any one or more of those modes respectively and (subject to the provisions of the section of this Act of which the marginal note is "New ordinary shares to be subject to same incidents as existing shares") they may attach to any such capital such rights liabilities privileges and preferences as they think fit.

Power to raise additional capital.

6. Any new ordinary shares created by the Company under this Act (not being preferred ordinary shares or deferred ordinary shares) and the holders of such new ordinary shares respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents in all respects as if the capital represented by the new ordinary shares were part of the now existing ordinary capital of the Company of the same class or description and the new ordinary shares were shares in that capital.

New ordinary shares to be subject to same incidents as existing shares.

7. The additional capital authorised by this Act shall form part of the capital of the Company.

Additional capital to form part of capital of Company.

8. The Company may in respect of the additional capital authorised by this Act raise at their option either by borrowing on mortgage of the undertaking or by the creation and issue of debentures or debenture stock or wholly or partially by any one or more of those modes any sum or sums not exceeding one-half of the nominal amount of such capital for the time being issued and upon which not less than one-half part thereof has been paid up but no sum shall be borrowed or raised in respect of any such capital until the Company have proved to the justice before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that not less than one-half of the amount of each of the shares in respect of which the Company propose to borrow or raise money

Power to borrow.

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4 *Bournemouth-Swanage Motor Road and Ferry Act 1928.*

has been paid (or deemed to have been paid as provided by this Act) on account thereof and that such shares were issued bona fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company or of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. 5 10

Debentures and debenture stock.

9. The Company may create and issue debentures or debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of Section 12 (Debenture stock) of the Act of 1923.

Application of certain provisions of Act of 1923.

10. The following provisions of the Act of 1923 shall so far as the same are applicable extend and apply to and for the purposes of this Act as if the same with any necessary alteration were re-enacted in this Act (that is to say) :—

- Section 7 (Receipt in case of persons not sui juris) ;
- Subsections (2) (3) and (4) of Section 8 (Preference shares) ; 20
- Section 9 (As to disposal of shares) ;
- Section 11 (Appointment of receiver) ;
- Section 13 (Issue of redeemable preference shares or debenture stock) ;
- Section 14 (Priority of mortgages and debenture stock over other debts) ; 25
- Section 32 (Interest not to be paid out of capital).

Application of moneys.

11. All moneys raised by the Company under this Act whether by shares debentures debenture stock or borrowing shall be applied only to the general purposes of the Company to which capital is properly applicable. 30

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

12. The Company may by agreement issue fully or partly paid up shares in the capital of the Company or debentures or debenture stock authorised to be raised or issued under the Act of 1923 and this Act in payment or part payment of the cost of any landing stages works vessels machinery appliances or other things constructed for or supplied to the Company 35

*Bournemouth-Swanage Motor Road and Ferry Act 1928.* 5

and any shares issued pursuant to this section shall for all purposes (including the borrowing of money by the Company) be deemed to be fully or partly paid up shares (as the case may be) in the capital of the Company and shall vest as  
5 such in the persons to whom they are issued and the names of the holders of such shares debentures or debenture stock shall be inserted as such in the registers of the Company of shareholders debenture holders or debenture stock holders as the case may be.

10 13. All costs charges and expenses of and incident to the <sup>Costs of</sup> preparing for obtaining and passing of this Act or otherwise <sup>Act.</sup> in relation thereto shall be paid by the Company.

Mevagissey	<i>Pembroke</i>	Abersoch
Gorran Haven	Saundersfoot	Aberdaron
Portloe	Tenby	Bardsey Island
Portscatho	Stackpole Quay	Nevin
Coverack	Solva	Trevor
Cadgwith	Porthclais	Conway
Mullion	Porthgain	
Porthleven		
Newlyn	<i>Cardigan</i>	<i>Flint</i>
Mousehole	New Quay	Rhyl
Penberth	Aberayron	
Porthgwarra	Aberystwyth	
Sennen Cove		<i>Cheshire</i>
St Ives	<i>Merioneth</i>	Parkgate
Port Isaac	Aberdovey	Hoylake
	Barmouth	
<i>Devon (North)</i>		
Clovelly	<i>Caernarvon</i>	<i>Lancashire</i>
	Pwllheli	Southport
<i>Camrathen</i>	Rhiw (Port Nigel)	Lytham
Ferryside		Morecambe

(Sch 5 repealed by the SL(R) Act 1974.)

TRANSPORT CHARGES & C (MISCELLANEOUS PROVISIONS) ACT 1954

(2 & 3 Eliz 2 c 64)

ARRANGEMENT OF SECTIONS

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	* * * * *	
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(For or as to ss 9, 14(2), (5), see Vol 38, title Road Traffic; for ss 10, 14(4), see Vol 36, title Railways, Inland Waterways and Pipelines.)

*An Act to amend the law relating to the charges of certain undertakings connected with transport and to the accounts and returns to be prepared by railway undertakings, being in either case undertakings which do not form part of the undertaking of the British Transport Commission; to revoke in part (with savings) Defence Regulation 56; to provide for the control of the number of passengers to be carried on public service vehicles, tramcars and trolley vehicles; to repeal the Railway Freight Rebates Enactments 1929 to 1943; and for purposes connected with the matters aforesaid*

[25 November 1954]

**Northern Ireland.** This Act does not apply; see s 15(2) post.

1-5 (S 1 repealed by the Transport Act 1985, s 139(2), (3), Sch 7, para 5, Sch 8; s 2 repealed by the Transport Act 1980, ss 65, 69, Sch 9, Pt I; ss 3-5 repealed by the Transport Act 1962, ss 52(1), 95(1), Sch 12, Pt I.)

**6 Revision of charges by independent harbour undertakings, etc**

(1) This section shall apply to any independent statutory undertaking, being—

- (a) . . .
- (b) an inland waterway undertaking . . . ; or
- (c) a ferry undertaking, other than an undertaking acquired under the Ferries (Acquisition by Local Authorities) Act 1919, [or a ferry undertaking which is operated by or on behalf of [the Strathclyde Passenger Transport Executive or a council constituted under section 2 of the Local Government etc (Scotland) Act 1994]]; or
- (d) an undertaking engaged in the maintenance of a bridge; or
- (e) . . .
- (f) one of any other class of undertakings connected with transport which the Minister may from time to time by order declare to be a class of undertakings to which this section applies:

Provided that this section shall not apply to any undertaking in relation to any charge if the statutory provisions relating to that undertaking confer a power of revising that charge on [the Minister of Transport] and some other Minister acting together.

(2) An application may be made to the Minister at any time—

- (a) by the undertakers; or
- (b) by any person, or any body representative of persons, appearing to the Minister to have a substantial interest,

for the revision of any of the charges which the undertakers are for the time being authorised to demand and take in pursuance of any statutory provision; and if on any such application the Minister is satisfied that under the circumstances then existing it is proper so to do, he may, subject to the provisions of this section, make an order revising in such manner as he may think fit, with effect from such date as may be specified in the order, all or any of the said charges, whether or not the subject matter of the application, including any classification by reference to which the amount of any of those charges is to be determined; and any such order shall have effect notwithstanding anything in any statutory provision relating to the subject matter of the order:

Provided that—

- (i) the Minister shall not vary any charge other than those to which the application relates except after consultation with the undertakers and such other persons, or such bodies representative of other persons, appearing to him to have a substantial interest as may appear to him appropriate;
- (ii) where on any application under this section for an increase or a decrease in any charge the Minister has made an order or has decided that it is not proper to make an order, the Minister shall not entertain an application for a further increase or, as the case may be, a further decrease in that charge, or for a further revision of any other charge revised by the order, if any, so made, if that application is made before the expiration of a period of twelve months from the date of the making of the order or, as the case may be, from the date when the Minister gave notice of his decision not to make an order;
- (iii) where the statutory provisions in force with respect to any particular undertaking on the third day of September, nineteen hundred and thirty-nine, authorised a maximum for any charge and made no provision for its revision, an order under this subsection shall not revise that charge so as to make it lower than the maximum so authorised;

- (iv) where immediately before the commencement of this Act, or, in the case of an undertaking such as is referred to in paragraph (f) of subsection (1) of this section, immediately before the coming into force of the order therein mentioned, the undertakers were required by any statutory provision then in force to keep charges levied according to classes of voyages or otherwise in definite proportions, the Minister shall not make an order revising any of those charges which does not maintain the same proportions.

(3) In making any order on an application under this section, the Minister shall have regard to the financial position and future prospects of the undertaking and shall not make any revision of charges which in his opinion would be likely to result in the undertaking receiving an annual revenue either substantially less or substantially more than adequate to meet such expenditure on the working, management and maintenance of the undertaking and such other costs, charges and expenses of the undertaking as are properly chargeable to revenue, including reasonable contributions to any reserve, contingency or other fund and, where appropriate, a reasonable return upon the paid up share capital of the undertaking:

Provided that where the Minister is satisfied that, in view of the financial position of the undertaking during such period immediately preceding the application as may appear to him appropriate, there are special circumstances affecting the undertaking, the Minister may make such revision of charges as he may consider just and reasonable in the light of those special circumstances, notwithstanding that it is in his opinion likely to result in the undertaking receiving an annual revenue substantially less than adequate for the purposes aforesaid.

(4) Where an application is made under this section, the applicant and, where the application is made otherwise than by the undertakers, the undertakers shall furnish the Minister with such information and particulars, certified in such manner, as the Minister may require, and the applicant shall publish in such newspapers as the Minister may require a notice stating—

- (a) the general effect of the application; and
- (b) that within a period of forty-two days from the date of the first publication of the notice any person having a substantial interest may object to the application by giving notice to the Minister accompanied by the grounds of his objection with a copy to the applicant.

(5) Before making an order on an application under this section, the Minister shall, if required by the applicant or by any person who has objected to the application and has not withdrawn his objection or, where the order would vary any charge other than those to which the application relates, by any person or body with whom he has consulted in pursuance of paragraph (i) of the proviso to subsection (2) of this section, and in any other case may if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose; and where such an inquiry is held subsections (2) to (5) of section two hundred and ninety of the Local Government Act 1933 or, where the inquiry is held in Scotland, subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act 1947 shall apply to that inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the undertakers were a local authority.

(6) Any order under subsection (1) or subsection (2) of this section shall be made by statutory instrument, and an order made under the said subsection (2) may vary or revoke any previous order made under that subsection.

(7) Nothing in this section shall apply to any charge which, by the statutory provisions authorising the charge, is left to the discretion of the undertakers without any restriction or subject only to a requirement that the charge shall be reasonable; and for the purposes of the promotion by any undertaking of a Bill, or

of the making with respect to any undertaking of a Provisional Order, being a Bill or Order containing a provision revising any of the charges authorised to be demanded and taken by that undertaking, it shall be deemed, notwithstanding the passing of this section, that the objects of that provision cannot be attained except with new authority from Parliament.

#### NOTES

In sub-s (1), paras (a), (e) were repealed by the Harbours Act 1964, s 63(3), Sch 6; the words omitted from para (b) were repealed by the Transport Act 1962, ss 52(3), 95(1), Sch 12, Pt 1; the words in the first (outer) pair of square brackets in para (c) were substituted by the Local Government (Scotland) Act 1973, s 150, Sch 18, Pt II, para 25; the words in the second (inner) pair of square brackets in para (c) were substituted by the Local Government etc (Scotland) Act 1994, s 180(1), Sch 13, para 43. The words in square brackets in the proviso to sub-s (1) are substituted by virtue of the Minister of Aviation Order 1959, SI 1959/1768.

**Sub-s (1): Undertaking.** Cf s 13(2) post.

**Inland waterway undertaking.** Para (b) of sub-s (1) does not apply to an inland waterway undertaking which is an independent inland waterway undertaking within the meaning of the Transport Act 1962, s 52; see sub-s (3) of that section, Vol 36, title Railways, Inland Waterways and Pipelines.

**Revising that charge.** So much of this section as requires the making of an order by the Secretary of State for the revision of any charges in connection with a ferry undertaking ceased to have effect in relation to an undertaking operated by a local authority or a Passenger Transport Executive, and accordingly a local authority or Passenger Transport Executive operating any such ferry undertaking as is referred to in sub-s (1)(c) above may from time to time make such revision of any of the charges which they are authorised to demand in connection with the undertaking as seems to them appropriate, and may, if they think fit, determine that any such charges shall no longer be made; see the Local Government Act 1972, s 186(6), (7), Vol 25, title Local Government.

**Minister of Transport.** The title of the Minister of Transport was changed to the Minister of Transport and Civil Aviation by the Transfer of Functions (Ministry of Civil Aviation) Order 1953, SI 1953/1204, and reverted to the Minister of Transport by virtue of the Minister of Aviation Order 1959, SI 1959/1768. By the Secretary of State for the Environment Order 1970, SI 1970/1681, art 2, the Ministry of Transport was dissolved and all functions of the Minister of Transport were transferred to the Secretary of State. A separate Department of Transport was, however, created in 1976 and transport functions of the Secretary of State for the Environment were transferred to the Secretary of State for Transport by the Secretary of State for Transport Order 1976, SI 1976/1775. That arrangement continued until 1979 when another Ministry of Transport was established. By the Minister of Transport Order 1979, SI 1979/571, all functions which had been conferred on the Secretary of State for Transport were transferred to the Minister. Functions of the Minister for Transport were again transferred to the Secretary of State for Transport by the Transfer of Functions (Transport) Order 1981, SI 1981/238. See further the Ministry of Transport Act 1919, Vol 10, title Constitutional Law (Pt 4), and the Introductory Note thereto.

**Sub-s (2): 3rd September 1939.** I.e. the day when the 1939–45 war broke out.

**Commencement of this Act.** I.e. 25 November 1954, the date of the Royal Assent.

**Sub-s (6): Statutory instrument.** For provisions as to statutory instruments generally, see the Statutory Instruments Act 1946, Vol 41, title Statutes.

**Vary or revoke.** Note that the power of variation or revocation only applies to orders under sub-s (2). It is necessary because the Interpretation Act 1978, s 14, Vol 41, title Statutes, does not extend to powers to make such instruments contained in Acts passed before 1 January 1979; see s 22(1) of, and Sch 2, para 3 to, that Act.

**General adaptations.** For general adaptations consequent on this section, see s 14(3), (6) post. See also for a saving, s 14(7) post.

**Definitions.** For "charges", "independent", "inland waterway undertaking", "the Minister", "statutory provision" and "statutory undertaking", see s 13(1) post; and see also as to "statutory provision", s 13(3) post.

**Ferries (Acquisition by Local Authorities) Act 1919.** See Vol 20, title Highways, Streets and Bridges.

**Local Government etc (Scotland) Act 1994.** 1994 c 39: not printed in this work.

**Local Government Act 1933, s 290(2)–(5).** Repealed by the Local Government Act 1972, s 272(1), Sch 30, and replaced by s 250(2)–(5) of that Act, Vol 25, title Local Government.

**Local Government (Scotland) Act 1947.** Mostly repealed by the Local Government (Scotland) Act 1973, s 237, Sch 29, and replaced by provisions of that Act (not printed in this work).

**Orders under this section.** Up to 1 March 1997 no order had been made under sub-s (1)(f). Orders under sub-s (2), being local, are not recorded in this work.

7 (Sub-ss (1)–(3) repealed by the Harbours Act 1964, s 63(3), Sch 6; sub-s (4) repealed by the Civil Aviation Act 1982, s 109, Sch 16.)

### 8 Revocation in part (with savings) of Defence Regulation 56

(1) Regulation 56 of the Defence (General) Regulations 1939 as amended by any statutory provision, shall cease to have effect so far as it relates to any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour or pier undertaking, and sub-paragraph (a) of paragraph (4) of that Regulation is hereby revoked:

Provided that—

- (a) this section shall not affect any power with respect to charges possessed by any undertaking immediately before the commencement of this section which is attributable in whole or in part to any order made by the Minister under the said Regulation authorising the undertaking to make charges in excess of, or in addition to, those which they would otherwise have been authorised to make;
- (b) any other order made by the Minister under the said Regulation before the sixteenth day of February, nineteen hundred and fifty-four, if and so far as it is in force immediately before the commencement of this section, shall continue in force notwithstanding the foregoing provisions of this section, but may be revoked at any time by the Minister by order made by statutory instrument; and the provisions of subsection (2) of section thirty-eight of the Interpretation Act 1889 shall apply to any such revocation as they apply to the repeal of an Act of Parliament.

(2) This section shall come into force at the expiration of a period of one month beginning with the date of the passing of this Act.

#### NOTES

**Railway, etc.** In referring to a railway, light railway, etc., undertaking the Act follows the wording of the sub-paragraph revoked by sub-s (1) above.

**Undertaking.** Cf s 13(2) post.

**Commencement of this section.** Note sub-s (2) above.

**16th February 1954.** Is the day on which the Bill for this Act was introduced in Parliament.

**Statutory instrument.** See the note to s 6 ante.

**Passing of this Act.** Is 25 November 1954, the date of the Royal Assent.

**Definitions.** For "charges", "the Minister" and "statutory provision", see s 13(1) post, and see also as to "statutory provision", s 13(3) post.

**Defence (General) Regulations 1939.** SR & O 1939/927 (revoked).

**Interpretation Act 1889, s 38(2).** Repealed by the Interpretation Act 1978, s 25, Sch 3 and replaced by s 16(1) of, Sch 2, para 3 to, that Act, Vol 41, title Statutes.

**Orders under this section.** Orders under this section, being local, are not recorded in this work.

**9–11** (For s 9, see Vol 38, title Road Traffic; for s 10, see Vol 36, title Railways, Inland Waterways and Pipelines; s 11 repeals the *Railway Freight Rebates Enactments 1929–1943* without prejudice to any relief from rates provided for by any Act.)

### 12 Expenses, etc

(1) Any administrative expenses incurred by the Minister in the execution of this Act . . . shall be paid out of moneys provided by Parliament.

(2) . . .

(3) Any increase attributable to the provisions of this Act in the sums required under any other enactment to be paid out of moneys provided by Parliament or to be paid into the Exchequer shall be paid out of moneys so provided or, as the case may be, into the Exchequer.



**NOTES**

The words omitted from sub-s (1) and the whole of sub-s (2) were repealed by the Transport Act 1985, s 139(3), Sch 8.

**The Minister.** Now the Secretary of State; see the note "Minister of Transport" to s 6 ante.

**13 Interpretation**

(1) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively—

"charges" includes fares, rates, tolls, fees and dues of every description; . . .

"independent" means not forming part of the undertaking of the Commission;

"inland waterway undertaking" means an undertaking engaged in conserving, maintaining, improving or working a canal or other inland navigation [not navigated by sea-going ships] or the navigation of a tidal water [not so navigated];

"the Minister" means [the Minister of Transport];

"statutory provision" means a provision whether of a general or a special nature contained in, or in any document made or issued under, any Act other than this Act, whether of a general or a special nature;

"statutory undertaking" means an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament;

(2) A provision of this Act which applies to an undertaking carrying on particular activities shall apply in respect of those activities to any undertaking (including an undertaking carried on by a local authority) engaged therein, whether or not that undertaking is also engaged in other activities, but shall not apply in respect of any such other activities;

Provided that, for the purposes of section six of this Act—

- (a) where the activities carried on by any undertaking cause that undertaking to fall into two or more classes of undertakings to which that section applies, nothing in this subsection shall cause that section to apply to the undertaking at any time as an undertaking of any one such class only unless the Minister is satisfied that the activities of the undertaking appertaining to that class are carried on separately from the other activities of the undertaking to which that section relates and that the undertaking should properly be treated as if it were a separate undertaking for the purposes of the activities appertaining to that class;
- (b) where, in the case of an undertaking which falls into any of the classes aforesaid, the Minister is satisfied that particular activities of that undertaking appertaining to any one of the classes aforesaid are carried on separately from other activities of that undertaking appertaining to the same class and that it is proper that this paragraph should have effect in relation to that undertaking, the undertaking shall be treated as if those particular activities and those other activities respectively were carried on by separate undertakings.

(3) For the avoidance of doubt, it is hereby declared that in this Act, . . . the expression "statutory provision" includes a document made or issued in pursuance

of a power conferred by an instrument made under an Act as well as a document made or issued in pursuance of a power conferred by an Act.

(4) Save in so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

#### NOTES

The words omitted from the definition of "charges" in sub-s (1) were repealed by the Transport Act 1962, s 95(1), Sch 12, Pt I, and the words omitted from sub-s (3) were repealed by s 95(1), (2) of, Sch 12, Pt II to, that Act and by the SL(R) Act 1993.

The definitions omitted from sub-s (1) are either not relevant to the parts of the Act printed in this title or were repealed by the Transport Act 1962, s 95(1), (2), Sch 12, Pt II, and the Harbours Act 1964, s 63(3), Sch 6.

The words in square brackets in the definition of "inland waterway undertaking" were inserted or added by the Harbours Act 1964, s 39(1); those in the definition of "the Minister" are substituted by virtue of the Minister of Aviation Order 1959, SI 1959/1768.

**The Commission.** By the Transport Act 1962, s 32, Sch 2, Pt I, Vol 36, title Railways, Inland Waterways and Pipelines, in the definition of "independent", for the reference to the Commission there is substituted a reference to any of the Boards established by s 1(1) of that Act, in the same title, and by the Transport Act 1968, s 156(2), Sch 16, para 7(1)(a), (2)(c), in the same title, the reference so substituted includes a reference to any wholly-owned subsidiary of any of the Boards. By the London Regional Transport Act 1984, s 67(2), (3), Sch 4, para 6(1), (2)(b), (3), (5), Vol 26, title London, the reference to "any of the Boards" includes London Regional Transport and any subsidiary thereof.

**Minister of Transport.** See the note to s 6 ante.

#### 14 Repeals, adaptations and savings

(1) . . .

(2) (*See Vol 38, title Road Traffic.*)

(3) So much of any statutory provision (including any local Act passed at any time in the present session of Parliament) passed or made with respect to any particular undertaking to which section six of this Act for the time being applies as prescribes a procedure for the revision of any charges to which that section relates, or as confers upon the undertakers any power of revising any such charges with the approval or sanction of the Minister, or within defined limits, shall cease to have effect:

Provided that any such provision conferring upon the undertakers a power of revising any such charge within defined limits shall not cease to have effect by virtue of this subsection unless and until that charge is first revised by the Minister under the said section six.

(4), (5) (*For sub-s (4), see Vol 36, title Railways, Inland Waterways and Pipelines; for sub-s (5), see Vol 38, title Road Traffic.*)

(6) Any reference (however expressed) in any statutory provision passed, made or applied as mentioned in subsection (2), (3) or (4) of this section to charges authorised by or in pursuance of the Act or other instrument containing that provision shall be construed as including a reference to charges for the time being authorised by or in pursuance of this Act.

(7) Notwithstanding anything in the foregoing provisions of this section, nothing in this Act shall affect the operation of section forty-four of the Post Office Act 1953 (which relates to the conveyance of mails) or of that section as applied by any other statutory provision.

**NOTES**

Sub-s (1) was repealed by the SL(R) Act 1974.  
**Undertaking.** Cf s 13(2) ante.  
**Definitions.** For "charges", "the Minister" and "statutory provision", see s 13(1) ante, and see also as to "statutory provision", s 13(3) ante.  
**Post Office Act 1953, s 44.** See title Post Office post.

**15 Short title and extent**

(1) This Act may be cited as the Transport Charges &c (Miscellaneous Provisions) Act 1954.

(2) This Act shall not extend to Northern Ireland.

(Sch 1 repealed by the Transport Act 1980, ss 65, 69, Sch 9, Pt I; Sch 2 repealed by the SL(R) Act 1974.)

**FISHERIES ACT 1955**

(3 & 4 Eliz 2 c 7)

*An Act to increase the maximum amount of the grants which may be made out of moneys provided by Parliament to the Herring Industry Board for the promotion of the sale of herring and other purposes; to confer on the Minister of Agriculture and Fisheries and the Secretary of State powers to make grants and loans for the execution, for the benefit of the fishing industry, of harbour and other works and to determine certain existing powers in that behalf; to empower the Secretary of State to operate dredgers; and for purposes connected with the matters aforesaid* [29 March 1955]

Northern Ireland. This Act does not apply.

1 (Repealed by the Sea Fish Industry Act 1962, s 37(1)(c), Sch 4, Pt I.)

**2 Financial assistance for construction, improvement and repair of fishing facilities**

(1) The appropriate Minister may, upon such terms and subject to such conditions as he may, with the approval of the Treasury, determine, give to a public authority or an association of persons or company not trading for profit assistance by way of grant or by way of loan, or partly in the one way and partly in the other, in respect of expenses incurred by them for the purposes of the execution of works for the construction, improvement or repair of a harbour, pier, quay, jetty, boatslip or slipway in Great Britain, the landward approaches thereto or any buildings, structures or apparatus thereat which appear to the appropriate Minister to be requisite for the efficient functioning thereof, if the appropriate Minister is satisfied that the giving of the assistance will promote the maintenance or development of the fishing industry.

(2) Assistance given under the foregoing subsection in respect of the execution of any works may include a sum in respect of costs incurred in or in connection with the preparation of plans and specifications of the works, reports with respect thereto and estimates of the expenses to be incurred for the purposes of the execution thereof and a sum in respect of the remuneration of any architect, engineer or other person employed in an advisory or supervisory capacity in connection with the execution of the works; and where an application under the

BOURNEMOUTH-SWANAGE  
MOTOR ROAD AND FERRY  
ACT 1956.

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AN  
ACT

To empower the Bournemouth-Swanage Motor  
Road and Ferry Company to raise addi-  
tional capital; to confer further powers  
on the Company; and for other purposes.

[ROYAL ASSENT 5TH JULY 1956].

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4 & 5 ELIZ. 2—SESSION 1955-56.

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# BOURNEMOUTH-SWANAGE MOTOR ROAD AND FERRY ACT 1956.

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## ARRANGEMENT OF SECTIONS.

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Preamble.

### Section

1. Short and collective titles.
  2. Incorporation of Acts.
  3. Interpretation.
  4. Additional share capital.
  5. Amount of nominal share capital of Company.
  6. Additional share capital to be part of general capital.
  7. Issue of new capital.
  8. Power to borrow.
  9. Debenture stock.
  10. Priority of principal moneys secured by existing mortgages.
  11. Priority of mortgages and debenture stock over other debts.
  12. Appointment of receiver.
  13. Application of money.
  14. Redeemable preference shares and stock and debenture stock.
  15. Company may incur temporary loans.
  16. Power to pay underwriting commission and brokerage.
  17. Modification of rights of existing preference shareholders.
  18. Power to invest &c. in associated companies.
  19. Subdivision of shares.
  20. Voting rights.
  21. Qualification of directors.
  22. Directors not to be disqualified from holding offices of profit or entering into contracts.
  23. Appointment of directors to hold other offices.
  24. Auditors.
  25. Power to grant pensions &c.
  26. As to section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954.
  27. Repeal.
  28. Saving for powers of the Treasury.
  29. Costs of Act.
- Schedule.

4 & 5 ELIZ. 2. *Bournemouth-Swanage Motor Road and Ferry Act 1956.* 1

AN  
ACT

To empower the Bournemouth-Swanage Motor Road and Ferry Company to raise additional capital; to confer further powers on the Company; and for other purposes.

[ROYAL ASSENT 5TH JULY 1956].

Whereas the Bournemouth-Swanage Motor Road and Ferry Company (hereinafter referred to as "the Company") were incorporated by the Bournemouth-Swanage Motor Road and Ferry Act 1923 and by that Act were authorised to construct and establish a motor road and ferry to provide a more direct means of communication between Bournemouth and Swanage:

And whereas by the Bournemouth-Swanage Motor Road and Ferry Act 1928 the Company were authorised to raise additional capital:

And whereas the Company are now carrying on the undertaking authorised by the said Act of 1923 and have raised an amount of seventy thousand pounds by the creation and issue of thirty-five thousand non-cumulative participating preference shares of one pound each entitled to a preferential dividend at the rate of ten per centum per annum and thirty-five thousand ordinary shares of one pound each:

And whereas the Company have issued a mortgage debenture for thirty-five thousand pounds repayable by annual instalments of which an amount of twenty thousand nine hundred and ninety-nine pounds is at present outstanding:

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

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:

30 **M**AY 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):—

2 *Bournemouth-Swanage Motor Road 4 & 5 ELIZ. 2.  
and Ferry Act 1956.*

Short and  
collective  
titles.

1.—(1) This Act may be cited as the Bournemouth-Swanage Motor Road and Ferry Act 1956.

(2) The Bournemouth-Swanage Motor Road and Ferry Acts 1923 and 1928 and this Act may be cited together as the Bournemouth-Swanage Motor Road and Ferry Acts 1923 to 1956. 5

Incorporation of  
Acts.

2.—(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) :—

(a) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of 10 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 15 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 20 and the provisions thereof which limit the rate of dividend on preference capital and Part IV thereof) :

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 25 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 31 of the said Act of 1863 shall have effect as if 30 after the words " other than " there were inserted the words " in the case of holders of perpetual debenture stock. "

(2) In the construction of the enactments so incorporated with this Act the expression " special Act " shall be read as a reference 35 to this Act and the expression " company " shall mean the Company.

Interpre-  
tation.

3.—(1) In this Act the following words and expressions have 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) :— 40

" the Act of 1923 " means the Bournemouth-Swanage Motor Road and Ferry Act 1923 :

4 & 5 ELIZ. 2. *Bournemouth-Swanage Motor Road and Ferry Act 1956.* 3

" the Act of 1928 " means the Bournemouth-Swanage Motor Road and Ferry Act 1928 ;

" the Company " means the Bournemouth-Swanage Motor Road and Ferry Company ;

5 " the directors " means the directors for the time being of the Company ;

" 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 :  
10

" existing " means existing immediately before the date of the passing of this Act ;

" the Minister " means the Minister of Transport and Civil Aviation ;

15 " 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 ;

20 " the undertaking " means the undertaking of the Company as for the time being existing.

(2) Any reference in the Act of 1923 or in the Act of 1928 to the word " share " shall be construed as a reference to that word as defined in this section.

25 (3) 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.

4. The Company may from time to time raise additional share capital by the creation and issue of ordinary shares or stock or preference shares or stock or wholly or partly by one or more of those modes :  
30

35 Provided that it shall not be lawful for the Company to create and issue under the powers of this section 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 thousand pounds.

5. As from the passing of this Act the nominal capital of the Company shall be :—

40 (a) seventy thousand pounds being the amount of the share capital issued under the Act of 1923 and the Act of 1928 : Amount of nominal share capital of Company.

(b) the additional capital sufficient to produce one hundred thousand pounds authorised by the last foregoing section of this Act.



4 *Bournemouth-Swanage Motor Road & 5 Eliz. 2.  
and Ferry Act 1956.*

Additional  
share  
capital to  
be part of  
general  
capital.

6. The additional share capital authorised by section 4 (Additional share 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. 5

Issue of  
new  
capital.

7.—(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. 10

(2) The provisions of subsections (2) (3) and (4) of section 8 (Preference Shares) of the Act of 1923 shall apply to any preference shares or stock issued after the passing of this Act. 15

(3) The Company may issue shares of any amount.

Power to  
borrow.

8.—(1) 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 sum or sums of money not exceeding in the whole the amount which at that time the Company have raised by the issue of share capital (including the existing share capital) or the amount of one hundred thousand pounds whichever is the less. 20 25

(2) The powers conferred by this subsection shall be without prejudice to the right of the Company to re-borrow from time to time any amounts which have been paid off after having been raised by borrowing on mortgage or by the creation and issue of redeemable debenture stock. 30

Debenture  
stock.

9. 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 and of section 12 (Debenture stock) of the Act of 1923. 35

Priority of  
principal  
moneys  
secured by  
existing  
mortgages.

10. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of the Act of 1923 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. 40

Priority of  
mortgages  
and  
debenture  
stock over  
other  
debts.

11. All money to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. 45

4 & 5 ELIZ. 2. *Bournemouth-Swanage Motor Road and Ferry Act 1956.* 5

12. 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 ten thousand pounds which shall be the prescribed amount for the purposes of section 25 of the Companies Clauses Act 1863. Appoint-  
ment of  
receiver.

13.—(1) All money raised under this Act 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. Applica-  
tion of  
money.

15 (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 under the Bournemouth-Swanage Motor Road and Ferry Acts 1923 and 1928.

14.—(1) In this section unless the context otherwise requires—  
20 “ stock ” means preference stock and debenture stock ;  
“ preference stock ” includes preference shares ;  
“ issue ” includes re-issue ;  
“ redeemable stock ” means stock issued under the powers of this section so as to be redeemable ;  
25 “ redeemed stock ” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

Redeem-  
able  
preference  
shares and  
stock and  
debenture  
stock.

(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 :

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

(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 :

(i) *Bournemouth-Swanage Motor Road 4 & 5 ELIZ. 2.  
and Ferry Act 1956.*

Provided that 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.

So however during an interval of three months between the 5  
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 the amount raised by means of any stock  
so created or issued shall for the purpose of any enactment regulating 10  
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 15  
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 20  
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 25  
on the redemption of any redeemable stock may be written off out  
of revenue.

(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 30  
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 35  
be redeemed so long as the preference stock to be redeemed is re-  
deemed before the expiration of such an interval as is mentioned in  
the proviso 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 40  
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 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 45  
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

4 & 5 ELIZ. 2. *Bournemouth-Swanage Motor Road and Ferry Act 1956.* 7

time applied in the purchase of any such redeemable stock at a price not exceeding the redemption price.

15.—(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 fifty thousand pounds. Company may incur temporary loans.

(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.

16.—(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— Power to pay underwriting commission and brokerage.

(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.

17.—(1) Notwithstanding anything in any other enactment relating to the Company the rights attaching to the existing preference shares of the Company 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 said preference shares 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 vote in person or by proxy at a separate general meeting of the holders of the shares. Modification of rights of existing preference share-holders.

(2) The provisions of the Companies Clauses Consolidation Act 1845 relating to the holding of general meetings of the Company shall apply mutatis mutandis to a general meeting of holders of the said existing preference shares 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 said existing preference shares 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.

8

*Bournemouth-Swanage Motor Road* 4 & 5 ELIZ. 2.  
*and Ferry Act 1956.*

Power to invest &c. in other companies.

18.—(1) In order to provide or facilitate the provision of funds for the establishment carrying on or extension by any other company of:—

(a) an undertaking or business connected with or ancillary to any of the objects or purposes of the undertaking: or 5

(b) a business or activity which the Company are themselves for the time being authorised to carry on

and to the extent requisite therefor the Company shall be entitled and shall be deemed always to have been entitled—

(i) to subscribe for purchase take up and hold or dispose of any shares mortgages debentures or debenture stock of and to lend money to any other company and may in respect of any such 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 mortgages debentures or debenture stock: 10 15

(ii) to make temporary loans to any other company (with or without security): 20

(iii) to guarantee the debts of and the liabilities under any contract engagement or obligation entered into by any other company:

(iv) to subsidise or otherwise financially assist or become surety or guarantor for any other company: 25

(v) to guarantee the payment of the principal or interest of and any premium payable on any debentures debenture stock bonds obligations or other securities and any dividend payable on and the return (with or without premium) of the capital paid up in respect of any shares or stock issued by any other company. 30

(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. 35

Sub-division of shares.

19. The Company may from time to time with the consent of three-fifths of the votes of the shareholders present in person or by proxy at any general meeting of the Company when due notice for that purpose shall have been given subdivide any shares then issued or any class of such shares into shares of smaller amount. 40

Voting rights.

20. At all general meetings of the Company every holder of shares to which voting rights are attached shall be entitled to one vote in respect of each one pound of the nominal value of such shares held by him: 45

Provided that no shareholder shall be entitled to vote at any meeting in respect of any share on which any call remains unpaid.

4 & 5 ELIZ. 2. *Bournemouth-Swanage Motor Road and Ferry Act 1956.* 9

21. The qualification of a director shall be the possession in his own right of shares to the nominal value of not less than one hundred pounds. Qualifica-  
tion of  
directors.

22.—(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

10 (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 holding  
offices of  
profit or  
entering  
into

(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 : contracts.

15 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  
20 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 decided upon 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  
25 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  
30 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) A director who by reason of the provisions of the foregoing subsection of this section is not disqualified from holding office  
35 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 that subsection or of any such contract as is mentioned in paragraph (b) of that subsection by reason of such director holding that office or the fiduciary relation thereby  
40 established.

(3) 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—

45 (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 :

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and Ferry Act 1956.*

- (ii) a contract by or on behalf of the Company to give to the directors or any of them security by way of indemnity :
- (iii) the exercise of the powers conferred upon the directors by section 25 (Power to grant pensions &c.) of this Act notwithstanding that the director is or may be interested therein. 5
- (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. 10

Appoint-  
ment of  
directors  
to hold  
other  
offices.

**23. 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 : 15 20
- (b) (i) any such appointment of a director to the office of managing director under the foregoing paragraph of this section 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 : 25
- (ii) any such appointment of a director to any executive office or position under the Company (other than that of managing director) under the said paragraph 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 : 30
- (c) a director appointed to the office of managing director under the said paragraph 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 : 35
- (d) a director appointed to the office of managing director under the said paragraph 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 : 40 45
- (e) the directors may entrust to and confer upon a director appointed to the office of managing director under the said paragraph 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 50

4 & 5 ELIZ. 2. *Bournemouth-Swanage Motor Road and Ferry Act 1956.* 11

5 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.

24.—(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 :—

- 15 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 ;
- 20 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.

25 (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.

35 (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.

25.—(1) (a) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they think fit to any employee.

Power to grant pensions &c.

40 (b) Where in any particular case the directors are of opinion that no adequate provision is otherwise made for the widow or family or any dependant of an employee they may grant such gratuity pension or superannuation allowance or make such other payment as they think fit and any such benefit may be in



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and Ferry Act 1956.*

addition to or instead of any benefit given to the employee under the foregoing paragraph of this subsection.

(2) The directors may make such payments as they think fit to any superannuation fund formed for the benefit of the employees. 5

(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 afore-said such gratuities pensions allowances or payments as are by this section authorised to be granted or made. 10

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

(5) (a) In this section:—

“ employee ” includes—

(i) a director appointed under section 23 (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 and a director of an associated company who holds or has held any such office or position in that company: and 20

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

“ associated company ” means any other company in which the Company have invested or to which any loan has been made or financial assistance has been given by the Company under section 18 (Power to invest &c. in other companies) of this Act. 25

(b) Any payment or allowance made to or benefit received by a director under this section 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. 30 35

As to section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954.

26 In making any order under section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 in respect of the Ferry Tolls the Minister shall disregard any investment or loan made and any financial assistance given by the Company under section 18 (Power to invest in other Companies) of this Act and any payment made under section 25 (Power to grant pensions &c.) 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 under subsection (3) of the said section 6 the financial position and future prospects of so much of the undertaking as is the subject of the application for the order no profits or losses which the Company 40 45

4 & 5 ELIZ. 2. *Bournemouth-Swanage Motor Road* 13  
*and Ferry Act 1956.*

may have made or be likely to make from any such investment or loan made or financial assistance given under the said section 18 and no such existing or contingent liabilities of the Company under the said section 25 of this Act as are hereinbefore in this section referred  
5 to shall be taken into account.

27. The provisions of the Bournemouth-Swanage Motor Road Repeal. and Ferry Acts 1923 and 1928 mentioned in the Schedule to this Act (so far as not already repealed) are hereby repealed.

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

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

[SCHEDULE.

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SCHEDULE.

Provisions of the Bournemouth-Swanage Motor Road and Ferry Acts 1923 and 1928 repealed.

THE ACT OF 1923.

Section 5 (Capital);	5
Section 10 (Power to borrow);	
Section 11 (Appointment of receiver)	
Section 13 (Issue of redeemable preference shares or debenture stock);	
Section 20 (Qualification of directors);	
Section 25 (Appointment of managing director);	10
Subsection (1) of Section 27 (Defining rights of voting by shareholders);	
Section 33 (Auditors).	

THE ACT OF 1928.

Section 5 (Power to raise additional capital);	
Section 8 (Power to borrow);	15

TABLE OF STATUTES REFERRED TO IN THIS ACT.

Short Title.	Session and Chapter.
Companies Clauses Consolidation Act 1845	8 & 9 Vict. c. 16.
Companies Clauses Act 1863	26 & 27 Vict. c. 118.
Bournemouth-Swanage Motor Road and Ferry Act 1923	13 & 14 Geo. 5 c. lxxxviii. 20
Bournemouth-Swanage Motor Road and Ferry Act 1928	18 & 19 Geo. 5 c. viii.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Companies Act 1948	11 & 12 Geo. 6 c. 38. 25



# Bournemouth–Swanage Motor Road and Ferry Act 1986

CHAPTER xvii

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short and collective titles.
2. Interpretation.
3. Incorporation of Acts.

### PART II

#### MOTOR ROAD

4. Maintenance, etc., of motor road by Company.
5. Power to make work.
6. Correction of errors in deposited plan and book of reference.
7. Provision of facilities, etc.
8. Byelaws relating to motor road.

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- 9. Planning permission.
- 10. Agreements with highway authority.

PART III

FINANCE

- 11. Capital and borrowing powers.
- 12. Priority of mortgages and debenture stock over other debts.
- 13. Appointment of receiver.
- 14. Application of money.
- 15. Saving for powers of Treasury.
- 16. Share capital to be part of general capital.
- 17. Company may incur temporary loans.
- 18. Exercise of borrowing powers by directors.
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- 20. Register of shareholders and shareholders' address book.
- 21. Computerised records.

PART IV

MISCELLANEOUS AND GENERAL

- 22. Acquisition of land.
- 23. Revision of tolls.
- 24. Tickets.
- 25. Failure to pay tolls.
- 26. Amendments and repeals.
- 27. Costs of Act.

SCHEDULE—

- Part I—Enactments amended.
- Part II—Enactments repealed.

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1

ELIZABETH II



1986 CHAPTER xvii

An Act to provide for the motor road of the Bournemouth-Swanage Motor Road and Ferry Company to continue as part of the Company's undertaking; to authorise the Company to execute works; to confer other powers on the Company in relation to their undertaking including powers to raise additional capital; to amend or repeal certain of the local statutory provisions applicable to them; and for other purposes. [25th July 1986]

**W**HEREAS the Bournemouth-Swanage Motor Road and Ferry Company (hereinafter referred to as "the Company") were incorporated by the Bournemouth-Swanage Motor Road and Ferry Act 1923 and by that Act were 1923 c. lxxxviii. authorised to construct a motor road and ferry to provide a more direct means of communication between Bournemouth and Swanage:

And whereas further powers were conferred on the Company by the Bournemouth-Swanage Motor Road and Ferry Act 1928 1928 c. vii.



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PART I  
PRELIMINARY

1.—(1) This Act may be cited as the Bournemouth-Swanage Motor Road and Ferry Act 1986. Short and collective titles.

(2) The Bournemouth-Swanage Motor Road and Ferry Acts 1923 to 1956 and this Act may be cited together as the Bournemouth-Swanage Motor Road and Ferry Acts 1923 to 1986.

2. In this Act, unless the context otherwise requires— Interpretation.

- “the Act of 1923” means the Bournemouth-Swanage Motor Road and Ferry Act 1923; 1923 c. lxxxviii.
- “the Act of 1956” means the Bournemouth-Swanage Motor Road and Ferry Act 1956; 1956 c. lxiii.
- “the Company” means the Bournemouth-Swanage Motor Road and Ferry Company;
- “the directors” means the directors of the Company;
- “the ferry” means the ferry service established pursuant to section 56 (Power to establish ferry) of the Act of 1923 and includes any works connected therewith;
- “the motor road” means the carriageway, paths and verges forming the motor road constructed and maintained by the Company pursuant to section 43 (Power to make motor road) of the Act of 1923 and includes the said motor road as altered or improved pursuant to this Act and any works connected therewith;
- “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” shall be construed accordingly;
- “the undertaking” means the undertaking of the Company as for the time being existing.

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 sections 56 to 60, 145, 161 and 162 thereof): 1845 c. 16.

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; and



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PART I  
—cont.

(ii) section 15 of that Act shall have effect as if for the words "on demand" there were substituted the words "within two months following any demand therefor";

(iii) section 39 of that Act shall have effect as if the words "but such power" to the end of the section were omitted;

1863 c. 118. (b) the Companies Clauses Act 1863 (except sections 17 to 21 and the provisions limiting the rate of dividend on preference capital and Part IV thereof):

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 that Act shall have effect as if the words "and to the same amount as" were omitted;

(iii) section 25 of that Act 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 that Act shall have effect as if for the words "other than the right" there were substituted the words "Save that holders of perpetual debenture stock shall not be entitled".

(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.

PART II  
MOTOR ROAD

Maintenance,  
etc., of  
motor road by  
Company.

4. Without prejudice to subsection (2) of section 55 (Motor road to become public highway in certain events) of the Act of 1923, the motor road shall continue to be vested in the Company on and after 31st July 1988 as part of their undertaking and the Company may, subject to the provisions of this Act and the Act of 1923, maintain, repair, renew and improve the same with all necessary works and conveniences connected therewith.

Power to  
make work.

5.—(1) Subject to the provisions of this Act, the Company may in the parish of Studland in the district of Purbeck in the county of Dorset in the lines or situations and within the limits of deviation shown upon the deposited plan and according to the levels shown on the deposited section make and maintain the work described in subsection (2) below with all necessary

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5

and proper works and conveniences connected therewith or incidental thereto.

PART II  
—cont.

(2) The work referred to in subsection (1) above is—

A widening and improvement of the motor road incorporating a roundabout and a marshalling area for vehicles using the ferry, commencing at National Grid reference point SZ 03458625 and terminating at National Grid reference point SZ 03608660.

(3) In the construction of the work 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 that plan and may deviate vertically from the level of the work shown on the deposited section to any extent not exceeding 3 metres upwards or downwards.

(4) The Company may within the limits of deviation for the said work alter, replace or relay the same.

6.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Company, after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

Correction of errors in deposited plan and book of reference.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office of the House of Commons and with the proper officer of the Dorset County Council and thereupon the deposited plan 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 use the land and execute the work in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

7.—(1) Subject to the provisions of this Act and the Act of 1923, the Company may on any land forming part of the motor road or in which they have sufficient interest or rights do any of the following things and take such other steps as may be

Provision of facilities, etc.

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PART II  
—cont.

necessary or convenient for or in connection with the management or improvement of the undertaking:—

- (a) provide, set up, maintain and remove such toll houses, toll-gates, signals, offices and other conveniences for the collection of tolls and the management of the motor road and ferry as may be necessary or convenient;
- (b) lay out, maintain, manage and remove such vehicle marshalling areas, lay-bys, passing places, turning circles, parking places and other facilities as may be necessary or convenient for vehicles using the motor road or ferry;
- (c) provide, set up, maintain and remove such barriers, lights, traffic signs, signals, directions and other apparatus as may be necessary or convenient for the control, segregation and direction of traffic on the motor road;
- (d) execute any works and do any things necessary for the protection of any adjoining land.

1984 c. 27.

(2) Section 64 of the Road Traffic Regulation Act 1984 shall apply with respect to the placing of any traffic signs by the Company on or near the motor road under this section as if the motor road were an undertaking of the type specified in subsection (4)(b) of that section.

Byelaws relating to motor road.

8.—(1) Subject to the provisions of this Act and the Act of 1923, the Company may make and enforce byelaws—

- (a) for the prevention of injury or damage to the motor road, any premises occupied by the Company in connection with the motor road and persons or vehicles, including any class of vehicles using or intending to use the motor road;
- (b) for the management, regulation, direction and control of traffic of every description using the motor road or any part thereof;
- (c) relating to the issue and inspection of tickets and the collection of tolls.

(2) Without prejudice to the generality of subsection (1) above, byelaws made under this section may—

- (a) appropriate any part of the motor road for the exclusive use of any particular class of vehicle or traffic;
- (b) prohibit or restrict the parking, waiting, loading or unloading of vehicles on the motor road or any part thereof.

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(3) Byelaws made by the Company under this section may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and, in the case of a continuing offence, a daily fine not exceeding £40.

PART II  
—cont.

(4) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972 (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Company under this section as if the Company were a local authority and the secretary of the Company were the proper officer of a local authority, but the Secretary of State may confirm the byelaws with such modifications as he thinks fit: 1972 c. 70.

Provided that where the Secretary of State proposes to make a modification which appears to him to be substantial he shall inform the Company and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Company and by other persons who have been informed of it.

(5) Nothing in this section shall affect the operation of any of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

1974 c. 37.

9. In their application to development authorised by this Act— Planning permission.

(a) Article 3 of, and Class IX in Schedule 1 to, the Town and Country Planning General Development Order 1977, (which permit development comprising the carrying out of works for the maintenance or improvement of certain roads) shall not apply to any improvement of the motor road authorised by this Act; and S.I. 1977/289.

(b) Article 3 of, and Class XII in Schedule 1 to, the said order (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall apply only in relation to the development authorised by section 5 (Power to make work) of this Act and shall have effect subject to the conditions applicable under Class XII to the development of a building and as if the authority to develop were limited to development begun within 10 years after the passing of this Act.

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PART II  
—*cont.*  
Agreements  
with highway  
authority.

10.—(1) The Company and the highway authority may enter into and carry into effect agreements or arrangements for or with respect to the construction of the work authorised by this Part of this Act and the exercise of the other powers contained therein, or a contribution towards the expense of the same, and concerning other matters relating thereto.

(2) The purposes of this section shall be purposes for which the highway authority may incur expenditure and borrow money.

PART III  
FINANCE

Capital and  
borrowing  
powers.

11.—(1) Subject to and in accordance with the provisions of this Act, the Company may from time to time raise by the creation and issue of share capital or by borrowing on mortgage stock, or wholly or partly by any one or more of those modes, such sums as, when added to any money raised by the issue of share capital or borrowed by the issue of loan capital and in either case outstanding at the date or respective dates on which the Company exercise the powers of this section, shall be sufficient to produce in the aggregate £5,000,000.

(2) (a) The Company may raise sums by the creation and issue of share capital under this section, by the creation and issue of ordinary shares or preference shares or wholly or partly by one or more of those modes.

(b) For the purposes of this section the amount raised or to be raised by the issue of share capital shall be taken to be the amount which has been or will be raised, as the case may be, after taking into account any premiums or discounts which may be obtained or allowed on the issue or re-issue thereof.

(c) The unexercised powers of the Company for raising money by the creation and issue of share capital under the Bournemouth-Swanage Motor Road and Ferry Acts 1923 to 1956 shall cease to be exercisable.

(d) Any share capital which the directors were before the coming into operation of this Act authorised by a resolution of the Company to create and issue and which was not so created and issued before the coming into operation of this Act may be created and issued by the directors under subsection (1) of this section and without any further requisite.

(3) 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 on all mortgages, debentures and debenture stock created and issued

1863 c. 118.

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by the Company under this Act shall rank *pari passu* (without respect to the dates of the securities or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this subsection shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

PART III  
—cont.

12. All money to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act:

Priority of mortgages and debenture stock over other debts.

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.

13. 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.

Appointment of receiver.

14.—(1) Without prejudice to section 17 (Company may incur temporary loans) of this Act all money raised under the Bournemouth-Swanage Motor Road and Ferry Acts 1923 to 1986, 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.

Application of money.

(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 Bournemouth-Swanage Motor Road and Ferry Acts 1923 to 1986.

15. 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

1946 c. 58.

PART III  
—cont.  
Share capital  
to be part of  
general capital.

16. Any share capital created and issued by the Company under the powers of this Act shall be part of the general capital of the Company and, save as is otherwise expressly provided by the terms of issue thereof, the shares or stock therein and the holders thereof respectively shall in proportion to the amount of their shares or stock be entitled to the like rights of voting and any other rights, qualifications and privileges, and be subject to the like provisions and liabilities, as if that capital were part of the capital of the Company created and issued under the Bournemouth-Swanage Motor Road and Ferry Acts 1923 to 1956 of the same class or description and the shares or stock were shares or stock in that capital.

Company may  
incur  
temporary  
loans.

17. In addition to the powers to borrow money on mortgage of the undertaking, or to raise money by the creation and issue of debenture stock for the time being conferred on the Company, the Company may, for the purposes of or in connection with the undertaking, borrow by way of temporary loans or overdrafts from banks or otherwise, any sums which they may temporarily require—

(a) for the purpose of defraying expenses pending the receipt of revenues receivable by them in respect of the period of account in which those expenses are chargeable:

Provided that the aggregate amount outstanding at any time of the moneys so borrowed shall not exceed £500,000; and

(b) for the purpose of defraying, pending the issue of shares of any description, or the borrowing of money (such issue or borrowing being within the statutory powers of the Company at the time when the powers of this section to borrow temporarily are exercised), or the receipt of capital moneys from any other source, expenses intended to be defrayed by means of such issue, borrowing, or receipt, as the case may be.

Exercise of  
borrowing  
powers by  
directors.

18. Notwithstanding anything in any enactment the directors may by virtue of this section and without further or other sanction or authority exercise any powers for the time being vested in the Company of borrowing and re-borrowing on mortgage or on temporary loan or otherwise and of creating and issuing debenture stock or unsecured loan stock.

Expropriation  
of  
shareholdings.

19.—(1) Subject to the provisions of this section, the directors may sell any shares in the Company in respect of which all warrants and cheques sent by the Company during the previous 12 years have remained uncashed and may authorise any person to execute an instrument of transfer accordingly.

(2) The proceeds of any share sold under this section shall be deemed to be a debt due from the Company to the person

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entitled to such share immediately before the sale under subsection (1) above or such successor as is for the time being entitled.

PART III  
—cont.

(3) Any moneys for the time being held by the Company by way of such proceeds of sale shall be held in a separate account for that purpose, but not as trustee, and may be used for the benefit of the Company as the directors may from time to time determine.

(4) Not less than three months before selling any share under this section the directors shall—

(a) send notice of the intended sale by post addressed to the holder of the share at the holder's registered address; and

(b) publish notice of the intended sale in a national newspaper and a newspaper circulating in the area of the registered address of the holder of the share;

stating that any person entitled to the share may by notice in writing to the Company object to the sale; and the directors shall not proceed with the sale if within the said three months objection is made accordingly by any person reasonably appearing to be entitled to the share.

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

Register of shareholders and shareholders' address book. (1845 c. 16.)

(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.

21.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845, the Company may keep any register, index, minute book or book of account which they are required to keep either in bound books or by recording the matter in question in any other manner.

Computerised records.

(2) Any such recording may be other than in legible form so long as the recording is capable of being reproduced in legible form.



12 c. xvii *Bournemouth-Swanage Motor Road and Ferry Act 1986*

PART III  
—cont.

(3) Any provision of an instrument made by the Company before the commencement of this Act which requires a register of holders of debentures of the Company to be kept in a legible form shall be construed as requiring the register to be kept in a legible or non-legible form.

(4) Any duty imposed on the Company to allow inspection of, or to furnish a copy of, a register or other record or any part of it shall, if it is kept as a recording in non-legible form, be treated as a duty to allow inspection of, or to furnish, a reproduction of the recording or of the relevant part of it in a legible form.

(5) Where any register, index, minute book or book of account is not kept by making entries in a bound book, but by some other means, adequate precautions shall be taken for guarding against falsification and for facilitating its discovery.

PART IV

MISCELLANEOUS AND GENERAL

Acquisition of land. 22. Subject to the provisions of this Act, the Company may acquire by agreement, whether by way of purchase, lease or exchange, or by gift, any land which they may require for the purposes of their undertaking and may sell, lease, exchange or otherwise dispose of any land acquired by them which is no longer required for the purposes aforesaid.

Revision of tolls. 23.—(1) Subject to subsection (2) below, application may be made for the revision of any of the tolls which may be taken in respect of the motor road at any time after the expiration of 12 months from the making of any order under section 81 (Periodical revision of tolls) of the Act of 1923.

1954 c. 64. (2) Section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 shall have effect in its application to the undertaking—

(a) in relation to the motor road in addition to the ferry;

(b) as if for the words “the paid up share capital of the undertaking” there were substituted the words “the investment of the Company in the motor road and the ferry as defined in section 2 of the Bournemouth-Swanage Motor Road and Ferry Act 1986”.

Tickets. 24. The Company may in exchange for the payment of any toll provide a ticket card or other document to any person intending to pass through or by any toll-gate or other place at which the toll is payable and any person to whom a ticket card or document is so provided may be required on demand to show or deliver up the ticket card or document to the person

appointed by the Company to collect the same at such place or places as the Company may determine. PART IV  
—cont.

25.—(1) If any person refuses or neglects to pay any toll or part thereof lawfully due from him in respect of use of the motor road or ferry, the person appointed to receive tolls may refuse to permit the person so in default to pass through or by any toll-gate or other place at which such toll should be paid and may stop and prevent the person so in default from passing through or by the same. Failure to pay tolls.

(2) A person who—

- (a) passes through or by any toll-gate or other place at which any toll should be paid or otherwise passes over or onto the motor road or ferry, in either case with intent to avoid paying any toll lawfully due from him; or
- (b) operates or attempts to operate a machine provided by the Company for the collection of tolls by the insertion of objects other than current coins of the realm of the appropriate denomination or tokens authorised by the Company to be used for the payment of such tolls; or
- (c) otherwise interferes with such a machine as is mentioned in paragraph (b) above with the intention of dishonestly obtaining for himself a pecuniary advantage; or
- (d) intentionally obstructs a person appointed to receive tolls acting in the execution of his duty;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) Where the driver of a vehicle is alleged to be guilty of an offence under subsection (2) above—

- (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required in writing to give by or on behalf of a police officer or a person appointed to receive tolls; and
- (b) any other person shall if so required give any information which it is in his power to give and may lead to the identification of the driver.

(4) (a) A person who without reasonable excuse fails to comply with the requirement of subsection (3) (a) above shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was; and a person who fails to comply with the requirement of subsection (3) (b) above shall be guilty of an offence.



*Bournemouth-Swanage Motor Road and Ferry Act 1986* c. xvii 15

SCHEDULE

Section 26.

PART I

ENACTMENTS AMENDED

Chapter number	Provision amended	Amendment
13 & 14 Geo. 5. c. lxxxviii.	Bournemouth-Swanage Motor Road and Ferry Act 1923—	<p>In subsection (2) for the word "seven" there shall be substituted the word "two".</p> <p>In subsection (1), the words from "shall keep" to the words "Transport and" shall be deleted.</p> <p>For the words "any such lands" substitute the words "lands acquired under the authority of this Act".</p> <p>After paragraph (g), there shall be inserted the following paragraph:— "By-laws made by the Company under this section may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or such lesser sum as may be specified in the by-laws."</p> <p>After the words "such tolls" there shall be inserted the words "together with such sum as they think reasonable to cover their administrative expenses".</p>
	Section 21 (Quorum of meetings).	
	Section 35 (Annual accounts to be furnished to Minister of Transport).	
	Section 38 (Purchase of additional lands by agreement).	
	Section 73 (By-laws as to ferry).	
Section 83 (Taking and recovery of tolls &c.).		

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c. xvii *Bournemouth-Swanage Motor Road and Ferry Act 1986*

Stat.  
—cont.

Chapter number	Provision amended	Amendment
4 & 5 Eliz. 2, c. lxiii.	Bournemouth-Swanage Motor Road and Ferry Act 1956— Section 18 (Power to invest &c. in other companies).	In subsection (1) after paragraph (b) there shall be inserted the following paragraph— “(c) a business or activity which appears to be advantageous or convenient for, or in connection with, the undertaking or to be directly or indirectly for the benefit of the Company”.

PART II  
ENACTMENTS REPEALED

Chapter number	Short title	Extent of repeal
13 & 14 Geo. 5, c. lxxviii.	Bournemouth-Swanage Motor Road and Ferry Act 1923.	Sections 6, 7, 8 (1), 9, 12, 14, 15, 16, 36, 37, 38 other than the words from “nothing” to the end of that section, 39 to 42, 49, 52, 55 (3) and (4), 82 (2), 84 to 86, 88 (4), 90 to 96 and 104.
18 & 19 Geo. 5, c. viii.	Bournemouth-Swanage Motor Road and Ferry Act 1928.	Sections 6, 7, 9, 10, 11 and 13.
4 & 5 Eliz. 2, c. lxiii.	Bournemouth-Swanage Motor Road and Ferry Act 1956.	Sections 4, 5, 6, 8, 9, 10, 11, 12, 13, 16 (1) (a), 28 and 29.

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IN PARLIAMENT

SESSION 1985-86

BOURNEMOUTH-SWANAGE MOTOR ROAD AND

FERRY BILL

AGREEMENT

WITH

THE NATIONAL TRUST FOR PLACES OF  
HISTORIC INTEREST OR NATURAL BEAUTY

DYSON, BELL & CO.,  
15, Great College Street,  
Westminster,  
London, SW1P 3RX.  
Parliamentary Agents.

IN PARLIAMENT

SESSION 1985-86

BOURNEMOUTH-SWANAGE MOTOR ROAD AND FERRY BILL

AGREEMENT

with

THE NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST  
OR NATURAL BEAUTY

IN CONSIDERATION of these presents and the National Trust for Places of Historic Interest or Natural Beauty (hereinafter called "the National Trust") refraining from opposition to the above-named Bill, it is hereby agreed between the National Trust and the Bournemouth-Swanage Motor Road and Ferry Company (hereinafter called "the Company") that, in the event of the said Bill passing into law in substantially its present form, the following provisions shall, except as may be otherwise agreed in writing between the National Trust and the Company, apply and have effect:-

Interpretation

1. (1) In this agreement -

"construct" includes erect, lay out, execute or otherwise provide and "construction" and "constructed" shall be construed accordingly;

"the design drawing" means the drawing numbered 83/L/616/2F of which a copy is attached to this agreement;

"the motor road" means that part of the motor road (inclusive of the verges) operated by the Company and shown upon the plan attached to this agreement between Hardy's Road and South Haven Point;

"planning approval" includes any approval required under the

terms of the Town and Country Planning General Development Order 1977 in its application to the Company;

"the road improvements" means the work to be authorised by clause 5 (Power to make work) of the Bill and, in addition, a resiting of the Company's southern toll box in the centre of the motor road at its southern terminus together with a re-arrangement of the road at that point so as to permit vehicles to turn around the toll box, together with all necessary ancillary works;

"the verges" means the verges of the motor road extending both sides of the carriageway to a distance of 25 feet measured from the centreline of the carriageway.

(2) Any requirement in this agreement to give notice to, to submit anything to or to consult the National Trust shall be satisfied by giving notice to, submitting that thing or consulting, as the case may be, the Land Agent of the National Trust at Wimborne, Dorset or such other person as the National Trust may from time to time specify by written notice.

Approval by National Trust of plans for road improvements

2. (1) Before submitting any necessary plans and particulars of the road improvements to the local planning authority for its approval, the Company shall submit the same to the National Trust for its reasonable approval and shall supply the National Trust with such further information concerning the proposals as it may reasonably require.

(2) The aforesaid plans and particulars shall comply so far as practicable with the design drawing and no alteration or modification shall be requested by the National Trust which would constitute a material departure from the design drawing or would unnecessarily increase the cost of the road improvements.



(3) Notwithstanding anything in subclause (2) above, nothing in this agreement shall require the Company to seek approval for or to construct the widened access to the National Trust car park from the motor road, any addition to the National Trust car park, the proposed elevated walkway or the widened access to the beach shown upon the design drawing and such works shall not be treated as forming part of the road improvements.

(4) If the National Trust does not signify its approval or disapproval and the grounds thereof within 28 days of the submission of plans and particulars in accordance with this clause, it shall be deemed to have approved the same.

Planning approval, etc.

3. (1) Subject to subclause (2) below, the Company shall use their best endeavours to obtain any requisite planning approval and any other necessary consents for the construction of the road improvements in accordance with the plans and particulars agreed or settled under clause 2 above.

(2) If an application for planning approval for the road improvements is refused or granted subject to conditions or restrictions the Company shall consult the National Trust but nothing in this agreement shall fetter the Company's discretion in determining whether to appeal against that decision or to submit a revised application.

Use of National Trust land for road improvements

4. The National Trust shall permit the Company to construct and maintain the road improvements free of charge notwithstanding that those works are in part situated on land owned by the National Trust or in which the National Trust holds an interest and shall likewise consent to the re-routing or replacement at the Company's expense of any water pipes or drains on its land so far as this may be required for the purposes of the road improvements and on a route to be agreed between the National Trust and the Company or, failing agreement, to be settled by arbitration.

Road improvements to be constructed without delay

5. (1) Subject to the other provisions of this agreement, the Company shall as soon as reasonably practicable after enactment of the Bill and the grant of planning approval and any other necessary consents for the road improvements -

(a) commence the construction of the road improvements within 2 years of the enactment of the Bill; and

(b) construct the same with all reasonable expedition, the said improvements to be completed within one year of their commencement.

(2) Nothing in this clause shall impose upon the Company any obligation to commence or to complete the construction of the road improvements in so far as their commencement or completion would involve the Company in expenditure upon the road improvements in excess of £40,000 or such other figure as an independent Chartered Quantity Surveyor commissioned by and at the expense of the National Trust may reasonably estimate before the enactment of the Bill to be the current cost of the road improvements as at July 1986.

(3) Any estimate given of the cost of the road improvements for the purposes of this clause shall be based upon the assumption that the road improvements are constructed in accordance with the design drawing with all due economy and without any additional cost arising by reason of the terms of any requisite planning approval or other necessary consent.

Transfer of land comprised in road improvements

6. Upon completion of the road improvements to the reasonable satisfaction of the National Trust, the National Trust shall convey to the Company free of charge the fee simple of any land held by the National Trust upon which the road improvements are situated subject to any incumbrances as may affect the same at the date hereof and

such land shall be held and maintained by the Company as part of and subject to the same incidents as the motor road pursuant to the Bournemouth-Swanage Motor Road and Ferry Acts 1923 to 1956 and the Bill as enacted.

Approval of miscellaneous operations

7. (1) Not less than 7 days before commencing or permitting the commencement of any operation to which this clause applies, the Company shall give notice to the National Trust of the proposal to carry out the operation and shall not carry out that operation except with the approval of the National Trust which shall not be unreasonably refused.

(2) If the National Trust does not signify its approval or disapproval and the grounds thereof within 7 days of being given notice under subclause (1) above of any operation, they shall be deemed to have approved the same.

(3) Without prejudice to its right under this clause or otherwise in approving of any operation to specify any reasonable conditions for the protection of the natural condition of the adjacent verges and heathland, the National Trust shall not pursuant to this clause or otherwise withhold its approval to the construction by the Company of parking places upon the verges at an angle to and, at any point, on no more than one side of the carriageway on that part of the motor road north of One Acre Pool.

(4) The operations to which this clause applies are any operations on the verges materially affecting their natural condition or that of the adjacent heathland other than the continuation of roadside parking (without the provision of hardstanding or the construction of other works) and excluding any operation which is -

- (a) comprised in the road improvements; or
- (b) required to be carried out in an emergency or as a matter of urgency for the proper management of the motor road:

Provided that, in the case of any operation to which paragraph (b) above applies, the Company shall as soon as reasonably practicable give notice to the National Trust of the operation and shall have regard to any reasonable requirements which the National Trust may then suggest for the protection of the natural condition of the adjoining verges and heathland.

(5) In any case where the National Trust have approved of any operation under this clause, it shall not object to or do anything prejudicial in relation to any planning application by the Company for that operation.

Record of the condition of the verges

8. The National Trust shall at its expense and as soon as reasonably practicable prepare a record of the condition of the verges to be agreed with the Company or, failing agreement, to be settled by arbitration.

National Trust car park at Shell Bay

9. (1) The National Trust shall use its best endeavours to obtain any necessary consents for the extension of its car park at Shell Bay to include the areas coloured brown on the design drawing and shall extend and maintain that car park in accordance with such consents and take such other action as may be practicable to maximise the capacity of the car park within its geographical limits.

(2) In order to achieve maximum usage of the National Trust car park at Shell Bay the National Trust shall reduce and keep the charges for use of that car park to a level which, in any event, are lower than the charges at the National Trust's Knoll car park by an amount equal to the current toll for use of the motor road by the vehicle in question.

(3) The Company shall be consulted by the National Trust upon any proposed revision of the charges for use of its car park at Shell Bay.

Provision of road-side parking by National Trust

10. (1) Subject to the following provisions of this clause and to the National Trust obtaining any necessary consents therefor, the National Trust may construct and maintain at the National Trust's expense and on behalf of the Company road-side parking places upon the verges on that part of the motor road between the Company's southern toll box and National Grid Reference 0287 8554 which for purposes of illustration is shown coloured red on the plan attached to this agreement.

(2) Without prejudice to subclause (3) below, parking places and any attendant works and facilities constructed pursuant to this clause shall be treated as works to which the Schedule to this agreement shall apply.

(3) The parking places and any attendant works and facilities shall be designed, constructed and maintained so as clearly to distinguish such parking places from the adjacent carriageway and verges and so as to ensure that the parking places and any attendant works and facilities and any vehicles using the parking places do not extend onto, obstruct, present a hazard to traffic upon, impair the drainage of or damage the carriageway or otherwise prejudice public safety or the free flow of traffic upon the motor road.

(4) Any parking places provided by the National Trust upon the verges shall be kept continuously available for normal parking purposes by the public free of charge and without limitation as to the time that a vehicle may be parked:

Provided that the Company may reserve four spaces nearest to their southern toll box for the Company's exclusive use,

Control of parking by National Trust

11. (1) Subject to the following provisions of this clause and to the National Trust obtaining any necessary consents therefor, the National Trust may, following the construction by them to the reasonable

) satisfaction of the Company of a minimum of 75 parking places pursuant to clause 10 above in the approximate positions shown coloured blue on the plan attached to this agreement, control parking on behalf of the Company on the remaining verges on that part of the motor road referred to in clause 10(1) above.

(2) Without prejudice to the remaining provisions of this clause, any signs, posts, barriers, ditches or other impediments to parking and any other works constructed by the National Trust pursuant to this clause shall be treated as works to which the Schedule to this agreement shall apply.

(3) Nothing in this agreement shall permit the National Trust to construct or retain any work or thing in, under, upon or over the carriageway of the motor road as for the time being existing.

) (4) Any signs, posts, barriers, ditches or other impediments to parking and any other works constructed by the National Trust pursuant to this clause shall be designed, constructed and maintained so as to ensure that they do not obstruct, present a hazard to traffic upon, impair the drainage of or damage the carriageway of the motor road or otherwise prejudice public safety or the free flow of traffic upon the motor road.

) (5) In respect of any length of the verges upon which the National Trust have constructed any signs, posts, barriers, ditches or other impediments or works pursuant to this clause, the Company may require the National Trust thereafter to carry out on behalf of the Company at the National Trust's expense any necessary cutting of vegetation or other maintenance work on those verges for the purposes of the motor road to the reasonable satisfaction of the Company.

(6) Not less than three months before introducing any controls under this clause other than works to which the Schedule to this agreement applies, the National Trust shall submit to the Company and

to the chief officer of police for the police area in which the motor road is situated full particulars of its proposals and shall not implement those proposals otherwise than with the approval of the chief officer of police and in accordance with any reasonable conditions which the Company may specify.

(7) Any particulars submitted to the chief officer of police under subclause (6) above shall be accompanied by a copy of this clause and if the chief officer of police does not signify his approval or disapproval within 42 days of the submission of the particulars to him, he shall for the purposes of this agreement be deemed to have approved the same.

(8) The National Trust shall not employ or cause or permit any person to assist in controlling parking upon the verges who is not suitably qualified, trained and equipped for the purpose to the reasonable satisfaction of the Company.

(9) If there shall be any conflict between any directions given by or on behalf of the manager of the Company affecting the flow of traffic on the motor road and any directions lawfully given by any person acting for or on behalf of the National Trust under this clause, the directions given by or on behalf of the manager of the Company shall prevail.

(10) Nothing in this clause shall entitle the National Trust to exercise any control over traffic on the carriageway of the motor road without the Company's consent.

Extension of parking controls by National Trust

12. (1) If at any time further car parking facilities are made available at or in the immediate vicinity of Shell Bay which then form a reasonable alternative for the public to some or all of the available road-side parking upon that part of the motor road between National Grid Reference 0287 8554 and the intended marshalling area forming part of the road improvements, the National Trust may, with the consent of

the Company which shall not be unreasonably refused and subject to the remaining provisions of this clause, control parking upon so much of the verges on that part of the motor road, commencing at the said Grid Reference point and extending northwards on a pro rata basis, as offer the same car parking capacity as the further facilities then made available.

(2) For the purposes of subclause (1) above -

(a) the car park of the National Trust at Shell Bay as extended pursuant to the terms of this agreement does not comprise further car parking facilities;

(b) car parking facilities do not form a reasonable alternative for the public unless they are made permanently available during daylight hours; and

(c) the available road-side parking shall be taken to comprise not less than 390 places equally spaced on both sides of the motor road or such higher figure as may be agreed or, failing agreement, settled by arbitration.

(3) Without prejudice to the following provisions of this clause, clause 11 above shall extend and apply to any control of parking by the National Trust under this clause.

(4) No posts, barriers, ditches or other impediments to parking shall be introduced or thereafter retained pursuant to this clause unless there is maintained by the National Trust operating continuously between 0700 and 2000 hours every day between April 1st and October 1st each year adequate patrols to the reasonable satisfaction of the Company to prevent and control any consequential obstruction which may occur upon the motor road.

(5) The National Trust shall not pursuant to this clause prohibit the use of or otherwise control any formal car parking facilities constructed by the Company without making adequate compensation to



the Company assessed by reference to the cost of construction of those facilities less 10 per cent. for each full year since the date of such construction.

(6) Upon the National Trust seeking the Company's consent to control parking on the verges under this clause, the Company may elect to operate such controls, other than the construction and maintenance of posts, barriers, ditches or other impediments, themselves and in such manner as they see fit provided that they shall do so in accordance with such reasonable conditions as may be agreed between the Company and the National Trust or, failing agreement, settled by arbitration.

(7) In so far as the Company exercise controls over parking pursuant to subclause (6) above, the National Trust shall not be subject to the obligations contained in subclause (4) above.

Environmental Services

13. Subject to obtaining any other necessary authority or consents, the National Trust may at its own expense, with the consent of the Company which shall not be unreasonably refused and in accordance with such reasonable conditions as the Company may specify, take or assist the Company in taking any of the following steps in relation to the motor road -

- (a) the cutting and removal or planting of vegetation;
- (b) the collection of litter and waste;
- (c) the removal of abandoned vehicles;
- (d) the making good of any environmental damage;
- (e) the prevention and control of fires;
- (f) other works of management on and to the verges to conserve the natural condition of the verges but excluding anything being or forming a restraint on parking.

Co-operation on future management

14. (1) The National Trust shall consult the Company upon and keep the Company informed of any changes in its management of the Studland peninsula so far as affecting the motor road including the preparation or revision by or on its behalf of any management plan for the area.

(2) The Company shall consult the National Trust upon and keep the National Trust informed of any changes in their management of the motor road and ferry so far as affecting the use and amenity of the Studland peninsula.

(3) The Company and the National Trust shall use their best endeavours in accordance with the terms of this agreement and so far as they are each permitted to do so to secure and maintain so far as practicable the free flow of traffic upon the carriageway of the motor road and the prevention of unauthorised parking thereon.

Knoll Hill Road

15. (1) So far as it is entitled to do so, the National Trust shall use its best endeavours to prevent parking on Knoll Hill Road with a view to maintaining the free flow of traffic upon the motor road.

(2) The following provisions of this clause shall apply to any widening of Knoll Hill Road for or on behalf of the National Trust.

(3) Without prejudice to subclause (4) below, any such widening shall be treated as a work to which the Schedule to this agreement, other than paragraphs 5 and 6 thereof, shall apply and as if, in paragraphs 3 and 4 of the Schedule, reference to the motor road included reference to Knoll Hill Road.

(4) Knoll Hill Road shall be reinstated by the National Trust following any such widening in a manner reasonably approved by the Company and to their reasonable satisfaction.

(5) The Company agree to their liability to maintain Knoll Hill Road extending to the road as widened pursuant to this provision but -

(a) the National Trust shall be liable to the Company for the maintenance of the widening including the surface thereof for a period of 12 months after its completion;

(b) the National Trust shall reimburse the Company in respect of one-third of any costs borne by the Company in maintaining any addition to Knoll Hill Road formed by any such widening of the road by or on behalf of the National Trust.

(6) In this clause, "completion" means completed in accordance with the requirements of this clause and open to public use.

Indemnity

16. The National Trust shall indemnify and hold harmless the Company against all claims, demands and expenses which may be made on or against them or which they may have to pay in consequence of anything done or constructed by or on behalf of the National Trust under this agreement or the failure or want of repair of anything so constructed or in consequence of any act or omission of the National Trust, their contractors, agents, workmen or servants and the fact that any thing may have been done or constructed in accordance with plans or particulars approved by the Company or to their satisfaction or in accordance with any requirement of the Company or under their supervision or in accordance with any decision of an arbitrator shall not excuse the National Trust from liability under the provisions of this clause:

Provided that the Company shall give to the National Trust reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the National Trust.

Prohibition on assignment

17. The National Trust shall not assign or otherwise transfer any

rights conferred or liabilities imposed upon it by this agreement except with the consent of the Company who may refuse such consent or grant consent subject to such conditions as they see fit.

Arbitration

18. (1) Any difference arising between the Company and the National Trust under the provisions of this agreement other than a difference as to its meaning shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement within one month, to be appointed on the application of either party (after notice in writing to the other) by the President of the Royal Institution of Chartered Surveyors.

(2) In conducting any arbitration, the arbitrator shall -

(a) have regard to the statutory obligations of the Company and the National Trust;

(b) make such award (if any) as to the costs of the parties as he sees fit.

SCHEDULE

1. Before constructing or altering any works to which this Schedule applies, the National Trust shall submit to the Company for their reasonable approval plans and full particulars thereof and the works shall not be executed except in accordance with such plans and particulars as may be approved by the Company or, if such approval be refused, as may be settled by arbitration and any such works shall be carried out under the supervision (if given) and to the reasonable satisfaction of the Company.
2. If the Company do not signify their approval or disapproval and the grounds thereof within 28 days of the submission of plans and particulars in accordance with paragraph 1 above, they shall be deemed

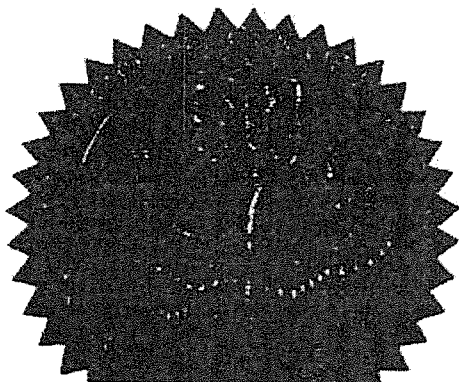
to have approved the same.

- 3. Before commencing to construct any works, the National Trust shall consult the Company as to the time when and as to the conditions under which the works are to be constructed so as to reduce so far as possible any inconvenience to the public or to the Company in the management of the motor road and so as to ensure that at no time traffic on or seeking to use the motor road is obstructed and the works shall not be executed except at the time and in accordance with such conditions as may be agreed between the National Trust and the Company or, in default of agreement, settled by arbitration.
- 4. Any flooding or damage including subsidence to the motor road caused by any works shall be made good by and at the expense of the National Trust under the supervision and to the satisfaction of the Company.
- 5. The works shall be vested in the Company as part of the motor road and the Company shall have all such rights in relation to the same and in the subsoil and undersurface thereof as are necessary for the performance of their functions.
- 6. The works shall be maintained in good repair by the National Trust and, in the event of any failure to comply with this provision, the Company may after 28 days' notice in writing to the National Trust execute any necessary repairs and recover any expenses incurred by them in so doing from the National Trust.

Dated this 30<sup>th</sup> day of June, 1986.

And whereas this agreement has been prepared in duplicate -

THE COMMON SEAL of the NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY was hereunto affixed in the presence of:



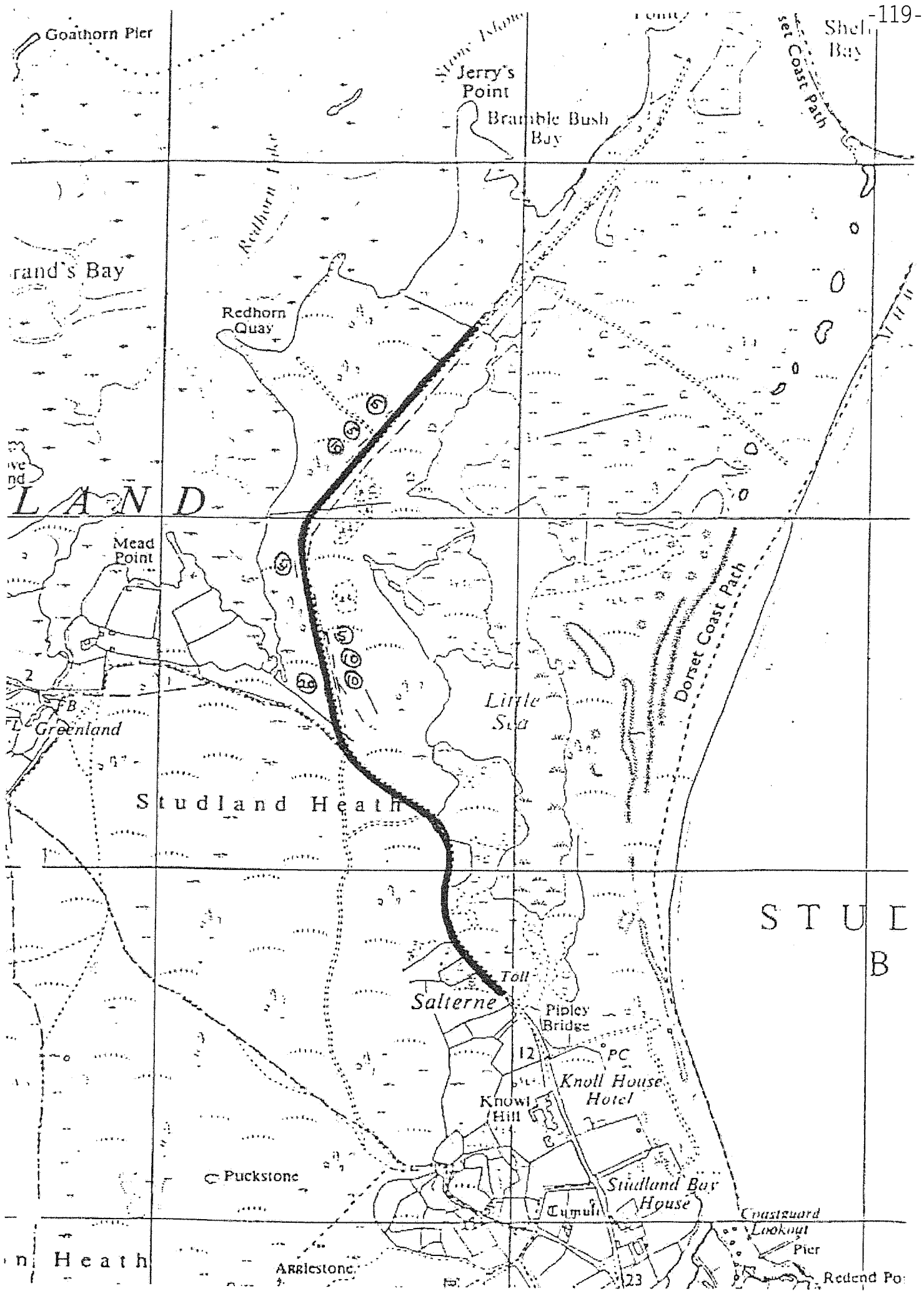
)  
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 )  
*R. F. Atkinson*  
 Authorised signatory.  
 376  
 Number in sealing register.

THE COMMON SEAL OF THE BOURNEMOUTH- )  
SWANAGE MOTOR ROAD AND FERRY COMPANY )  
was hereunto affixed in the presence of: )

Director *G. Rodmeyer*

Director *J. C. Smith*

Secretary *Josephine K. Kain*



Goathorn Pier

Jerry's Point

Bramble Bush Bay

Shell Bay

Grand's Bay

Redhorn Quay

LAND

Mead Point

Greenland

Studland Heath

Little Sea

Dorset Coast Path

STUDLAND

Salterne

Pipley Bridge

Knoll House Hotel

Knowl Hill

Puckstone

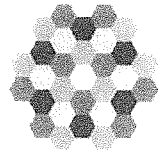
Studland Bay House

Coastguard Lookout Pier

Heath

Arlestone

Redend Point



# Official copy of register of title

Title number DT11363

Edition date 26.10.2016

- This official copy shows the entries in the register of title on 18 November 2016 at 11:34:16.
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- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 18 November 2016.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or Land Registry Public Guide 1 - *A guide to the information we keep and how you can obtain it.*
- This title is dealt with by Land Registry Weymouth Office.

## A: Property register

This register describes the land and estate comprised in the title.

### POOLE

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Part Of, North And South Haven Slipways, Poole.

NOTE 1: The extent of such part of the seabed that is included in this title is subject to the effect of accretion and dilivion.

NOTE 2: This registration does not include any land covered by internal waters of the United Kingdom which are not within England and Wales.

- 2 The Conveyance dated 3 November 1930 referred to in the Charges Register contains a proviso relating to mines and minerals.

- 3 There are excluded from this registration the mines and minerals and ancillary rights excepted and reserved by the Conveyance dated 4 January 1957 referred to in the Charges Register in the following terms:-

"EXCEPT AND RESERVING to the Queen's Majesty and Her Successors

All mines minerals and mineral substances within upon and under the premises together with full powers of entering upon the premises and working removing or carrying away such reserved substances as fully and effectually as though these presents had not been made"

- 4 The Conveyance dated 4 January 1957 referred to above contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED as follows:-

(1) That is substantial progress to the satisfaction of the Commissioners or their Surveyor shall not have been made with the said slipway extension within three years from the date hereof or within such further period as



**A: Property register continued**

may be approved of in writing by the Commissioners it shall be lawful for Her Majesty or Her Successors or the Commissioners to re-enter into and upon the premises or any part thereof in the name of the whole and thenceforth to hold and enjoy the same as if these presents had not been made and thereafter this Conveyance shall become void

(2) That in the event of the Commissioners exercising the right of power of re-entry hereinbefore granted or reserved they shall refund to the Grantees or their successors in title on the Grantees or such successors proving that they are or remain entitled to the premises in fee simple in possession free from incumbrances the sum of Five pounds

(3) That nothing contained in this deed shall affect any of the rights or powers mentioned in Sections 22, 23, and 24 of the Crown Lands Act 1866 or any of the rights conferred on the Minister of Transport and Civil Aviation by the Coast Protection Act 1949"

- 5 (27.08.1998) The mines and minerals together with ancillary powers of working are excepted from the land tinted yellow and tinted mauve on the filed plan with provision for compensation in the event of damage caused thereby.
- 6 (26.10.2016) There are excluded from this registration the mines and minerals excepted by the Transfer dated 9 February 2016 referred to below.
- 7 (26.10.2016) The land edged blue and edged brown on the title plan has the benefit of any legal easements granted by the Transfer dated 9 February 2016 referred to in the Charges Register but is subject to any rights that are reserved by the said deed and affect the registered land.
- 8 (26.10.2016) The Transfer dated 9 February 2016 referred to above contains provisions as to light or air and other matters.

**B: Proprietorship register**

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

**Title absolute**

- 1 PROPRIETOR: THE BOURNEMOUTH-SWANAGE MOTOR ROAD AND FERRY COMPANY of Floating Bridge, Sandbanks, Poole, Dorset.

**C: Charges register**

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land tinted pink on the filed plan dated 3 November 1930 made between (1) The Kings Most Excellent Majesty (2) The Board of Trade and (3) The Bournemouth-Swanage Motor Road and Ferry Company contains restrictive covenants and reserves rights.

NOTE: Copy Filed.

- 2 The land tinted pink on the filed plan is subject to a perpetual yearly rentcharge of one shilling granted by the Conveyance dated 3 November 1930 referred to above payable on the first day of January. The said Conveyance contains a power of re-entry for nonpayment

Title number DT11363

## C: Charges register continued

3 The Conveyance dated 3 November 1930 referred to above contains provisions relating to the termination of the grant thereby made expressed to operate as an option of purchase in the circumstances therein described.

4 A Conveyance of the land tinted blue on the filed plan dated 4 January 1957 made between (1) The Queen's Most Excellent Majesty (2) Crown Estate Commissioners (the Commissioners) and (3) The Bournemouth-Swanage Motor Road and Ferry Company (Grantees) contains the following covenants:-

"THE Grantees hereby covenants with the Queen's Majesty and Her Successors in manner following that is to say:-

(1) To proceed forthwith with the construction of the slipway extension in accordance with the plans approved by the Minister of Transport and Civil Aviation under the provisions of Section 34 of the Cost Protection Act 1949 and to complete the same with all reasonable despatch

(2) That the said slipway extension shall not be altered or further extended without the consent and approval in writing of the Commissioners having been first obtained

(3) At all times to keep the premises hereby granted in a good and proper state of repair and in proper condition free from all defects injurious to the adjacent lands of the public interest"

5 (27.08.1998) A Transfer of the land tinted yellow and tinted mauve on the filed plan dated 6 March 1998 made between (1) The Crown Estate Commissioners and (2) Bournemouth-Swanage Motor Road and Ferry Company contains the following covenants:-

"The Purchaser covenants with Her Majesty and Her Successors and separately with the Commissioners with the intention that the benefit of this covenant shall be annexed to and run with the Retained Land

3.1 to keep the Works in good repair to the Commissioners reasonable satisfaction

3.2 Not to use the Property for any use other than:

3.2.1 for the construction and maintenance of the Works and

3.2.2 for any purpose in connection with the statutory ferry undertaking for which the prior written consent of the Commissioners has been obtained (such consent not to be unreasonably withheld or delayed where the purpose in question does not involve any commercial development of or commercial activity on the Property)

3.3 To observe and perform the covenants and conditions contained in the 1930 Conveyance (other than those relating to the payment of a rent charge) as if the Yellow Land had been included in the 1930 Conveyance in so far as such covenants and conditions remain valid and subsisting and are capable of being enforced.

3.4 Not to use the Yellow Land for any use other than for the purpose referred to in clause 3.2.2 above."

NOTE: The property referred to is tinted mauve on the filed plan. The Yellow Land is tinted yellow on the filed plan

"The Retained Land" means the foreshore and bed of the sea at Sandbanks in the Borough of Poole in the County of Dorset forming part of the Crown Estate and each and every part of it.

Title number DT11363

## C: Charges register continued

"The Works" means the filling in of the Property and creating a platform, the building of a save wall on the platform, placing rock armour protection seaward side of the new platform to protect the Works from wave and tidal erosion and the siting of a navigation bacon to warn shipping of the submerged rock armour.

- 6 (27.08.1998) By the Transfer dated 6 March 1998 referred to above the land tinted yellow on the filed plan was conveyed subject to the covenants rights and reservations contained in the Conveyance dated 3 November 1930 referred to above.
- 7 The land tinted brown on the title plan is subject to such restrictive covenants as may have been imposed thereon before 18 February 1986 and are still subsisting and capable of being enforced.
- 8 (15.02.2016) A Transfer of the land Edged Blue and Edged Brown on the title plan dated 9 February 2016 made between (1) The Crown Estate Commissioners and (2) The Bournemouth-Swanage Motor Road and Ferry Company contains restrictive covenants.

NOTE: Copy filed under DT420658.

- 9 (21.07.2010) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.  
The leases grant and reserve easements as therein mentioned.

## Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	16.09.2008 Edged brown	Foreshore and bed at Poole Harbour	08.06.1988 39 years from 2.7.1985	

NOTE 1: The Lease comprises also other land

NOTE 2: The Lease dated 8 June 1988 referred to above has been determined as to part by two Extraction Notices dated 12 November 2009

NOTE 3: Copy Notices filed under DT380531

End of register