

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]

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 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. viii.

1956 c. lxiii.

and the Bournemouth-Swanage Motor Road and Ferry Act 1956 and the Company are now carrying on their undertaking pursuant to those Acts and the said Act of 1923:

And whereas 65 years after the passing of the said Act of 1923 the rights, powers and obligations of the Company in relation to their motor road are to cease whereupon the motor road will become a public highway:

And whereas it is expedient to provide for the motor road to remain vested in the Company as part of their undertaking:

And whereas for the avoidance of obstructions and delay to traffic on the motor road and for the better regulation and management of such traffic it is expedient that the Company construct the work authorised by this Act and that the other powers contained in this Act in relation to the motor road be conferred on the Company:

And whereas it is expedient to authorise the Company to raise additional share and loan capital for the purpose of financing the future management and improvement of their undertaking and also to enact further provisions relative to the capital and administration of the Company:

And whereas it is expedient to confer new powers upon the Company regarding the acquisition and disposal of land and the revision and payment of tolls, as in this Act contained, and that certain of the local enactments applicable to the Company should be amended and others repealed as by this Act provided:

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

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

And whereas a plan and section showing the lines and levels of the work by this Act authorised and the lands which may be used for the purposes of that work, together with a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill office of the House of Commons and with the chief executive of the Dorset County Council and such plan, section and book of reference are respectively referred to in this Act as the deposited plan, the deposited section and the deposited book of reference:

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

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

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

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

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.