

# **B P Trading Act, 1957**

5 & 6 ELIZ. 2 Ch. xxix

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## CHAPTER xxix

An Act to empower B P Trading Limited to construct works and to acquire lands and for other purposes.

[31st July 1957.]

**W**HEREAS B P Trading Limited (in this Act referred to as "the Company") are a company within the meaning of the Companies Act 1948 and are a company limited by shares:

And whereas the Company are engaged in trading in crude petroleum and petroleum products throughout the world:

And whereas the Company supplies crude petroleum to B P Refinery (Llandarcy) Limited who have established a refinery (hereinafter referred to as "the Llandarcy refinery") in the parish of Coed-Ffranc in the rural district of Neath in the county of Glamorgan:

And whereas the facilities available to receive tankers bringing oil for delivery to the Llandarcy refinery are inadequate for large tankers:

And whereas in order to enable the Company to maintain and increase their supply so as to meet the public demand it is essential that ample facilities to receive the largest tankers are available to them:

And whereas it is expedient in the public interest that the Company be empowered to construct a marine terminal to provide and lay pipes to convey oil from such terminal to the Llandarcy refinery and to construct the other works by this Act authorised and to acquire lands:

And whereas in order to enable the Company to manage and control the said marine terminal it is expedient that the Company be constituted a pier authority as in this Act provided:

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

And whereas plans and sections showing the lines and levels of the works by this Act authorised such plans showing also the lands which may be acquired or used compulsorily under the powers of this Act and for the purposes of this Act together with a book of reference to the said plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the clerks of the county councils of the administrative counties of Pembroke Carmarthen and Glamorgan respectively and with the town clerk of the county borough of Swansea and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference:

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

Short title.

1. This Act may be cited as the B P Trading Act 1957.

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 Lands Clauses Acts except sections 92 and 127 to 132 of the Lands Clauses Consolidation Act 1845;

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

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

(c) the provisions of the Harbours Docks and Piers Clauses Act 1847 (except sections 6 to 13 16 to 23 25 to 27 31 to 42 44 to 49 66 to 68 79 to 82 and 84 to 96).

(2) (a) 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.

(b) In the construction of the Act of 1847—

(i) the expression “ the harbour dock or pier ” shall mean—

(A) Works Nos. 1 and 2 constructed by the Company under the powers of this Act and the area of water below high-water mark of ordinary spring tides within a distance of one hundred yards in every direction from any part of the structures of Work No. 2; and

(B) the area of water below high-water mark of ordinary spring tides enclosed by lines drawn from points one hundred yards from the eastern and western extremities of Work No. 2 respectively to on the east the high-water mark of ordinary spring tides in latitude fifty-one degrees forty-one minutes forty seconds north longitude five degrees two minutes five seconds west and on the west the high-water mark of ordinary spring tides in latitude fifty-one degrees forty-one minutes twenty-five seconds north longitude five degrees three minutes one second west;

(ii) the prescribed limits shall be the limits of the pier as defined in section 41 (Limits of the pier) of this Act;

(iii) the word “ vessel ” shall include a seaplane on the surface of the water:

Provided that nothing in the Act of 1847 shall in any circumstances require or authorise the pier master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever in the structure of a seaplane.

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

“ the Act of 1847 ” means the Harbours Docks and Piers Clauses Act 1847;

“ the Company ” means B P Trading Limited;

“ the highway authority ” means in the case of a highway maintainable at the public expense the authority in whom that highway is vested;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 and by the Town and Country Planning Act 1954;

“ the Minister ” means the Minister of Transport and Civil Aviation;

- “ the pier ” means Works Nos. 1 and 2 by this Act authorised and includes those works as renewed or enlarged from time to time under section 7 (Alteration and improvement of works) of this Act;
- “ the pier undertaking ” means the undertaking of the Company in connection with the pier as from time to time authorised;
- “ the Queen’s harbour master ” means the Queen’s harbour master for the dockyard port of Pembroke;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ the tribunal ” means the arbitrator or other person to whom any question of disputed purchase money or compensation under this Act is referred;
- “ the Trinity House ” means the master wardens and assistants of the guild fraternity or brotherhood of the Most Glorious and Undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent commonly called the Corporation of the Trinity House of Deptford Strond;
- “ watercourse ” includes the main river of any river board as for the time being shown on any map approved or varied in accordance with the provisions of section 6 of the River Boards Act 1948 and any other river and any stream ditch drain cut culvert dyke sluice sewer (other than a public sewer within the meaning of the Public Health Act 1936) or passage through which water flows and the banks thereof;
- “ the works ” means the works authorised by this Act and includes those works as extended enlarged altered replaced or relaid under section 7 (Alteration and improvement of works) of this Act and “ work ” shall be construed accordingly.

(2) This Act is to be read as if the words “ or thereabouts ” were inserted after each distance mentioned in section 4 (Power to make works) of this Act.

(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.

Power to  
make works.

4.—(1) Subject to the provisions of this Act the Company may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the

deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described (that is to say):—

Works which form part of the pier undertaking—

Work No. 1 A pier or jetty partly of solid and partly of open construction commencing at a point near Popton Point in the parish of Pwllcrochan in the rural district of Pembroke in the county of Pembroke extending into the waters of Milford Haven in a north-easterly direction for a distance of fifteen hundred and fifty feet to and terminating (with one or more connections) at Work No. 2;

Work No. 2 A jetty head for berthing vessels commencing at a point in the waters of Milford Haven twelve hundred and fifty feet measured in a north-north-easterly direction from Popton Point and terminating at a point in the said waters two thousand five hundred feet eastwards from the point of commencement consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways pipeways and walkways the whole having decks of concrete or steel (or a combination of concrete and steel) supported on piles columns or caissons of concrete or steel (or a combination of concrete and steel) or other open or solid structures:

Works which do not form part of the pier undertaking—

Work No. 3 A shore installation in the enclosures numbered 1 2 2a 3 3a and 3c in the parish of Pwllcrochan in the rural district of Pembroke on the 1/2500 Ordnance map of Pembrokeshire sheet number XXXIX.5 (second edition 1908) including administrative and ancillary buildings and installations for servicing vessels using Work No. 1 and Work No. 2 or either of those works;

Work No. 4 A line or lines of pipes commencing at the point of commencement of Work No. 1 passing through the parish of Pwllcrochan and the parish of Rhoscrowther in the rural district of Pembroke and terminating at Work No. 5;

Work No. 5 A tank farm or enclosure and pipelines pumping station and buildings in the enclosures numbered 60 to 71 inclusive 73 115 115a 116 117 and 149 in the parish of Rhoscrowther on the 1/2500 Ordnance map of Pembrokeshire sheets numbers XXXIX.9 and 10 (second edition 1908);

Work No. 6 A line or lines of pipes commencing at Work No. 5 passing through the borough of Pembroke

the parishes of Rhoscrowther Pwllcrochan Hundleton Lamphey Nash and Carew in the rural district of Pembroke the parishes of Jeffreston East Williamston Begelly St. Issells Amroth and Crunwear in the rural district of Narberth the parishes of Eglwyscummin Llanddowror St. Clears Llangynog Llanstephan Llangain Llandyfaelog and Llangendeirne in the rural district of Carmarthen the parishes of Llanelly Rural Pontyberem Llannon and Llanedy in the rural district of Llanelly the urban district of Llŵchwr the parish of Mawr in the rural district of Pontardawe in the several counties of Pembroke Carmarthen and Glamorgan and through the county borough of Swansea and terminating at the refinery of B P Refinery (Llandarcy) Limited at Llandarcy in the parish of Coed-Ffranc in the rural district of Neath in the county of Glamorgan.

(2) The Company may by means of Works Nos. 1 and 2 enclose and reclaim from the foreshore and bed of the sea and may hold and use as part of the undertaking so much of the foreshore and bed of the sea as is situate within a distance of three hundred feet in every direction from the said works and is required for or in connection with those works.

Subsidiary works.

5.—(1) Subject to the provisions of this Act the Company for the purposes of or in connection with the works authorised by section 4 (Power to make works) of this Act may within the limits of deviation for those works shown on the deposited plans in addition to such works—

(a) construct or place and maintain and use all such cuts channels entrances sea walls gates weirs dams basins reservoirs ponds trenches pounds slipways lay-byes sluices culverts syphons by-passes arches bridges (fixed or opening) ferries sewers drains mains pipes cables tanks valves and valve chambers embankments towing-paths banks walls jetties berthing heads strong points landing places mooring dolphins moorings buoys beacons lights signals telecommunication installations groynes quays wharves warehouses sheds buildings engines pumps machinery lifts cranes drops winches capstans gantries conveyors staites tips railways tramways junctions sidings turntables roads roadways walkways approaches pipeways works and appliances as may be necessary or convenient for or in connection with or subsidiary to the said authorised works;

(b) (except as provided in subsection (2) of this section) temporarily or permanently use strengthen widen improve alter or otherwise interfere with drains sewers submarine



cables telegraphic telephonic electric gas water and other pipes lines wires works and apparatus (all of which are hereinafter in this section referred to as "apparatus") and streets railways canals and streams providing where possible a proper substitute before interrupting the passage of sewage electricity gas or water in or through any apparatus or any such stream or the traffic on any such street railway or canal;

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

(2) In relation to Works Nos. 4 and 6 authorised by the said section 4 the Company shall not in pursuance of this section temporarily or permanently use alter or interfere with any street except that the Company may for the purposes of the said Works Nos. 4 and 6 within the limits of deviation for those works shown on the deposited plans break up or open any street.

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

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

(5) (a) Not less than twenty-eight days before executing any works under paragraph (b) of subsection (1) of this section for the purposes of or in connection with Works Nos. 1 2 3 and 5 authorised by section 4 (Power to make works) of this Act affecting any submarine cable telegraphic telephonic electric gas water or other pipe line wire or work (not being a drain sewer or pipe belonging to or repairable by the local authority) or railway the Company shall submit to the appropriate authority sufficient plans sections and particulars of the proposed works for their reasonable approval.

(b) The Company shall execute such works in accordance with such plans sections and particulars as may be submitted to and approved by the appropriate authority or if such approval be refused as may be settled by arbitration and all such works shall be executed to the reasonable satisfaction of the appropriate

authority and the Company shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) The Company shall give reasonable notice to the appropriate authority of the time at which such works are intended to be executed and shall comply with such reasonable conditions as the appropriate authority may require (including in the case of a railway conditions for obviating or reducing interference with the traffic using the railway and in the case of any electric line wire or apparatus conditions for obviating or reducing interference with the supply or distribution of electricity).

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

(e) In this subsection "the appropriate authority" means in relation to any submarine cable telegraphic telephonic electric gas water or other pipe line wire or work (except as aforesaid) or railway the authority to whom it belongs or by whom it is repairable.

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

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

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

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

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

(9) In this section the expression "street" has the same meaning as in the Public Utilities Street Works Act 1950 and in subsection (6) of this section the expression "alter" has the same meaning as in the Telegraph Act 1878.

(10) In this section "the board" has the same meaning as in section 26 (For protection of certain electricity undertakers) of this Act and the expression "apparatus of the board" means apparatus as defined in that section.

6.—(1) The Company during and for the purpose of the execution of Works Nos. 3 4 5 and 6 authorised by this Act may temporarily stop up and divert and interfere with any road or footpath and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building abutting on the road or footpath from passing along and using the same. Temporary stoppage of roads and footpaths.

(2) The Company shall provide reasonable access for foot-passengers bona fide going to or from any such land house or building.

(3) The Company shall not exercise the powers of this section—

(a) as respects any trunk road without giving to the Minister reasonable notice of the times at which interference with the trunk road is intended to take place and complying with such reasonable conditions as he may require; or

(b) as respects any other road or any footpath without the consent of the highway authority. Such consent shall not be unreasonably withheld but may be given subject to such reasonable conditions as the highway authority may require and any question whether such consent is unreasonably withheld or any conditions so imposed are unreasonable shall be determined by the Minister.

7.—(1) Subject to the provisions of this Act the Company may from time to time maintain renew enlarge and alter temporarily or permanently the works authorised by section 4 (Power to make works) of this Act or any part thereof: Alteration and improvement of works.

Provided that nothing in this section shall authorise the Company to deviate laterally or vertically beyond the limits of deviation authorised by section 8 (Power to deviate) of this Act.

(2) The provisions of subsections (4) and (5) of section 5 (Subsidiary works) of this Act shall apply in relation to any works of maintenance renewal enlargement or alteration carried out under this section as they apply in relation to works carried out under the powers of the said section 5.

8. In the construction of the works authorised by section 4 (Power to make works) of this Act the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards. Power to deviate.

9. So much of Works Nos. 1 and 2 as are outside the area of the petty sessional division of Pembroke in the county of Pembroke or the rural district of Pembroke shall be deemed to be within the said area or the said rural district (as the case may be). Works to be within petty sessional division and rural district of Pembroke.

Power to dredge.

10.—(1) Subject to the provisions of this Act the Company may from time to time deepen dredge scour and improve the bed and foreshore of the sea and blast any rock (*a*) within the limits of deviation for Works Nos. 1 and 2 by this Act authorised or any part or parts thereof and the channels and approaches thereto and (*b*) within an area extending outside the limits of deviation for Works Nos. 1 and 2 to the north and west and bounded outside those limits by straight lines commencing at a point on the western limit of deviation for Works Nos. 1 and 2 one thousand feet south of the northern end of that limit thence proceeding in a westerly direction on a bearing five degrees south of west for a distance of one thousand four hundred feet thence in a direction true north for a distance of one thousand and fifty feet thence in a north-easterly direction for a distance of one thousand five hundred and fifty feet in a straight line which if produced would pass through the point of intersection in Gelliswick Bay of the high-water mark of ordinary spring tides with the common parish boundary of Hubberston and Herbranstons thence in an easterly direction on a bearing five degrees north of east to the point of intersection with longitude five degrees three minutes west thence in a direction due south to a point two thousand seven hundred feet south from the point of intersection of that longitude with the high-water mark of mean spring tides on the north shore of Milford Haven and thence eastwards for a distance of two thousand eight hundred feet in a straight line which if produced would pass through a point two thousand feet due south of the most southerly projection of the shore at such high water on the west side of the entrance to Castle Pill and thence in a southerly direction to the north-east corner of the limits of deviation for Works Nos. 1 and 2 (which area is a revision of that shown on the deposited plans and marked "Dredging area") and any chalk gravel rock or other materials taken up or collected by means of such deepening dredging scouring or blasting shall be the property of the Company and they may use sell or otherwise dispose of or remove or deposit the same as they think fit:

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

(2) The powers of the Company under this section of deepening dredging scouring and improving the bed and foreshore of the sea and blasting rock shall not be exercisable without the approval of the Queen's harbour master.

(3) In the exercise of the powers conferred by this section the Company may remove or resite submarine cables in or across the bed or foreshore of the sea doing as little damage as may be and making good all damage done.

(4) (a) In the exercise of the powers conferred by this section the Company shall not interfere with damage or injuriously affect any submarine cable placed or maintained by the Postmaster-General without the consent of the Postmaster-General.

(b) Before commencing to deepen dredge scour or improve the bed or foreshore of the sea or blast any rock under the powers of this section within a distance of one hundred and fifty yards of any such submarine cable in any case where blasting operations are involved or in any other case within a distance of fifty yards of any such cable the Company shall give in writing to the Postmaster-General as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do.

(c) Any material dredged up or removed shall not be laid down or deposited in such a place or manner as to cover any such submarine cable or in any way obstruct or impede any work of or connected with the inspection or repair of such a cable.

11. Subject to the provisions of this Act if the works authorised by section 4 (Power to make works) of this Act are not completed within ten years from the first day of October nineteen hundred and fifty-seven then on the expiration of that period the powers by this Act granted to the Company for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

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

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

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

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

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

Lights on works during construction.

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

Permanent  
lights on  
works.

**14.**—(1) After the completion of Works Nos. 1 and 2 by this Act authorised the Company shall at the outer extremity of those works on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct.

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

Provision  
against danger  
to navigation.

**15.**—(1) In case of injury to or destruction or decay of Works Nos. 1 or 2 by this Act authorised or any part thereof so far as the same shall be constructed on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Trinity House and shall apply to the Trinity House for directions as to the means to be taken.

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

Company may  
provide  
dredgers  
tugs etc.

**16.**—(1) The Company may from time to time build purchase contract for or hire and may maintain and use tugs hoppers barges or other powered craft—

(a) as may be necessary or expedient for or in relation to any of the purposes mentioned in section 10 (Power to dredge) of this Act; and

(b) for the use and accommodation of vessels within the limits of the pier and for this purpose they may let the same.

(2) In addition to the purposes referred to in paragraph (a) of subsection (1) of this section the Company may purchase hire provide and may maintain and use all necessary dredging and other machines engines craft machinery and appliances as may be necessary or expedient.

(3) Any electrical power used pursuant to this section shall be so used and any electrical works or apparatus purchased hired provided maintained or used pursuant to this section shall be so constructed laid or erected and so maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

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

Abatement of work abandoned or decayed.

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

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

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

Survey of works by Minister.

Power to sell  
pier under-  
taking.

19.—(1) At any time after Works Nos. 1 and 2 by this Act authorised have been completed the Company may with the previous consent in writing and upon such terms conditions and restrictions as may be approved by the Minister sell the pier undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations in respect of the pier undertaking to which the Company are subject and shall perform all the duties of the Company under this Act in respect of such undertaking.

(2) The Company shall within one month after the date of any conveyance made under this section deposit a certified copy thereof at the Ministry of Transport and Civil Aviation and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

Power to lease  
pier under-  
taking or  
rates.

20.—(1) The Company may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister lease to any company corporation or person (a) the pier undertaking or (b) the right to collect and retain the rates which the Company are authorised to demand take and recover.

(2) As from the commencement of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations in respect of the pier undertaking to which the Company are subject and shall perform all the duties of the Company under this Act in respect of such undertaking.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister and the provisions of this Act with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Company shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and Civil Aviation and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

(5) Notwithstanding that under this section the power to demand take and recover any rates is transferred by the Company to some other person the rates in respect of which the power is so transferred shall for the purposes of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 be deemed to be charges (within the meaning of the said Act of 1954) which



the Company are for the time being authorised to demand and take in pursuance of the said Acts and in connection with any application for the revision of such rates the provisions of the said section 6 shall apply as if the said power to demand take and recover had not been so transferred.

21. The Company may with the previous consent in writing of and upon such terms and conditions as may be approved by the Minister mortgage charge or otherwise encumber the pier undertaking or the right to collect and retain the rates which the Company are authorised to demand take and recover.

Power to mortgage pier undertaking or rates.

22. The Company may so far as they are not otherwise empowered so to do at any time sell lease mortgage charge or otherwise dispose of Works Nos. 3 4 5 and 6 by this Act authorised and the lands buildings machinery apparatus works and conveniences connected therewith or any part thereof or any interest therein to any authority body company or person subject to any terms and conditions affecting the same in the hands of the Company and operating for the protection or benefit of other persons but otherwise in such manner and for such consideration and on such terms and conditions as may be agreed between the Company and such authority body company or person.

Power to sell lease etc. works.

23.—(1) In the construction and maintenance of Works Nos. 3 4 and 5 authorised by this Act and of such parts of Work No. 6 authorised by this Act as are within the Pembrokeshire Coast National Park the Company shall have regard—

For preservation of scenery and amenities.

- (a) to the preservation for the public of the natural beauty of the district in which the works are situate and to the enjoyment thereof by the public; and
- (b) to the conservation of flora and fauna and geological or physiographical features of special scientific interest therein.

(2) For the purpose of securing the foregoing provisions of this section but without prejudice to the generality thereof the Company shall—

- (a) after consultation with the National Parks Commission appoint a landscape consultant whom the Company shall consult generally in connection with their duties under paragraph (a) of subsection (1) of this section and on questions affecting amenity in or in connection with or arising out of the carrying out or doing under the powers of this Act of any operations or things including the following:—
  - (i) the disposal of spoil or waste material;
  - (ii) the reinstatement or restoration of land;
  - (iii) the planting and felling of trees and the planting of bushes and other plants;

- (b) consult with the National Parks Commission with respect to the situation design and external appearance of any pipeline tank building or bridge or any wall embankment or fence forming part of or constructed in connection with any pipeline tank building or bridge; and
- (c) send to the National Parks Commission copies of any recommendations of the said landscape consultant made to the Company in pursuance of his functions under paragraph (a) of this subsection.

(3) (a) Without prejudice to anything contained in the Town and Country Planning Act 1947 the Company shall consult with the local planning authority as to—

- (i) the situation design and external appearance of any pipeline tank building bridge wall embankment road or fence to be constructed under this Act; and
- (ii) the carrying out of quarrying operations or the manner and method of disposing of any spoil or waste material resulting from the carrying out of any operation under this Act.

(b) The Company shall in the case of the construction and maintenance of works within the said national park send to the local planning authority copies of any recommendations of the said landscape consultant made to them with regard to any of the matters referred to in the foregoing paragraph (a) of this subsection and shall in the case of the construction of any works authorised by this Act whether or not within the said national park comply with such reasonable requirements as to siting or otherwise as the local planning authority shall make—

- (i) for the purpose of rendering any such pipeline tank building bridge wall embankment road fence spoil or waste material inconspicuous; or
- (ii) with regard to the carrying out of quarrying operations or the disposal of any such spoil or waste material;

including as respects any purpose mentioned in the foregoing sub-paragraph (i) requirements as to the laying of turf the sowing of grass seed and the planting of trees bushes or plants:

Provided that before making any requirement with regard to the disposal of spoil or waste material the local planning authority shall consult with the Minister of Agriculture Fisheries and Food and shall not consent to or require the deposit of any spoil or waste material along or within one hundred feet of the bank of any watercourse without first consulting with the South West Wales River Board or the Glamorgan River Board as the case may be.

(4) Within six months after the completion of the works authorised by this Act or such longer period as the local planning

authority may agree the Company shall remove or to the reasonable satisfaction of the local planning authority demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of or in connection with the construction of such works and shall remove all surplus materials plant machinery and appliances provided or erected in connection therewith and shall so far as is reasonably practicable to the like satisfaction restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials plant machinery and appliances as aforesaid have been placed.

(5) In and for the purposes of this section the expression " spoil and waste material " includes any rock sand mud and other materials dredged up or removed by the Company under the powers of section 10 (Power to dredge) of this Act.

(6) If any question shall arise as to the reasonableness of any requirements which the local planning authority may make under subsection (3) or subsection (4) of this section the question shall be referred to and determined by the Minister of Housing and Local Government whose decision shall be final and if any such question relates to the deposit of spoil or waste material along or within one hundred feet from the bank of any watercourse the river board in whose area such watercourse is situate may make representations to the said Minister with regard to such deposit and shall be entitled to be heard by the said Minister at any inquiry with reference thereto.

24. For the protection of the British Transport Commission (in this section referred to as " the commission ") the following provisions shall unless otherwise agreed in writing between the Company and the commission apply and have effect:—

For protection of British Transport Commission.

(1) In this section—

" property of the commission " means any lands belonging to or occupied by the commission shown on the deposited plans and any railway or canal of the commission and the works connected therewith;

" the works " means so much of Work No. 6 authorised by this Act and of any other works constructed by the Company under the powers of this Act as may be situated upon across under or over the property of the commission or may in any way affect the same and includes the construction maintenance and renewal of such works;

" the engineer " means an engineer to be appointed by the commission;

" plans " includes sections drawings and specifications:

- (2) The Company shall not under the powers of this Act acquire compulsorily any property of the commission but they may in accordance with the provisions of section 39 (Power to acquire easements only) of this Act acquire such easements and rights in relation to the property of the commission within the limits of deviation shown on the deposited plans as they may require for the purposes of the works:
- (3) The Company shall not in the construction of the works deviate laterally from the line of the works shown on the deposited plans and shall lay so much of the works as comprises Work No. 6 at such level as may be reasonably required by the engineer:
- (4) Any electrical works or equipment constructed erected laid down maintained or used in pursuance of the powers conferred by section 5 (Subsidiary works) of this Act shall be so constructed erected or laid down and so maintained worked and used as to prevent any interference with any telecommunications installation or other electrical apparatus of the commission or with the use and operation by the commission of any such installation or apparatus:
- (5) The Company shall not under the powers of this Act exhibit any light or construct or operate any signal which in the opinion of the commission hinders the ready interpretation of any railway signal or is likely to render more hazardous the use of any railway:
- (6) The Company shall before commencing the works (other than works of maintenance and repair) furnish to the commission plans thereof for the approval of the engineer (which approval shall not be unreasonably withheld) and shall not commence the works until such plans shall have been approved in writing by the engineer or if he shall not approve the plans until the same shall have been settled by arbitration:  

Provided that if within twenty-eight days after such plans have been furnished to the commission the engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved them:
- (7) If within twenty-eight days after such plans have been furnished to the commission the commission shall give notice to the Company that in consequence of the nature of the works it is reasonably necessary that the commission should themselves construct any part of the works then if the Company desire such part of the

works to be constructed the commission shall construct the same with all reasonable dispatch on behalf of the Company in accordance with the plans approved or deemed to be approved or settled as aforesaid (hereinafter in this section referred to as "the approved plans"):

- (8) Upon signifying his approval or disapproval of the said plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the works to ensure the stability of the property of the commission or to protect it from injury and such protective works as may be reasonably necessary for those purposes shall be constructed by the commission and the Company shall not commence the construction of the works until the engineer shall have notified the Company that the protective works have been completed:
- (9) The Company shall give to the engineer twenty-eight days' notice in writing of their intention to commence any of the works except in case of emergency when they shall give such notice thereof as may be reasonably practicable:
- (10) The works (or so much thereof as shall be carried out by the Company) shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to the property of the commission as may be and so as not to interfere with delay or interrupt the traffic on any railway or canal of the commission the use of the towpath of any such canal or the free flow or passage of water through any such canal and if any damage to the property of the commission or any such interference delay or interruption shall be caused or take place the Company shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage interference delay or interruption:
- (11) The Company shall at all times afford reasonable facilities to the engineer for access to the works and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (12) The commission shall at all times afford reasonable facilities to the Company for access to any works carried

out by the commission under this section during their construction and shall supply the Company with such information as they may reasonably require with regard to such works or the method of construction thereof:

- (13) If any alterations or additions either permanent or temporary to the property of the commission shall be reasonably necessary in consequence of the works such alterations and additions may be effected by the commission after giving notice to the Company and the Company shall repay to the commission the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing any such alterations or additions:
- (14) The Company shall repay to the commission all costs charges and expenses reasonably incurred by the commission—

(a) in constructing any part of the works on behalf of the Company as provided by paragraph (7) of this section or any protective works under the provisions of paragraph (8) of this section;

(b) in respect of the employment of any inspectors signalmen watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting watching lighting and signalling the property of the commission and for preventing as far as may be all interference obstruction danger or accident arising from the works;

(c) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services;

(d) in lighting the property of the commission in the vicinity of the works:

- (15) The Company shall at all times after the construction of the works maintain the same in substantial repair and good order and condition and when necessary renew the same to the reasonable satisfaction and under the supervision (if given) of the engineer and if and whenever the Company fail to do so after twenty-eight days' notice in that behalf the commission may make and do in and upon the lands of the commission or of the Company all such works and things as shall be requisite in that behalf and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Company:

(16) The Company shall be responsible for and make good to the commission all costs charges damages and expenses not otherwise provided for in this section which may be occasioned to the commission—

(a) by reason of the works or the leakage bursting or failure thereof; or

(b) by reason of any act or omission of the Company or of any persons in their employ or of their contractors or others whilst engaged upon the works;

and the Company shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the works or any such leakage bursting or failure or act or omission as aforesaid and the fact that any work or thing may have been done by the commission on behalf of the Company or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the commission or of any person in their employ or of their contractors or others whilst engaged upon the works) excuse the Company from any liability under the provisions of this section:

Provided that the commission shall give reasonable notice to the Company of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without prior consultation with the Company:

(17) Any additional expense which the commission may reasonably incur after giving one month's notice to the Company in widening altering reconstructing or maintaining any railway canal or works of the commission in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Company to the commission:

(18) The commission shall not be responsible for lateral or vertical support for the works and if in the opinion of the engineer it shall be necessary for the protection and safety of any railway or canal of the commission or any works connected with such railway or canal for the commission to purchase any minerals for the support of such railway canal or works or to pay compensation for any minerals to be left unworked for the support of the railway canal or works and the works of the Company also derive support from such minerals the Company shall repay to the commission a reasonable proportion of the amount paid by the commission for

or in respect of such minerals and the costs and expenses incurred by the commission in relation to any such purchase or payment of compensation:

- (19) If any work constructed by the Company under the powers of this Act (in this paragraph referred to as "the Company's work") shall be carried over attached to or supported by any structure or other work of the commission (in this paragraph referred to as "the supporting work") and the supporting work shall at any time cease to be required for any purpose other than the support of the Company's work the Company shall be responsible for and shall repay to the commission on demand all reasonable costs charges and expenses from time to time incurred by the commission in maintaining and if necessary renewing the supporting work or otherwise in consequence of the same being retained for the support of the Company's work:
- (20) Subsection (5) of section 5 (Subsidiary works) of this Act shall not apply to any railway of the commission:
- (21) Any difference arising between the Company and the commission or the engineer under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection of  
Wales Gas  
Board.

**25.** For the protection of the Wales Gas Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Company and the board apply and have effect:—

- (1) In this section "apparatus" means mains pipes or other apparatus belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus:
- (2) The provisions of section 5 (Subsidiary works) of this Act shall not apply to any apparatus:
- (3) In relation to any apparatus not being in a street or in controlled land the provisions of section 26 of the Public Utilities Street Works Act 1950 shall apply to any work to be executed by or on behalf of the Company under the powers of this Act as if such work were executed in a street or in controlled land and as if such apparatus were in a street or in controlled land:
- (4) (a) In the event of the failure of the Company to construct all such works and to take all such measures as may be necessary to prevent damage injury or loss which might otherwise be caused to Works Nos. 4 and 6 authorised by this Act by reason or in consequence of the



reasonable use by the board of cathodic protection for or in connection with any apparatus laid or constructed prior to the passing of this Act the board shall not be liable for any damage injury or loss so caused;

(b) The Company and the board shall consult together concerning what works or measures are necessary to protect the said Works Nos. 4 and 6 and the said apparatus:

(5) Nothing contained in section 6 (Temporary stoppage of roads and footpaths) of this Act or done thereunder shall take away prejudice or affect any rights or powers of the board in or in relation to any apparatus in any road or footpath affected by the exercise of any of the powers of that section and notwithstanding anything therein contained the board their officers engineers and workmen shall be at liberty at all times to execute and do all such works and things in upon or under any such road or footpath as may be necessary for inspecting repairing maintaining renewing or removing any such apparatus:

(6) Any difference which may arise between the Company and the board under this section shall be referred to and determined by arbitration.

26. For the protection of the board the following provisions shall unless otherwise agreed in writing between the Company and the board apply and have effect:—

For  
protection  
of certain  
electricity  
undertakers.

(1) Notwithstanding anything in this Act or shown on the deposited plans the Company shall not acquire otherwise than by agreement any apparatus:

(2) If the Company in the exercise of the powers of this Act acquire any interest in any lands in under over or across which any apparatus is placed they shall not seek to remove that apparatus or to extinguish any right of the board to maintain repair renew or inspect that apparatus in under over or across those lands until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the board;

(3) If the Company for the purpose of exercising the powers of this Act require the removal of any apparatus and give to the board written notice of such requirement or if in consequence of the exercise of the powers of this Act the board shall require to remove any apparatus the Company shall afford to the board the necessary facilities and rights for the construction of adequate alternative

apparatus in on or over other land of the Company and thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the Company are unable to afford facilities and rights as aforesaid the board shall on receipt of a written notice to that effect from the Company forthwith use their best endeavours to obtain the necessary facilities and rights over other land:

- (4) Where in consequence of this Act any part of any street road or footpath in which any apparatus is situate ceases to be part of a street road or footpath the board may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act but nothing in this paragraph shall prejudice or affect any right of the Company or of the board to require removal of such apparatus under this section:
- (5) Nothing contained in section 6 (Temporary stoppage of roads and footpaths) of this Act or done thereunder shall take away prejudice or affect any rights or powers of the board in or in relation to any apparatus in any road or footpath affected by the exercise of any of the powers of that section and notwithstanding anything therein contained the board their officers engineers and workmen shall be at liberty at all times to execute and do all such works and things in upon or under any such road or footpath as may be necessary for inspecting repairing maintaining renewing or removing any such apparatus:
- (6) The Company shall pay to the board the amount by which the costs charges and expenses reasonably incurred by the board in connection with any removal or alteration of any apparatus or the construction of any new apparatus that may be required in consequence of the exercise of the powers of this Act shall exceed the value of any apparatus removed in consequence of alternative apparatus being provided and shall also make compensation to the board for any damage caused to any apparatus in consequence of the exercise of the said powers:
- (7) The Company shall not carry out any work authorised by this Act near to which any apparatus has been lawfully placed except in accordance with and subject to the provisions of section 18 of the schedule to the Electric Lighting (Clauses) Act 1899:

Provided that for the purposes of this subsection the said section 18 shall have effect as if the Company were

a gas or water company and as if the words "fourteen days" were substituted for the words "three days" in subsection (1) thereof:

- (8) Any difference which may arise between the Company and the board under this section or under section 18 of the said schedule shall be referred to and determined by arbitration:
- (9) In this section "apparatus" means any electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to the board including any works constructed for the lodging therein of apparatus but not apparatus in respect of which the relations between the Company and the board are regulated by the provisions of section 26 of the Public Utilities Street Works Act 1950 and the expression "adequate alternative apparatus" means alternative apparatus adequate to enable the board to fulfil their statutory functions in a manner not less efficient than previously:
- (10) In this section "the board" means—  
 the Central Electricity Authority;  
 the South Wales Electricity Board;  
 or either of them.

27. For the protection of the South West Wales River Board For (in this section referred to as "the river board") the following protection provisions shall unless otherwise agreed in writing between the of South West Wales River Company and the river board apply and have effect:— Board.

- (1) In this section unless the context otherwise requires—  
 "alter" includes renew and enlarge and  
 "alteration" shall be construed accordingly;  
 "authorised work" means—  
 (a) so much of any of the works authorised by this Act; and  
 (b) any subsidiary work carried out under the powers of section 5 (Subsidiary works) of this Act; as will be constructed through over or across any watercourse within the area of the river board;  
 "banks" has the meaning assigned to that expression by the Land Drainage Act 1930;  
 "plans" includes sections and (when reasonably required by the river board) working drawings:
- (2) In the construction or alteration of any authorised work the Company shall not diminish the width between the banks of any watercourse except with the consent of the river board but such consent shall not be unreasonably withheld or delayed:

- (3) Except with the consent of the river board which shall not be unreasonably withheld or delayed the Company shall not construct or alter any authorised work otherwise than—
- (a) in such manner as not to interrupt the free passage of water through or in such watercourse; and
  - (b) in such manner—
    - (i) as to allow the free passage of flood waters under the work; or
    - (ii) that the top or upper surface of the work shall be situate at such depth below such watercourse and the banks thereof as to allow of the proper cleansing and scouring of such watercourse and of the deepening of the bed thereof and the use of machinery on the banks thereof and on the land adjacent thereto to such extent as may be reasonably necessary for the improvement of such watercourse or the banks thereof; and
  - (c) in such manner as to allow of the widening of such watercourse to such extent as may be reasonably necessary for the improvement of such watercourse:
- (4) The river board shall not except in case of negligence be liable to the Company for any damage done to any work authorised by this Act caused by the reasonable use of any machinery in any watercourse or on the banks thereof or on any land adjacent thereto:
- (5) (a) The Company shall before commencing to construct or alter any authorised work submit to the river board for their reasonable approval plans thereof and of any temporary works;
- (b) If the river board do not within twenty-eight days after the submission to them of any such plans signify to the Company in writing their approval or disapproval thereof they shall be deemed to have approved thereof:
- (6) No authorised work shall be constructed or altered otherwise than in accordance with such plans as may have been approved (or deemed to have been approved) by the river board or if such approval be withheld as may be settled by arbitration and any such work shall be executed to the reasonable satisfaction of the river board and under the superintendence of the engineer to the river board if the engineer elects to superintend after receiving reasonable notice of the date when the work is commenced:
- (7) The Company shall at all reasonable times afford to the engineer of the river board or his duly authorised

representative access to any authorised work for the purpose of inspection:

- (8) The construction or alteration of any authorised work shall be completed with all reasonable dispatch:
- (9) On the completion of any of the authorised works the Company shall remove all temporary works placed by them in any watercourse and shall at their own expense keep repaired any permanent works placed by them in any watercourse:
- (10) If any works placed by the Company in any watercourse in the area of the river board shall at any time become redundant the Company shall remove the same:
- (11) The Company shall not—
  - (a) place maintain or use any tips; or
  - (b) exercise the powers of section 32 of the Railways Clauses Consolidation Act 1845;on the banks of any watercourse within the area of the river board except with the consent of the river board but such consent shall not be unreasonably withheld or delayed:
- (12) The Company shall be responsible for and make good to the river board all costs charges damages and expenses not otherwise provided for in this section which may be occasioned to the river board—
  - (a) by reason of the works authorised by this Act or the leakage bursting or failure thereof; or
  - (b) by reason of any act or omission of the Company or of any persons in their employ or of their contractors or others whilst engaged upon the said works;

and the Company shall effectively indemnify and hold harmless the river board from and against all claims or demands directly arising out of or in connection with the said works or any such leakage bursting or failure or act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any plans approved by the engineer to the river board or in accordance with any requirement of the engineer to the river board or under his supervision shall not (if it was done without negligence on the part of the river board or of any person in their employ or of their contractors or others whilst engaged upon the works) excuse the Company from any liability under the provisions of this section:

Provided that the river board shall give to the Company notice of any claim or demand made against them

which in the opinion of the river board is a claim or demand for which the Company may be liable under this subsection and no settlement or compromise of any such claim or demand shall be made without the consent in writing of the Company:

- (13) If any difference shall arise between the Company and the river board with respect to any matter under this section the matter in difference shall be referred to an arbitrator.

For  
protection  
of certain  
highway  
authorities.

28. For the protection of the county councils of Carmarthen Glamorgan and Pembroke and the Swansea Corporation the following provisions shall unless otherwise agreed in writing between the Company and the county councils concerned or the Swansea Corporation (as the case may be) apply and have effect:—

- (1) In this section—

“ county road ” has the same meaning as in Part III of the Local Government Act 1929;

“ the highway authority ” means—

(a) in relation to a protected highway or land in an administrative county the county council of the administrative county in which the protected highway or land is situate; and

(b) in relation to a protected highway or land in the county borough of Swansea the Swansea Corporation;

and “ highway authority ” means any one of those authorities;

“ protected highway ” means—

(a) a county road in the administrative county of Carmarthen Glamorgan or Pembroke;

(b) a highway repairable by the inhabitants at large in the county borough of Swansea;

“ the Swansea Corporation ” means the mayor aldermen and burgesses of the county borough of Swansea:

- (2) If at any time after the construction of the line or lines of pipes (Work No. 6) by this Act authorised in across or along any protected highway it is reasonably necessary by reason or in consequence of the widening reconstruction or improvement of such highway so to alter the position (vertically or laterally) of any part of the said line or lines of pipes the Company shall (on receiving notice in writing from the highway authority

so to do) at their own expense with all convenient speed alter the position of such part of the said line or lines of pipes in such manner as may be agreed between the Company and the highway authority or as failing such agreement shall be determined by arbitration as hereinafter provided:

- (3) Notwithstanding anything in section 8 (Power to deviate) of this Act the Company shall in constructing the said line or lines of pipes in under or along any protected highway leave such a distance not being less than three feet between the surface of such highway and any part of the said line or lines of pipes as the highway authority may reasonably require:
- (4) In its application to the execution of the work of constructing the said line or lines of pipes in across or along any protected highway subsection (2) of section 4 of the Public Utilities Street Works Act 1950 shall have effect as if for the words "twenty-nine days" in paragraph (a) of that subsection there were substituted the words "two months":
- (5) No public rights of way over land in the administrative county of Carmarthen Glamorgan or Pembroke (except land within the limits of deviation for Works Nos. 3 and 5) or in the county borough of Swansea acquired by the Company under this Act shall be extinguished except with the consent of the highway authority. Such consent shall not be unreasonably withheld but may be given subject to such reasonable conditions as the highway authority may require (including conditions requiring the Company to provide in substitution for any right of way so extinguished such other right of way as may be required by the highway authority) and any question whether such consent is unreasonably withheld or any conditions so imposed are unreasonable shall be determined by arbitration as hereinafter provided:
- (6) Any question or dispute under this section between the Company and a highway authority shall be determined by arbitration.

29. Nothing in this Act or done thereunder shall prejudice the powers of any authority under sections 39 to 41 of the National Parks and Access to the Countryside Act 1949 with respect to the establishment within the limits of deviation for Work No. 4 by this Act authorised (except such parts of such limits as overlap the limits of deviation for Work No. 3) of the long-distance route known as the Pembrokeshire Coastal Footpath as defined by

Saving for  
coastal  
footpath.

the National Parks Commission and approved by the Minister of Housing and Local Government under section 52 of the said Act of 1949.

For  
protection  
of Swansea  
Corporation.

30. For the protection of the corporation the following provisions shall unless otherwise agreed in writing between the Company and the corporation apply and have effect (that is to say):—

(1) In this section—

(a) “the corporation” means the mayor aldermen and burgesses of the county borough of Swansea and “the Street Works Act” means the Public Utilities Street Works Act 1950;

(b) words and expressions to which meanings are assigned by the Street Works Act have the same respective meanings:

(2) The Company shall not acquire compulsorily under the powers of this Act any part of any lands belonging to the corporation but they may acquire within the limits of lateral and vertical deviation prescribed by this Act in respect of Work No. 6 authorised by this Act such easements or rights in under or over the said lands as they may require for the purpose of constructing maintaining renewing enlarging altering and using the said work without being obliged or compellable to acquire any greater interest in under or over the said lands and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts:

(3) In any case in which—

(i) the Company are the operating undertakers in respect of undertakers' works authorised by this Act or are the owning undertakers in respect of apparatus laid down under the powers of this Act; and

(ii) the corporation are the owning undertakers or (as the case may be) the operating undertakers; section 26 of the Street Works Act shall be modified as follows:—

(a) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans sections and particulars of the works;



(b) the said notice shall be given not less than twenty-one days before the works are commenced;

(c) any question which may arise under the said section 26 as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Street Works Act but the proviso to subsection (2) of that section shall not apply:

- (4) In any case in which the Company execute works which are likely to affect any drains sewers mains and pipes belonging to or repairable by the corporation and laid in land (not being land forming part of a street or controlled land) the provisions of the said section 26 shall notwithstanding anything to the contrary contained in the said Act regulate the relations between the Company and the corporation as if the Company and the corporation were respectively operating undertakers and owning undertakers within the meaning of that section and as if the works executed by the Company were undertakers' works and the said drains sewers mains and pipes were apparatus to which that section applies.

**31.**—(1) Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act. Power to acquire lands.

(2) The powers of the Company for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-seven.

**32.** Any question of disputed compensation payable under the provisions of this Act shall be determined under and in accordance with the Lands Clauses Acts as though the Company was a statutory undertaker within the meaning of section 119 (1) of the Town and Country Planning Act 1947. Determination of compensation.

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

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

(3) Any such certificate shall be deposited with the clerk of the Pembrokeshire County Council the Carmarthenshire County Council or the Glamorgan County Council or the town clerk of Swansea as the case may require and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Company to take the land and execute the works in accordance with the certificate.

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

Acquisition  
of part only  
of certain  
properties.

**34.**—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Company that part of the house building factory park or garden.

Power to  
expedite entry.

**35.** At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Company may enter on and take possession of the

land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that without prejudice to the provisions of section 32 (Determination of compensation) of this Act the Company shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

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

Power to enter for survey or valuation.

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

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

Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-six; or

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

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

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

Extinction of rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Company compensation.

39.—(1) In lieu of acquiring any land that may be acquired under this Act the Company may for the purposes of constructing using and maintaining the works authorised by this Act and doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes.

Power to acquire easements only.

(2) Accordingly the Company may give notice to treat in respect of any such easement or right describing the nature thereof and may exercise the powers of this Act including in particular section 35 (Power to expedite entry) in respect of such

easements or rights and subject thereto the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Company have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement or during the execution of the said works) entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this Act had not been passed.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Company to acquire the land the Company shall not be entitled under this section to acquire the easement or right unless the tribunal by whom the compensation is to be assessed determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

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

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

Limits of the pier.

41. The limits within which the Company shall exercise jurisdiction as a pier authority and within which the powers of the pier master may be exercised shall extend over (a) the area of water within a distance of one hundred yards in every direction from the structures of Work No. 2 by this Act authorised and over (b) the area of water below high-water mark of ordinary spring tides enclosed by lines drawn from points one hundred yards from the eastern and western extremities of Work No. 2 respectively to on the east the high-water mark of ordinary spring tides in latitude fifty-one degrees forty-one minutes forty seconds north longitude five degrees two minutes five seconds west and

on the west the high-water mark of ordinary spring tides in latitude fifty-one degrees forty-one minutes twenty-five seconds north longitude five degrees three minutes one second west:

Provided that the jurisdiction of the pier master conferred by this Act shall only be exercised with reference to vessels which shall be within the limits of the pier and vessels coming to or departing from Works Nos. 1 and 2 by this Act authorised and vessels which shall obstruct the approaches to such works and shall not be exercised beyond the said limits.

42. Section 52 of the Act of 1847 in its application to the Company and the pier master shall extend to empower the pier master to give directions prohibiting the mooring of vessels within the limits of the pier. Directions of pier master.

43. Section 53 of the Act of 1847 in its application to the Company and the pier master shall not be construed to require the pier master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master but a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel. Orders of pier master need not be in writing.

44. The pier master may prevent the removal or sailing from within the limits of the pier of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collectors of rates. Pier master may prevent sailing of vessels.

45. Subject as in this Act provided the Company may demand and take in respect of every vessel lying alongside or using any berth or other work of the Company any sum not exceeding the rates stated in Part I of the schedule to this Act and every such sum shall be payable by the master of the vessel. Rates on shipping.

46. Subject as in this Act provided the Company may demand and take in respect of all goods discharged shipped or received upon or from any berth or other work of the Company rates not exceeding those specified in Part II of the schedule to this Act. Rates on goods.

47. The Company may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Act but so that no preference be in any case given to any person over any other person using the pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Act. Power to vary exemptions and compound for rates.

Rates for services and accommodation not otherwise provided for.

**48.** The Company may (so far as the rates specified in the schedule to this Act do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use for the purposes of or in connection with a marine oil terminal of any mooring posts cranes buoys works and conveniences belonging to or provided by the Company or in respect of any services rendered by them for or in connection with those purposes.

Separate accounts in respect of pier undertaking.

**49.—(1)** The Company shall keep separate accounts of the pier undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on one side all receipts in respect of the pier undertaking (including the interest on any authorised fund provided in connection with the pier undertaking) and on the other side all payments and expenses in respect of the pier undertaking such payments and expenses to be divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the pier undertaking;
- (b) the interest on money borrowed by the Company for the purposes of or in connection with the pier undertaking or used for those purposes under any enactment;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the pier undertaking properly chargeable to revenue.

(2) The Company shall show in their accounts relating to the pier undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the pier undertaking.

(3) The Company shall also so far as may be reasonably practicable carry to the debit or credit of the accounts of the pier undertaking a proper proportion of their general administrative expenses and of any receipts credits payments or liabilities which from time to time ought to be so apportioned and carried.

Annual accounts to be sent to Minister.

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

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

51.—(1) Whenever any vessel is sunk stranded or abandoned within the limits of the pier or in or near any approach thereto the Company may take possession of and cause the vessel or any part thereof to be raised removed blown up or destroyed.

Removal of  
sunk stranded  
or abandoned  
vessels.

(2) The Company may recover from the owner of any such vessel all expenses incurred by the Company in respect of the taking possession of raising removal blowing up or destruction thereof or any part thereof or in raising removing saving or storing any furniture tackle and apparel thereof or any cargo goods chattels and effects raised removed or saved therefrom or in marking lighting watching buoying or otherwise controlling such vessel either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction:

Provided always that the Company may if they think fit and shall if so required by the owner of the vessel cause such vessel and any furniture tackle apparel cargo goods chattels and effects or any part of the same respectively so raised removed saved or stored as aforesaid to be sold in such manner as they think fit and out of the proceeds of the sale may after paying any duties of customs or excise and purchase tax and surcharge in respect of sugar and molasses which may be payable in respect of the said cargo goods chattels and effects reimburse themselves for any such expenses duties and purchase tax and surcharge in respect of sugar and molasses and the expenses of the sale and shall hold the surplus if any of those proceeds in trust for the persons entitled thereto and in case such proceeds shall be insufficient to reimburse the Company such expenses duties and purchase tax and surcharge in respect of sugar and molasses the deficiency may be recovered by the Company in manner aforesaid.

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

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

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

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

and if such raising or removal be not completed within seven days after the giving of such notice by the owner such notice shall be null and void and the Company shall be at liberty to cause the vessel to be raised or removed or blown up or otherwise destroyed in accordance with the provisions of this section as if the owner had not given such notice.

(4) The Company shall (except in any case which in their opinion is a case of emergency or when required by the owner to sell) before selling any vessel under the provisions of this section give to the owner at least seven days' notice of their intention so to do.

(5) Any notice given by the Company pursuant to subsection (3) or subsection (4) of this section shall be given by delivering the same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Company then by exhibiting such notice at the registered office of the Company for at least twenty-four hours in the case of a notice given under the said subsection (3) or for at least seven days in the case of a notice given under the said subsection (4).

(6) In this section the expression—

“owner” in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of that vessel at the time the said expenses were incurred by the Company or if there was then no owner of the vessel the owner of the vessel at the time of the sinking stranding or abandonment thereof;

“vessel” includes a seaplane and other aircraft.

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

(8) Except for the purpose of removing any obstruction nothing in this section shall entitle the Company to remove any wreck (as defined in section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the receiver of wreck under the provisions of Part IX of the said Merchant Shipping Act and if the Company shall for any such purpose as aforesaid remove any such wreck they shall (without prejudice to the rights of sale conferred upon them by the foregoing provisions of this section) hold and dispose of the same or any such surplus of the proceeds of sale thereof as is referred to in subsection (2) of this section in accordance with such directions (if any) as may be given to them by the said receiver.



(9) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her Majesty or held by any person on behalf of or for the benefit of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for any expenses incurred by the Company except where such consent is given as is provided for in section 52 (As to vessels in which the Crown have an interest) of this Act and the vessel was not such a vessel as aforesaid at the time of the sinking stranding or abandonment thereof:

Provided that in any case which in the opinion of the Company is a case of emergency the Company may without obtaining such consent as aforesaid exercise the powers conferred by this section other than the powers conferred by subsection (2) of this section.

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

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

As to vessels in which the Crown have an interest.

- (a) a certificate that the vessel was sunk stranded or abandoned by a person acting on behalf of Her Majesty or otherwise by an officer or servant of the Crown acting in the course of his duty as such and that it is not in the national interest that the Company should take possession of the vessel or that the vessel should be raised removed or blown up or destroyed; or
- (b) a notice that the exercise by the Company of the rights of recovery conferred by subsection (2) of section 51 (Removal of sunk stranded or abandoned vessels) of this Act would render the Crown liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for all or a substantial proportion of the expenses incurred by the Company;

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

Provided that in any case which in their opinion is a case of emergency the Company may take possession of raise remove blow up or destroy any vessel without giving notice of their intention so to do to the Admiralty or to the Minister and in that event the Company shall not be entitled to recover from any person the expenses incurred by them in so doing if the effect of such recovery would be to render the Crown so liable.

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

Power to  
Company to  
make byelaws.

53. In addition to the byelaws which may be made by the Company under section 83 of the Act of 1847 incorporated with this Act the Company may from time to time make alter and repeal such byelaws as they think fit with reference to all or any of the following purposes (that is to say):—

the management control and regulation of the pier by this Act authorised and of goods wares merchandise and vehicles using or passing over or frequenting or resorting to the said pier;

the control and regulation of vessels being within the limits of the pier;

the conduct of persons using or being on the said pier and the control or prohibition of smoking by such persons;

safety precautions to be observed by persons on vessels being within the limits of the pier or persons using or being on the said pier;

generally any other matters relating to the said pier.

Application  
of Local  
Government  
Act 1933 to  
byelaws.

54.—(1) All byelaws made by the Company shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) and (7) of section 250 (Procedure etc. for making byelaws) and in sections 251 (Fines for offences against byelaws) and 252 (Evidence of byelaws) of the Local Government Act 1933 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the words “the Company” were inserted instead of the words “the authority” wherever they occur and as if the reference to “the clerk of the authority” included a reference to “the secretary of the Company”.

(2) The confirming authority for the purposes of the said section 250 shall be the Minister.

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

56. The Company shall within the limits of the pier be a lighthouse authority for the purposes of the Merchant Shipping Act 1894. Local  
lighthouse  
authority.

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

58. Nothing contained in this Act or in any byelaws made thereunder shall take away alter prejudice or affect the jurisdiction or any rights powers authorities or privileges of the Queen's harbour master within the limits of the pier. Saving for  
Queen's  
harbour  
master.

59. Nothing in this Act shall prejudice or derogate from or in anywise alter affect or interfere with the jurisdiction or authority of the Trinity House in the appointment of pilots loadsmen or guides or the fees advantages salaries profits emoluments commodities and rights incidents and appurtenances whatsoever due payable accustomed appertaining or belonging to the Trinity House or any other rights offices duties and privileges whatsoever now subsisting and in force and held used or enjoyed by the Trinity House under or by virtue of any royal charter grant letters patent or Act or otherwise. Saving for  
Trinity House.

60. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose. Crown rights.

Saving for town and country planning.

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

Costs of Act.

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

## SCHEDULE

## PART I

TONNAGE RATES ON VESSELS LYING ALONGSIDE OR USING ANY BERTH OR OTHER WORK OF THE COMPANY Section 45.

	Per net registered ton
(a) On oil tankers entering the limits of the pier either light or with petroleum and/or petroleum products from and/or loading petroleum and/or petroleum products for any port or place in the United Kingdom Isle of Man or the Channel Islands with liberty in either case to take oil bunkers ... ..	2d.
(b) On oil tankers entering the limits of the pier either light or with petroleum and/or petroleum products from and/or loading petroleum and/or petroleum products for any port or place in Europe between North Cape and Cape Finisterre with liberty to take oil bunkers ... ..	5d.
(c) On oil tankers entering the limits of the pier either light or with petroleum and/or petroleum products from and/or loading petroleum and/or petroleum products for any port or place in Europe not included in the foregoing paragraphs (a) and (b) or any port or place within the Straits of Gibraltar with liberty to take oil bunkers ... ..	7d.
(d) On oil tankers entering the limits of the pier either light or with petroleum and/or petroleum products from and/or loading petroleum and/or petroleum products for any port or place not included in the foregoing paragraphs (a) (b) and (c) with liberty to take oil bunkers ... ..	9d.
(e) On vessels constructed to use liquid fuel as a means of propulsion entering the limits of the pier for the exclusive purpose of and loading oil bunkers ...	2d.
(f) On oil tankers and other vessels which leave the limits of the pier for the purpose only of having their tanks and/or holds cleansed and which forthwith after being cleansed re-enter the limits of the pier no rates shall be charged for or in respect of such operation	—

Provided that—

- (1) a vessel shall not be liable to pay tonnage rates both inwards and outwards but the tonnage rate payable shall be according to the port or place at which she loaded or the port or place to which she was bound on leaving the limits of the pier whichever rate is the higher and the rate payable on vessels entering the limits of the pier light or in ballast shall be according to the outward voyage;
- (2) other vessels whether loaded or in ballast shall pay the rates applicable to tankers.

SCH.  
—cont.  
Section 46.

## PART II

## RATES ON GOODS

	Per ton
On petroleum and petroleum products discharged in bulk at any of the berths or other works of the Company from vessels owned or chartered by or delivering to the Company ... ..	5d.

— ooo —

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845	8 & 9 Vict. c. 20.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
General Pier and Harbour Act 1861 Amendment Act	25 & 26 Vict. c. 19.
Railway Companies Act 1867 ... ..	30 & 31 Vict. c. 127.
Telegraph Act 1869 ... ..	32 & 33 Vict. c. 73.
Telegraph Act 1878 ... ..	41 & 42 Vict. c. 76.
Electric Lighting Act 1882 ... ..	45 & 46 Vict. c. 56.
Merchant Shipping Act 1894 ... ..	57 & 58 Vict. c. 70.
Electric Lighting (Clauses) Act 1899 ...	62 & 63 Vict. c. 19
Acquisition of Land (Assessment of Com- pensation) Act 1919	9 & 10 Geo. 5 c. 58.
Local Government Act 1929 ... ..	19 & 20 Geo. 5 c. 17.
Land Drainage Act 1930 ... ..	20 & 21 Geo. 5 c. 44.
Local Government Act 1933 ... ..	23 & 24 Geo. 5 c. 51.
Public Health Act 1936 ... ..	26 Geo. 5 & 1 Edw. 8 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
River Boards Act 1948 ... ..	11 & 12 Geo. 6 c. 32.
Companies Act 1948 ... ..	11 & 12 Geo. 6 c. 38.
Lands Tribunal Act 1949 ... ..	12 & 13 Geo. 6 c. 42.
National Parks and Access to the Country- side Act 1949	12 13 & 14 Geo. 6 c. 97.
Arbitration Act 1950 ... ..	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Transport Charges &c. (Miscellaneous Provisions) Act 1954	2 & 3 Eliz. 2 c. 64.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

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