



Llanelli Borough Council (Dafen Estuary) Act 1991

1991 CHAPTER xi

An Act to enable all rights of navigation over part of the river Dafen in south Llanelli to be extinguished; and for connected or other purposes. [27th June 1991]

Whereas—

- (1) The Borough of Llanelli is under the management and local government of the Llanelli Borough Council (hereinafter referred to as “the Council”):
- (2) A branch of the river Dafen in Llanelli (also known as the New Dafen River) flows into the river Lliedi and formerly led to a dock, known as the Great Western Dock, which no longer exists having been filled in many years ago:
- (3) The Llanelli Harbour Trust have conservancy functions in respect of certain coastal waters in south Llanelli including navigable waters of the rivers Burry, Loughor and Lliedi; part of the channel of the river Dafen includes navigable waters and there is uncertainty as to whether the functions of the Llanelli Harbour Trust extend over those navigable waters:
- (4) Coal and other heavy industry in the south Llanelli area has declined leaving neglected and derelict land in and around the south Llanelli coast, and the Council have determined to undertake, jointly with the Welsh Development Agency, a scheme for the development and regeneration of this area:
- (5) The proposed regeneration scheme includes the construction of a coastal link road and other works which would convert the land around the south Llanelli coast into a new centre incorporating housing, a business park and leisure facilities:
- (6) To enable the proposed regeneration scheme to take place it is expedient that all rights of navigation over part of the river Dafen should be extinguished:
- (7) It is expedient that the other provisions in this Act should be enacted:
- (8) The purposes of this Act cannot be effected without the authority of Parliament:
- (9) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

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,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Short title

This Act may be cited as the Llanelli Borough Council (Dafen Estuary) Act 1991.

2 Interpretation

- (1) In this Act, unless the context otherwise requires—
- “the commencement day” means the day on which this Act comes into force;
 - “the Council” means the Llanelli Borough Council; and
 - “the Dafen Estuary” means so much of the river Dafen (also known as the New Dafen River) as lies to the east of an imaginary straight line drawn between a point at SS 5020598833 and a point at SS 5044698480 and to the west of an imaginary straight line drawn between a point at SS 5120098900 and a point at SS 5120098500.
- (2) Reference points specified in subsection (1) above shall be construed as references to Ordnance Survey National Grid reference points.

3 Extinguishment of rights of navigation over Dafen Estuary

- (1) Notwithstanding anything contained in the Llanelly Harbour Acts and Orders 1858 to 1954 or any other enactment or rule of law to the contrary, any existing right of navigation over the Dafen Estuary shall be extinguished on the commencement day.
- (2) As from the commencement day the Llanelli Harbour Trust shall be under no obligation to maintain and manage any part of the Dafen Estuary; and, accordingly, on that day any powers, rights, liabilities and obligations relating to the Dafen Estuary which may be conferred or imposed on the Llanelli Harbour Trust by the Llanelly Harbour Acts and Orders 1858 to 1954 or otherwise shall cease.

4 Repeals

The enactments specified in columns (1) and (2) of the Schedule to this Act (which include spent or obsolete enactments) shall be repealed to the extent specified in column (3) of that Schedule.

5 Crown rights

- (1) 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 in this Act authorises the Council to take, use, enter upon or in any manner interfere with any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

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- (a) 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; or
 - (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.
- (2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

6 Commencement

This Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed.

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SCHEDULE

Section 4.

ENACTMENTS REPEALED

Chapter (1)	Title or short title (2)	Extent of repeal (3)
9 Geo 4. c. xci. (1828)	An Act for making and maintaining a Railway or Tram Road from Gelly Gille Farm, in the Parish of Llanelly in the County of Carmarthen, to Machynis Pool in the same Parish and County, and for making and maintaining a Wet Dock at the Termination of the said Railway or Tram Road at Machynis Pool aforesaid.	Sections 58 to 60. Section 69. Section 144 in so far as it relates to the Wet Dock and basin at Machynis Pool. Section 149. Section 170 in so far as it relates to the Wet Dock and basin at Machynis Pool.
3 & 4 Will. 4. c. lii. (1833)	An Act to alter, amend, and enlarge the Powers of an Act passed in the Ninth year of the Reign of His late Majesty King George the Fourth, for making and maintaining a Railway or Tramroad from Gelly Gille Farm in the Parish of Llanelly in the County of Carmarthen to Machynis Pool in the same Parish and County, and for making and maintaining a Wet Dock at the Termination of the said Railway or Tramroad at Machynis Pool aforesaid.	Section 3. Section 7. Section 15. Section 17.

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Chapter (1)	Title or short title (2)	Extent of repeal (3)
16 & 17 Vict. c. clxix.	Llanelly Railway and Dock Act 1853.	Section 46 in so far as it relates to the Wet Dock at Machynis Pool. Section 47. Section 50. Sections 62 and 63. Sections 76 to 83. Section 86.
