

ELIZABETH II



1965 CHAPTER xxxvi

An Act to provide for the construction and maintenance of a bridge across the river Daucleddau with approach roads and other works, to confer powers on the Narberth Rural District Council with respect to Kingsmoor Common; and for other purposes.

[5th August 1965]

WHEREAS—

(1) The construction of a bridge for vehicular and pedestrian traffic across the river Daucleddau between the borough of Pembroke and the rural district of Haverfordwest both in the administrative county of Pembroke (in this Act called “the county”) would be of public and local advantage:

(2) It is expedient to authorise the county council of the county (in this Act called “the Council”) to construct such a bridge and the other works described in this Act and to confer upon the Council the power to take tolls in respect of the user of the said bridge and to confer upon them the other powers contained in this Act:

(3) Under the Pembrokeshire County Council Act, 1942, c. x. the Council have established and maintain and use a ferry across Milford Haven between Neyland and Hobbs Point and it is expedient to provide for the discontinuance of the said ferry:

(4) It is expedient to authorise the council of the rural district of Narberth to acquire certain land known as Kingsmoor Common in the said rural district and to make provision for the extinction of certain common or commonable rights thereon or thereover and to enact other provisions with regard to that land:

(5) It is expedient that the other provisions contained in this Act be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

(7) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

	£
The construction of the bridge and other works authorised by this Act 	1,955,000

(8) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

c. 51. (9) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed by the Council:

(10) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act, and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the Council, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and book of reference:

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Pembrokeshire County Council Act 1965.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Works.
- Part IV.—Tolls.
- Part V.—Discontinuance of ferry.
- Part VI.—Finance.
- Part VII.—Kingsmoor Common.
- Part VIII.—Protective provisions.
- Part IX.—Miscellaneous and general.

PART I
—cont.
Division of
Act into
Parts.

3.—(1) The following Acts and parts of Acts (so far as the same are applicable for 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, 99 to 107, 127 to 133 and 150 and 151 of the Lands Clauses Consolidation Act, 1845; c. 18.
- (b) sections 16 and 30 to 44 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of the same Act as the said sections were originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923, and in the construction of those provisions “the railway” shall mean the works authorised by this Act and “the centre of the railway” shall mean any part of those works. c. 20.

(2) In the construction of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act, 1845, incorporated with this Act, the expressions “the promoters of the undertaking” and “the Company” respectively mean the Council.

4.—(1) In this Act, the several words and expressions to which meanings are assigned by section 343 of the Public Health Act, 1936, have the same respective meanings, unless there be something in the subject or context or in this section repugnant to such construction. c. 49.

PART I
—cont.

(2) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

- “ the acquiring council ” means in relation to Kingsmoor Common or any part thereof the district council and in relation to any other land the Council;
- c. 51. “ the Act of 1933 ” means the Local Government Act, 1933;
- c. 49. “ the Act of 1936 ” means the Public Health Act, 1936;
- “ the bridge ” means Work No. 4 and so much of the road (Work No. 5) as lies within 500 feet of the termination of Work No. 4 and includes the carriageways and footways and the toll-gates and toll keeper’s lodges and offices and other conveniences provided in connection therewith;
- “ the clerk ” means the clerk of the Council;
- “ common rights ” includes commonable rights;
- “ the conservancy board ” means the Milford Haven Conservancy Board;
- “ the Council ” means the council of the county;
- “ the county ” means the administrative county of Pembroke;
- “ the district council ” means the council of the rural district of Narberth;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, or regulation for the time being in force;
- “ financial year ” means any period of twelve months ending on the 31st March;
- “ Kingsmoor Common ” means the land delineated on the deposited plans and described in the deposited book of reference and therein numbered 70, 71, 71A, 71B, 72 and 73;
- c. 42.
c. 33. “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, the Land Compensation Act, 1961, and this Act;
- “ the level of high water ” means the level of mean high-water springs;
- “ the river ” means the river Daucleddau;
- c. 76. “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;

“tidal work” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Tribunal;

“the undertaking” means the works and includes all the lands, works, erections, appliances, cash, investments, stocks, stores and other real and personal property, assets and effects, rights, powers, privileges, liabilities and obligations for the time being held or used by the Council for the purposes of or in relation to the undertaking or to which they are for the time being subject for or in relation to that undertaking;

“the works” means the bridge and the other works authorised by this Act.

(3) All distances and lengths stated in any description of works, powers or lands in this Act shall be construed as if the words “or thereabouts” were inserted after each such distance or length.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(5) Except where the context otherwise requires, 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.

PART II

LANDS

5.—(1) Subject to the provisions of this Act, the Council may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works. Power to acquire lands.

(2) The powers of the Council for the compulsory purchase of land under this section shall cease after the expiration of three years from 1st December, 1965:

Provided that the Secretary of State may by order from time to time extend the period for the exercise of the powers of the Council for the compulsory purchase of land under this section.

(3) An order made by the Secretary of State under subsection (2) of this section shall be subject to special parliamentary procedure.

PART II
—cont.

Power to
owners and
lessees to
give notice
as to purchase
of land.

6. If the Secretary of State by order made under subsection (2) of the last foregoing section extends the period for the exercise of the powers of the Council for the compulsory purchase of land the following provisions shall apply after the coming into operation of that order:—

(1) In this section “the land” means any land which is for the time being authorised to be acquired compulsorily by this Act:

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Council of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Council shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Council; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice:

(3) Where notice is given under the last foregoing paragraph by an owner or lessee of land specified in the notice then—

(a) if the Council—

(i) fail to comply with that paragraph; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with sub-paragraph (b) of that paragraph; or

(iii) serve notice on him in compliance with sub-paragraph (c) of that paragraph;

the powers conferred by this Act for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

PART II
—cont.

7.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the acquiring council, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the county 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 misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office House of Commons and with the clerk and 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 of 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 such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the acquiring council to take the land, or (as the case may be) to take the land and execute the works, in accordance with the certificate.

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

8.—(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.

Acquisition of part only of certain properties.
c. 18.

(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 or a part only of any agricultural unit, if he is willing and able to sell the whole of the house, building, factory, park, garden or agricultural unit, unless the tribunal determines—

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

PART II
—cont.

(b) in the case of a park or garden, that such part as is proposed to be taken 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 Council that part of the house, building, factory, park or garden or agricultural unit.

c. 48. (4) In this section, the expression “ agricultural unit ” has the meaning assigned to it by section 109 of the Agriculture Act, 1947.

Power to expedite entry.

c. 18. 9. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act or in respect of any easement or right over or in any such land, but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Council may without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845, enter on the land or on such part of it as may be specified in the last-mentioned notice, and take possession of the land or part or, as the case may be, enjoy any easement or exercise any right to be acquired under this Act over or in the land or part:

Provided that the Council shall pay the like compensation for land entered under this section, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

10.—(1) Any person acting on behalf of the Council and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land that the Council are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Council, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land.

(2) The power of survey conferred by the last foregoing subsection includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention to do so was included in the notice required by the last foregoing subsection.

(3) Where land is damaged in the exercise of a right of entry or survey conferred under this section, any person interested in the land may recover from the Council compensation for the damage to be determined in case of dispute by the tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

PART II
—cont.

c. 33.

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

Disregard of recent improvements and interests.

(a) any improvements or alteration made, or building erected, after 5th December, 1964; 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.

12.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall, if the Council so resolve and give notice of their resolution to the owner of the right, be extinguished as from the acquisition of the land whether compulsorily or by agreement, or as from the expiration of one month from the service of the notice, whichever is the later.

Extinction of private rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Council compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.

13.—(1) The Council may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works authorised by this Act or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works.

Power to acquire easements only.

(2) Accordingly the Council may give notice to treat in respect of any such easement or right describing the nature thereof; and 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.

PART II
—cont.

(3) Where the Council have acquired an easement or right only over or 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 section had not been enacted.

(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 Council to acquire the land, the Council shall not be entitled under this section to acquire the easement or right unless the tribunal 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; and, if the tribunal does not so determine, the Council may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

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.

14.—(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 acquiring council any easement or right required for the purposes of this Act over or in the 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.

Power to reinstate owners or occupiers of property.

15.—(1) The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land; and for that purpose the Council may pay or receive money for equality of exchange.

16.—(1) The Council may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion either of the works or of land that may be acquired under this Act with respect to the sale by the Council to him of any land, including any part of a street appropriated by the Council under this Act and not required for those works.

PART II
—cont.
Agreements
with adjoining
owners.

(2) The Council may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Council for the purposes of this Act or any easement or right so required.

PART III

WORKS

17.—(1) Subject to the provisions of this Act, the Council may in the lines shown on the deposited plans and according to the levels shown on the deposited sections make and maintain in the county the works referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Power to
construct
works.

Work No. 1 A road (including a widening and improvement of the road B 4324) commencing in the parish of Llanstadwell in the rural district of Haverfordwest by a junction with the said road B 4324 from Johnston to Neyland and terminating in the urban district of Neyland at a point 50 yards east of the junction of the said road with the road from Rosemarket to Neyland;

Work No. 2 A road (including a viaduct over Westfield Pill) commencing at the termination of Work No. 1 and terminating in the parish of Burton in the said rural district of Haverfordwest at a point 370 yards south of Barnlake Farm;

Work No. 3 A road in the said parish of Burton commencing by a junction with Work No. 2 and terminating by a junction with the unclassified road from Barnlake Ferry to Burton;

Work No. 4 A fixed bridge over the river with approach roads commencing at the termination of Work No. 2 and terminating in the borough of Pembroke at a point 207 yards south of the north face of Tudor Cottage as shown on the deposited plans;

Work No. 5 A road (including a widening and improvement of Waterloo Road) in the borough of Pembroke commencing at the termination of Work No. 4 and terminating by a junction with the road A 477 from Hobbs Point to St. Clears.

PART III
—cont.

(2) In the construction of Work No. 4—

- (a) notwithstanding anything shown on the deposited plans or the deposited sections the main span of the bridge shall have a clear opening between the piers of not less than 680 feet and a minimum headway thereunder of 122 feet above the level of high water for the central 500 feet of the clear opening;
- (b) the piers in the river carrying the main span of the bridge shall be so constructed that the south face of the north pier is not less than 1,440 feet from the north face of Tudor Cottage as shown on the deposited plans and the north face of the south pier is not more than 840 feet from the said north face of Tudor Cottage; and
- (c) the Council shall erect a good and sufficient fence on each side of the fixed bridge comprised in Work No. 4.

(3) In the construction of Work No. 2 the Council shall construct the viaduct over Westfield Pill in such manner as not to prevent the navigation of Westfield Pill by vessels of such size as are capable of navigating the same immediately before the passing of this Act.

Power to deviate.

18. Subject to the provisions of subsections (2) and (3) of section 17 (Power to construct works) of this Act, the Council in constructing the works may—

- (1) deviate from the lines thereof, shown on the deposited plans, to any extent not exceeding the limits of deviation shown on those plans;
- (2) deviate from the levels thereof shown on the deposited sections to any extent not exceeding 25 feet either upwards or downwards;
- (3) in constructing Works Nos. 2 and 4—
 - (i) vary the size and number of spans of the bridge and of the viaduct comprised in Work No. 2, from those shown on the deposited sections; and
 - (ii) construct on embankment any parts of those works which are shown on the deposited sections as intended to be constructed on viaduct; and
 - (iii) construct on viaduct any parts of those works which are shown on the deposited sections as intended to be constructed on embankment.

19.—(1) Within the limits of deviation shown on the deposited plans the Council in connection with and as part of the works may execute or do any of the following works or things:—

PART III
—cont.

Power to
make
subsidiary
works.

- (a) make junctions and communications with any existing streets or footpaths intersected or interfered with by or contiguous with the works and divert, widen or alter the line or alter the level of any such existing street or footpath for the purpose of connecting the same with the works;
- (b) provide bridges over and subways and cattle creeps under the approach roads;
- (c) execute any works for the protection of any adjoining land or buildings;
- (d) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (e) alter or remove any structure erected upon any street or land; and
- (f) 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 remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

and shall make compensation for any damage done by them in exercise of the powers of this section.

(2) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Land Compensation Act, 1961.

c. 33.

20.—(1) The Council in connection with and at or near any of the works may execute, place and keep in the river and elsewhere either permanently or temporarily all such caissons, cofferdams, piles, piers, abutments, embankments, excavation, dredging, approaches, ways, access works, pumping works, wharves, walls, fences, drains, sewers, tunnels, fenders, mooring posts, bollards, booms, dolphins, pontoons, stagings, stairs, subways, buildings and other works and conveniences as they may find necessary or expedient for, or in connection with, the construction, maintenance or use of the works:

Subsidiary
works in
river and
elsewhere

Provided that—

- (a) the Council shall ensure that any works executed or kept under the powers of this section shall not unnecessarily narrow or obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water;

PART III
—cont.

(b) no materials raised under the provisions of this section shall be deposited in any place below the level of high water except after consultation with the conservancy board and in such a position and under such restrictions and regulations as may be fixed by the Board of Trade.

(2) On the completion of the bridge the Council shall remove all temporary works placed by them in the river under the powers of this section and shall at their own expense keep repaired any other works placed by them in the river under the powers of this section.

(3) If any works placed by the Council in the river under the powers of this section shall at any time become redundant the Council shall remove the same.

Temporary
stoppage of
highways.

21.—(1) The Council during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any highway and may for any reasonable time divert the traffic therefrom and prevent persons using the same.

(2) The Council shall not exercise the powers of this section so as to deprive foot-passengers, with or without animals, bona fide going to or from any building or land abutting on the highway of reasonable access to the building or land.

(3) The Council shall not exercise the powers of this section with respect to any highway upon which public service vehicles are authorised by a road service licence to operate unless the Council give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

Underpinning
of houses
near works.

22. Whereas, in order to avoid in the execution and maintenance of the works injury to the houses and buildings within one hundred feet of the works, it may be necessary to underpin or otherwise strengthen the same, therefore the Council at their own costs and charges may, and, if required by the owners or lessees of any such house or building, shall, subject as hereinafter provided, underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least fourteen days' notice shall, except in case of emergency, be given to the owners, lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice, if given by the Council, shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act, 1845, and, if given by the owners or lessees of the premises to be underpinned or strengthened, shall be sent to the Council:

- (3) If any owner, lessee or occupier of any such house or building or the Council as the case may require shall, within seven days after the giving of such notice, give a counter-notice that he or they, as the case may be, disputes or dispute the necessity of such underpinning or strengthening, the question of the necessity shall be referred to an arbitrator (in this section referred to as "the referee"):
- (4) The referee shall forthwith, upon the application of either party, proceed to inspect such house or building and determine the matter referred to him, and, in the event of his deciding that such underpinning or strengthening is necessary, he may, and, if so required by such owner, lessee or occupier, shall, prescribe the mode in which the same shall be executed, and the Council may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Council shall be liable to compensate the owners, lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section, provided that the claim for compensation in respect of such loss or damage be made within twelve months from the date upon which any such owner, lessee or occupier either first discovered the loss or damage or by which he ought reasonably to have discovered it (whichever is the earlier):
- (6) (a) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section, the Council may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done, or within twelve months after the completion of that work, enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient, or as in case of dispute between the Council on the one hand and the owner lessee or occupier of the house or building on the other hand shall be settled by arbitration;
- (b) If, in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Council such underpinning or strengthening shall at any time within five years from the completion of the work in connection with which such

PART III
—cont.

underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or maintenance of such work, then and in every such case, unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee, the Council shall make compensation to the owners, lessees and occupiers of such house or building for such injury provided that the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

c. 18. (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Council from the liability to compensate under section 68 of the Lands Clauses Consolidation Act, 1845, or under any other Act:

c. 33. (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Land Compensation Act, 1961.

Laying out
and repair of
carriageways
and footways.

23. The Council may lay out the works and any land acquired by them under the powers of this Act or any part thereof for carriageways and for footways as they may think proper and may sewer, level, pave, metal, flag, channel and complete such carriageways and footways and may, from time to time, execute all such works and do all such acts in, under or upon any of the carriageways and footways forming part of the works as they may, from time to time, think proper for preserving, repairing or improving the works and may for that purpose enter upon and break open the soil and pavement of such carriageways and footways and any sewers, drains or tunnels within or under the same causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways, footways, sewers, drains or tunnels as nearly as practicable to the same condition as they were in before such breaking open.

Lighting of
works.

24. Subject to the provisions of this Part of this Act, the Council may light the works and may enter into and carry into effect any agreement with any other body or person with respect to lighting the same or any of them.

As to
public
footpath.

25. The Council may erect gates across the public footpath leading from Barnlake Farm to the unclassified road from Barnlake Ferry to Burton on each side of the road (Work No. 2).

26. Notwithstanding anything contained in the Public Utilities Street Works Act, 1950, or in any other enactment no person shall be entitled to enter upon, break up or interfere with the bridge or the carriageways and footways of the same for the purpose of laying down any main, pipe or wire, or executing any work therein, thereon or thereunder, except with the consent of the Council and in accordance with such terms and conditions as the Council may determine.

PART III
—cont.
No mains or pipes to be laid in bridge without consent.
c. 39.

27. The Council may sell or dispose of all matters or things excavated or obtained in the construction of the works and all building and other materials of any houses, buildings or structures acquired by them under the powers of this Act and not required for the purposes of this Act, and also all matters or things in, under or upon any road, street or other place altered by them for the purposes of this Act, and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act:

Power to sell materials.

Provided that—

- (1) the Council shall not under the powers of this section sell or dispose of any matter or thing if any person other than the Council before such sale or disposal proves to the satisfaction of the Council that he is the owner thereof;
- (2) if any person after such sale proves to the satisfaction of the Council that he was the owner of the matter or thing so sold the Council shall pay the proceeds to him.

28.—(1) A tidal work shall not be constructed except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board of Trade before the work is begun.

Tidal works not to be executed without approval of Board of Trade.

(2) If a tidal work is constructed in contravention of this section or of any condition or restriction imposed under this section—

- (a) the Board of Trade may by notice in writing require the Council at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Council, they have failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or
- (b) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the Council as a simple contract debt.

PART III
—cont.Lights on
tidal works
during
construction.

29.—(1) The Council shall at or near a tidal work during the whole time of the construction thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade and the conservancy board or, as failing agreement between the Board of Trade and the conservancy board, the Board of Trade shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Permanent
lights on
tidal works.

30.—(1) After the completion of a tidal work the Council shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the conservancy board shall from time to time direct.

(2) If the Council fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Provision
against
danger to
navigation.

31.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Council shall forthwith notify the conservancy board and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the conservancy board shall from time to time direct.

(2) If the Council fail to notify the conservancy board as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Abatement of
works
abandoned or
decayed.

32.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade or the conservancy board may by notice in writing require the Council at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade or the conservancy board think proper.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade or the conservancy board may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Council they have failed to comply with the requirements of the notice the Board of Trade or the conservancy board may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Council as a simple contract debt.

PART III
—cont.

33. The Board of Trade or the conservancy board may at any time, if they deem it expedient, order a survey and examination of a tidal work constructed by the Council or of the site upon which the Council propose to construct a tidal work and any expenditure incurred by the Board of Trade or the conservancy board in any such survey and examination shall be recoverable from the Council as a simple contract debt.

Survey of
tidal works.

34. If it appears to the Council that any requirement or order made or given by the conservancy board under section 32 (Abatement of works abandoned or decayed) or section 33 (Survey of tidal works) of this Act is unreasonable, they may within thirty days after the receipt of any such requirement or order appeal to the Board of Trade, whose decision shall be binding on both parties and the Council shall not be liable to repay to the conservancy board any expenses incurred by the conservancy board for the purpose of giving effect to any requirement or order which the Board of Trade may on such appeal determine to be unreasonable.

Provisions
applicable to
sections 32
and 33.

35. So much of the bridge as is outside the area of any petty sessional division shall be deemed to be within the area of the petty sessional division of Pembroke.

Works to be
within petty
sessional
divisions.

PART IV TOLLS

36.—(1) From and after the opening of the bridge for public traffic the Council may demand, take and recover in respect of all traffic passing over or on the bridge tolls not exceeding those specified in an order (in this section referred to as “the order”) made by the Council and confirmed by the Secretary of State in accordance with the provisions of this section and for any other services rendered by the Council in connection with the bridge such reasonable charges as they may think fit:

Tolls.

Provided that—

(a) no tolls shall be demanded or received from any pedestrian using the bridge;

(b) the Council may—

(i) cease to demand, take and recover tolls in respect of traffic or certain classes of traffic passing over or on the bridge; and

PART IV
—cont.

(ii) resume demanding, taking and recovering such tolls; and

(iii) allow traffic to use the bridge without paying tolls during such hours or on such occasions as they may from time to time determine.

(2) The order when made by the Council shall be submitted to the Secretary of State for confirmation not more than twelve months nor less than six months before the expected opening of the bridge for public traffic.

(3) Before confirming the order the Secretary of State shall, if required so to do by the Council or if any person or any body representative of persons appearing to the Secretary of State to have a substantial interest in the use of the bridge has objected to the order and has not withdrawn the objection and the Secretary of State is required by any such person or body so to do, and may in any other case, if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

(4) In confirming the order with or without modification the Secretary of State shall have regard to the financial position and future prospects of the undertaking, and the order shall prescribe such maximum tolls as in the opinion of the Secretary of State shall not exceed by more than is reasonable the tolls estimated to be required to be demanded taken and recovered when the bridge is first opened for public traffic to produce an annual revenue not substantially less nor substantially more than adequate to meet such expenditure as is authorised for the several purposes mentioned in section 53 (Application of revenue) of this Act.

Revision of
tolls.

37.—(1) If at any time—

(a) it is represented in writing to the Secretary of State—

(i) by any person or any body representative of persons appearing to the Secretary of State to have a substantial interest in the use of the bridge; or

(ii) by the Council; or

(b) it appears to the Secretary of State after consultation with the Council to be expedient;

that in the circumstances then existing all or any of the tolls authorised in pursuance of this Act or any classification of vehicles specified in any order for the time being in force under this Act should be revised, the Secretary of State may, if he thinks fit, make an order revising all or any of such tolls or any classification of vehicles as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Secretary of State made in pursuance of this section.

(2) As soon as may be after the receipt by the Secretary of State of a representation pursuant to subsection (1) of this section from any person or any body other than the Council the Secretary of State shall send a copy of the representation to the Council.

(3) Before making an order under this section the Secretary of State shall, if required by—

(a) any such person or body as is referred to in subparagraph (i) of paragraph (a) of subsection (1) of this section, being a person or body who either has made a representation to the Secretary of State pursuant to that subsection or has pursuant to section 38 (Further provisions as to prescription or revision of tolls) of this Act objected to the representation made to, or the proposals of, the Secretary of State and has not withdrawn the objection; or

(b) the Council;

and may in any other case, if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

38.—(1) After submitting the order to the Secretary of State for confirmation pursuant to subsection (2) of section 36 (Tolls) of this Act or if representations are made to the Secretary of State under section 37 (Revision of tolls) of this Act, the Council shall furnish the Secretary of State with such information and particulars as the Secretary of State may require and shall upon being required to do so by the Secretary of State publish in the London Gazette and in such one or more newspapers as the Secretary of State may specify a notice stating—

Further provisions as to prescription or revision of tolls.

(a) the general effect of the order or representation;

(b) the place or places at which copies of the order or the representation, as the case may be, may be inspected free of charge and copies thereof purchased and the price of such copies;

(c) the date, being forty-two days after the first publication of the notice, by which objections to the order or the representation, as the case may be, may be made in writing to the Secretary of State.

(2) Where it appears to the Secretary of State to be expedient to revise the tolls or any classification of vehicles pursuant to paragraph (b) of subsection (1) of the said section 37 the Council shall furnish the Secretary of State with such information and particulars as the Secretary of State may require and shall upon being required so to do by the Secretary of State publish in the London Gazette and in such one or more newspapers as the Secretary of State may specify a notice stating—

(a) the general effect of the proposals of the Secretary of State; and

PART IV
— cont.

(b) the date, being forty-two days after the first publication of the notice, by which objections to the proposals may be made in writing to the Secretary of State.

(3) The power of the Secretary of State to confirm the order made under the said section 36 or to make an order under the said section 37 shall be exercisable by statutory instrument and the Secretary of State may by any order made by him under the said section 37 amend, vary or revoke any order confirmed by him under the said section 36 or made by him under the said section 37.

Exclusion from application of section 6 of Transport Charges &c. (Miscellaneous Provisions) Act, 1954.
c. 64.

39. Section 6 of the Transport Charges, &c. (Miscellaneous Provisions) Act, 1954, shall not apply in relation to the tolls and charges by this Act authorised to be demanded and taken.

Power to provide toll-houses, etc.

40. The Council may from time to time provide, set up, maintain and remove such toll-houses, toll-gates, offices and other conveniences in connection with the undertaking as may be necessary or convenient.

List of tolls to be exhibited.

41. A list of the tolls by this Act authorised to be demanded and taken and which shall from time to time be charged by the Council shall at all times be exhibited in a conspicuous place at or near the places where such tolls shall be payable.

Regulations as to payment of tolls and charges.

42. The tolls and charges by this Act authorised to be demanded and taken shall be paid to such persons and at such places and in such manner and under such regulations as the Council may appoint and make and the Council may recover such tolls and charges by action in any court of competent jurisdiction or, where the amount does not exceed twenty pounds, summarily as a civil debt, and when any such toll or charge is not paid before or at the time the bridge is used or the services provided the Council may recover an additional sum not exceeding ten shillings to cover administrative expenses in addition to the tolls or charges payable and may recover in addition any legal costs properly recoverable by the Council in any legal proceedings which they may institute.

Persons may be prevented from using bridge on refusal to pay tolls.

43. If a person after lawful demand from him of the proper toll knowingly and wilfully refuses or neglects to pay the same or any part thereof the person appointed to receive the same may refuse to permit the person so in default to pass through or by any toll-gate or other place at which the toll is payable and may by himself or with such assistance as he shall think necessary stop and prevent the person so in default from passing through or by the same.

44. The Council may enter into a composition with any person with respect to the payment of any tolls or charges under this Act, but so that no preference be in any case given to any person, and may issue season tickets.

PART IV
—cont.
Power to compound for payment of tolls.

45. The Council may in exchange for the payment of any toll hand a ticket to any person intending to pass through or by any toll-gate or other place at which the toll is payable and any person to whom a ticket is so handed may be required on demand to deliver up such ticket to the person appointed by the Council to collect the same at such place or places as the Council may from time to time determine.

Tickets.

46.—(1) Nothing in this Part of this Act shall prejudice any existing right of Her Majesty including the exemptions and rights contained in section 184 of the Army Act, 1955, and section 184 of the Air Force Act, 1955.

Exemption from tolls.
c. 18.
c. 19.

(2) Nothing in this Act shall extend to authorise any tolls to be demanded or received from any person—

(a) when on duty as a member of the naval forces of the Crown;

(b) in charge of a mail bag as defined by the Post Office Act, 1953.

c. 36.

(3) The exemption conferred by this section shall also apply to—

(a) any animal or vehicle when being used in the service of the naval forces of the Crown or returning after being so used; and

(b) any other animal or vehicle when being used in the service of the Crown or of the authority in whose service the person is engaged (as the case may be) by a person to whom exemption is granted by the last foregoing subsection or returning after being so used.

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

47. So soon as all the payments authorised or required to be made for the purposes “secondly”, “thirdly” and “fourthly” in section 53 (Application of revenue) of this Act have been made, the power to demand, take and recover tolls conferred by this Act shall cease and determine:

Cesser of tolls.

PART IV
—cont.

Provided that the said power shall not be determined until adequate provision has been made for the continued maintenance and repair of—

- (a) the structure of the bridges, viaducts and embankments comprised in Work No. 2, Work No. 3 or Work No. 4; and
- (b) the roads for the construction, maintenance or improvement of which the Council are authorised to apply money received by them from tolls under this Act.

PART V

DISCONTINUANCE OF FERRY

Interpretation
of this Part
of Act.

48. In this Part of this Act unless the subject or context otherwise requires—

“the ferry” means the Neyland to Hobbs Point Ferry of the Council authorised by the Pembrokeshire County Council Act, 1942;

c. x.

“the ferry works” means—

(a) all quays, steps, landing and slipping places, floating landing stages and other works and conveniences; and

(b) all roads, bridges, approaches, sewers, drains and mooring posts and the toll office, staff rooms, sheds, waiting rooms and other rooms, buildings, works and conveniences;

held, constructed or provided by the Council in connection with or for the purpose of the ferry;

“the ferry works and lands” means the ferry works and all lands, rights and privileges held or enjoyed by the Council in connection with or for the purpose of the ferry.

Discontinuance
of ferry.

49.—(1) Notwithstanding anything in the Pembrokeshire County Council Act, 1942, or any other enactment or any agreement or any rule of law or otherwise to the contrary the Council may at any time after the completion of Work No. 4 by resolution discontinue, wholly or partly, the ferry service provided by them in connection with the ferry and may restrict such ferry service to the carriage of any class or classes of traffic.

(2) If in pursuance of the provisions of subsection (1) of this section the Council wholly discontinue the ferry service provided by them as aforesaid they may abandon the ferry and as from such date as the Council by resolution fix for the abandonment thereof the ferry shall be discontinued and abandoned and all rights and obligations (if any) in or relating to the franchise of the ferry shall be extinguished.

(3) On the date on which the ferry is by virtue of the provisions of subsection (2) of this section discontinued and abandoned the enactments specified in Schedule 1 to this Act shall be repealed to the extent specified therein and the provisions of the Harbours, Docks and Piers Clauses Act, 1847, shall cease to be incorporated with the Pembrokeshire (Neyland Landing Stage) Order, 1929, and the Pembrokeshire County Council Act, 1942.

PART V
—cont.

c. 27.
c. vii.
c. x.

(4) (a) Any officer or servant of the Council employed in connection with the ferry immediately before the discontinuance, wholly or partly, of the ferry service who suffers loss of employment or loss or diminution of emoluments which is attributable to such discontinuance shall be entitled to have his case considered for the payment of compensation by the Council and the provisions of the Local Government (Compensation) Regulations, 1963, as to the determination and payment of compensation shall, with any necessary adaptations, apply accordingly; the material date for the purposes of regulations 3 and 5 (1) of the said regulations shall be the date of the resolution under subsection (1) of this section and for the purposes of any of the said regulations (other than regulations 3 and 5 (1)) the date of the discontinuance of the ferry service.

(b) Where an officer or servant of the Council employed in connection with the ferry has, by reason of any such discontinuance, taken up alternative employment with the Council, and that alternative employment is within three years after its commencement terminated by the Council on the ground that his services are redundant, such officer or servant shall (without prejudice to his other rights under the said regulations) be deemed for the purposes of paragraph (a) of this subsection to have suffered loss of employment attributable to such discontinuance.

50.—(1) Notwithstanding anything in section 49 (Discontinuation of ferry) of this Act the Council may as from the date on which the ferry is discontinued and abandoned—

Retention and disposal of ferry works and lands.

(a) retain, hold, maintain, adapt and use the ferry works and lands or any part thereof for such time and for such purposes as they think fit;

(b) sell, lease, exchange or otherwise dispose of the ferry works and lands or any part thereof or any interest therein in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form) and may on any such exchange pay or receive money for equality of exchange;

(c) appropriate the ferry works and lands or any part thereof for any other purpose.

PART V
—cont.

(2) Nothing in this section shall authorise the disposal of the ferry works and lands by the Council whether by sale, lease, exchange or other disposition in breach of any trust, covenant, or agreement binding upon the Council.

c. 55. (3) Section 166 of the Act of 1933 shall apply to capital money received by the Council in respect of the sale, leasing, exchange or other disposal of land under this section as it applies to capital money received in respect of a transaction under section 164 or 165 of that Act.

c. 23. (4) For the avoidance of doubt it is hereby declared that, for the purposes of paragraph (i) of the proviso to subsection (2) of section 4 of the Milford Haven Conservancy Act, 1958 (which provides that the said subsection shall not apply to any operations specifically authorised by any enactment passed before that Act) and of paragraph (i) of the proviso to subsection (3) of section 5 of the said Act of 1958 (which provides that the said subsection (3) shall not apply to any operations necessary for any construction, alteration or extension of works which is specifically authorised by any enactment passed before that Act), nothing done in the exercise of the powers of this section is an operation specifically authorised by an enactment passed before that Act.

Provision
against danger
to navigation
applicable to
ferry works.

51. As from the date on which the ferry is discontinued and abandoned, the provisions of section 30 (Permanent lights on tidal works), section 31 (Provision against danger to navigation), section 32 (Abatement of works abandoned or decayed) and section 33 (Survey of tidal works) of this Act shall apply in respect of any of the ferry works situated on, under or over tidal waters or tidal lands below the level of high water as if such works had been referred to therein instead of a tidal work and as if in the case of subsection (2) of the said section 32 that subsection had referred to ferry works consisting partly of works situated on, under or over tidal waters or tidal lands below the level of high water and partly of works on or over land above the level of high water instead of to a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water.

PART VI

FINANCE

Power to
borrow.

52.—(1) The Council may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Council with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Council without the consent of any sanctioning authority may determine, not exceeding the period specified in relation thereto in the third column of the following table.

(4) Subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

c. 58.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands, easements and rights and the payment of compensation under the provisions of this Act	The sum requisite	Sixty years.
(b) The construction of the bridge and other works	£1,955,000	Fifty years.
(c) The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act	The sum requisite	Five years.

53. The Council shall apply all money received by them on account of the revenue of the undertaking, except money and money arising from the disposal of lands acquired for the purposes of this Act, in manner following (that is to say):—

Application of revenue.
first in payment of the working and establishment expenses and cost of maintenance of the undertaking;

secondly in payment of the interest on moneys borrowed by the Council under section 52 (Power to borrow) of this Act;

PART VI
—cont.

thirdly in providing the requisite appropriations, instalments or sinking fund payments in respect of moneys borrowed by the Council under section 52 (Power to borrow) of this Act;

fourthly in payment of all other expenses of executing this Act being expenses properly chargeable to revenue;

fifthly in extending improving and constructing (if the Council think fit) any works for the purpose of the undertaking;

sixthly in providing working capital (if the Council think fit);

seventhly in providing a reserve fund (if the Council think fit) in accordance with the next succeeding section;

eighthly in the reduction of tolls which may be demanded taken and recovered under this Act or for such other purpose as may be approved by the Secretary of State:

Provided that the Council shall not apply any money received by them from tolls under this Act in—

- c. 25.
- (a) the construction, maintenance or improvement of any road for the construction, maintenance or improvement of which the Secretary of State has for the time being made an advance by way of grant under section 235 of the Highways Act, 1959; or
 - (b) the payment of interest on moneys borrowed by the Council for the construction of such a road as is referred to in paragraph (a) of this proviso; or
 - (c) the provision of the requisite appropriations, instalments or sinking fund payments in respect of moneys borrowed by the Council for the construction of such a road.

Power to
create reserve
fund.

54.—(1) The Council may (if they think fit) provide a reserve fund by setting aside such amounts as they may from time to time determine from the revenues of the undertaking and investing the same in any securities in which trustees are for the time being authorised by law to invest trust moneys until the fund so formed amounts to a sum (in this section referred to as the prescribed maximum) equal to twenty per centum or such greater percentage as the Secretary of State may from time to time approve of the aggregate capital expenditure incurred by the Council on the undertaking.

(2) A reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part of the undertaking or otherwise for the benefit of the undertaking

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction occurs.

PART VI
—cont.

(3) Resort may be had to the reserve fund formed under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) The income of the reserve fund shall be treated as part of the revenues of the undertaking.

55.—(1) Any deficiency in the revenue of the undertaking in any financial year shall be made good in the first instance out of the reserve fund (if any) formed in connection with the undertaking and if there be no such reserve fund or if such reserve fund be insufficient for the purpose then out of the other moneys of the Council and in such case any amount made good out of such other moneys shall be repayable out of any future revenue of the undertaking. As to deficiencies.

(2) The Council may apply money received by them in any financial year on account of the revenue of the undertaking in the payment of interest calculated at the rate of five per centum per annum with half-yearly rests on the amounts repayable out of the revenue of the undertaking referred to in the last preceding subsection.

(3) Whenever the money received by the Council from the undertaking on account of revenue in any financial year shall exceed the amount expended or set aside in connection with the undertaking in respect of the several purposes mentioned in section 53 (Application of revenue) of this Act then the surplus of such revenue shall be used in and for the purposes of the undertaking and for no other purpose.

56. The Council shall within three months of the close of their financial year, or such longer period as the Secretary of State may allow, send to the Secretary of State a copy of the annual accounts of the undertaking. Annual accounts to be sent to Secretary of State.

PART VII

KINGSMOOR COMMON

57.—(1) Subject to the provisions of this Act, the district council may enter upon and take Kingsmoor Common subject to any common rights thereon or thereover and may use the same subject to such common rights thereon or thereover as shall not be extinguished in pursuance of subsection (3) of this section. Acquisition and use of Kingsmoor Common.

PART VII
—cont.

(2) The powers of the district council for the compulsory purchase of Kingsmoor Common under subsection (1) of this section shall cease after the expiration of three years from 1st December, 1965.

(3) At any time after acquiring Kingsmoor Common the district council may by resolution from time to time extinguish the common rights on or over such part or parts of Kingsmoor Common as may be determined by the Minister of Land and Natural Resources and defined in the resolution and notwithstanding anything contained in the Kingsmoor Common Scheme made by the district council on 5th September, 1910, and approved by order of the Board of Agriculture and Fisheries on 17th September, 1910, may inclose and use the same for the purpose of any of their functions:

Provided that the district council shall not except with the consent of the Minister of Land and Natural Resources—

(a) extinguish common rights on or over a part or parts of Kingsmoor Common exceeding a total area of 35 acres; or

(b) use for purposes other than that of providing open-air recreational facilities a part or parts of Kingsmoor Common exceeding a total of 15 acres.

c. 56.

(4) In giving his determination or consent under the last preceding subsection, the Minister of Land and Natural Resources shall have regard to the same considerations as are directed by the Commons Act, 1876, to be taken into consideration by the Minister of Land and Natural Resources before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

(5) A consent under paragraph (b) of the proviso to subsection (3) of this section shall be given by order, which shall be subject to special parliamentary procedure.

(6) As soon as practicable after extinguishing the common rights as aforesaid the district council shall provide a site for camping by the gipsies who have habitually used Kingsmoor Common for camping purposes during the period of ten years immediately preceding 20th November, 1964.

(7) Within one month after the passing of any resolution under subsection (3) of this section the district council shall publish notice thereof in a local newspaper circulating in the rural district of Narberth.

(8) Either—

(a) a copy of any such newspaper containing any such notice; or

(b) a photostatic or other reproduction certified by the clerk of the district council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of publication.

58.—(1) The district council shall pay or make compensation for the common rights extinguished under subsection (3) of section 57 (Acquisition and use of Kingsmoor Common) of this Act to the persons (if any) who have lawfully exercised such rights at any time during the period of ten years immediately preceding 20th November, 1964, and who shall within a period of six months after the passing of a resolution under subsection (3) of the said section 57 deliver to the district council a claim in writing to such compensation. Compensation for common rights extinguished.

(2) (a) If the district council shall dispute the right of any person to compensation under subsection (1) of this section such dispute shall be determined by the tribunal.

(b) The amount of any compensation payable under this section shall in case of dispute be determined by the tribunal.

PART VIII

PROTECTIVE PROVISIONS

59.—(1) Any electrical works, machinery or apparatus constructed, erected, laid, maintained or used in pursuance of section 16 of the Railways Clauses Consolidation Act, 1845 (as incorporated with this Act), or in pursuance of section 20 (Subsidiary works in river and elsewhere) of this Act shall be so constructed, erected or laid 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. For protection of Postmaster General. c. 20.

(2) Nothing in section 19 (Power to make subsidiary works) of this Act shall authorise the Council to alter, remove or otherwise interfere with any telegraphic line belonging to or used by the Postmaster General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878. c. 76.

(3) The exercise of the powers conferred by section 21 (Temporary stoppage of highways) of this Act in relation to any highway shall not prejudice or affect the right of the Postmaster General—

(a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, in, upon, over, along or across that highway; or

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—cont.

(b) for the purposes of such maintenance, inspection, repair, renewal or removal to enter upon or break open that highway.

(4) Nothing in section 26 (No mains or pipes to be laid in bridge without consent) of this Act shall alter, prejudice or affect the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962.

(5) (a) The Council shall in constructing the bridge provide therein for the telegraphic lines of the Postmaster General accommodation as specified in paragraph (b) of this subsection and shall also provide a means whereby the Postmaster General may have access to such telegraphic lines after the same have been laid without breaking up or interfering with the surface of the road and footway of the bridge.

(b) The accommodation to be provided in the bridge in pursuance of paragraph (a) of this subsection shall be sufficient for ten ducts having an internal diameter of 4 inches each.

(c) The said accommodation and means of access shall be provided in accordance with plans, sections and particulars to be previously submitted to and reasonably approved by the Postmaster General:

Provided that if within one month of the receipt of the said plans, sections and particulars the Postmaster General shall not have intimated to the Council his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

(d) The additional cost (if any) reasonably incurred by the Council in providing such accommodation and means of access shall be repaid to the Council by the Postmaster General in a single payment or in such other manner as may be agreed between the Council and the Postmaster General.

(e) The Postmaster General shall before the Council complete the construction of the bridge lay down all such ducts and supports as may be required for the purposes of the telegraphic lines in the bridge.

(f) The work to be done by the Postmaster General under paragraph (e) of this subsection shall be carried out within three months of a notice from the Council that the accommodation provided for the said telegraphic lines is ready and in default the Council may at the expense of the Postmaster General provide and lay temporarily in the said accommodation or otherwise such weight of material as the Council may reasonably decide to be required.

(g) The Postmaster General shall conform with the reasonable requirements of the Council as to the time or times at which and the manner in which the Postmaster General is to carry out the work under paragraph (e) of this subsection and the Council shall be entitled to superintend such work. The costs reasonably incurred by the Council in such superintendence shall be repaid to them by the Postmaster General.

(h) Any question which may arise between the Postmaster General and the Council under this subsection shall be determined in manner provided by the Telegraph Act, 1878.

c. 76.

(6) In subsection (2) of this section “alter” has the same meaning as in the Telegraph Act, 1878.

60.—(1) In this section, unless the subject or the context otherwise requires—

Accommodation for apparatus of statutory undertakers.

“apparatus” means—

(a) in relation to the South Wales Electricity Board, or the Central Electricity Generating Board, electric cables;

(b) in relation to the Wales Gas Board, gas mains; and

(c) in relation to the Pembrokeshire Water Board, water mains;

and includes any necessary works ancillary thereto;

“undertaker” means the South Wales Electricity Board, the Central Electricity Generating Board, the Wales Gas Board and the Pembrokeshire Water Board.

(2) (a) If requested in writing by an undertaker within fifty-six days after this Act passes into law the Council shall, in constructing the bridge, provide therein accommodation and support for the apparatus of the undertaker and shall also provide a means by which the undertakers may have access to their apparatus after the same is laid without breaking up or interfering with the surface of the road and footway of the bridge.

(b) The accommodation and support so provided and the means of access thereto shall be of such nature and in such position and shall be capable of carrying such weight of apparatus as may be agreed between the Council and the undertaker, taking into account the requirements of other undertakers.

(3) (a) The additional cost reasonably incurred by the Council in providing such accommodation and support and means of access shall be repaid to the Council by the undertakers in a single payment or in such other manner as may be agreed between the Council and the undertakers or, in default of agreement, settled by arbitration.

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(b) For the purpose of this subsection the additional cost of providing accommodation and support and means of access shall be the difference between the cost of constructing the bridge designed to provide such accommodation, support and means of access and the cost of constructing the bridge designed not to provide such accommodation, support and means of access.

(4) Subject to the provisions of subsection (3) of this section, an undertaker shall be entitled at all times to use free of charge the accommodation and means of access provided pursuant to the foregoing provisions of this section for the purposes of laying and placing therein and inspecting, repairing, maintaining, removing or renewing apparatus:

Provided that—

(a) the apparatus shall at all times conform in design, construction and use with the reasonable requirements of the Council;

(b) except in case of emergency, the undertaker shall give to the Council not less than ten days' notice in writing of their intention to execute works on the bridge and shall conform with the reasonable requirements of the Council as to the time or times at which the undertaker may exercise the right of entering upon and executing works on the bridge and as to the manner in which such works are executed and the Council shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Council in such superintendence shall be repaid to them by the undertaker.

(5) (a) The undertaker shall maintain in good repair and to the reasonable satisfaction of the Council all apparatus placed on the bridge by the undertaker and shall from time to time carry out and maintain such works as the Council may reasonably require to be done or provided for ensuring the safety and stability of the bridge and the safety and convenience of those using the bridge, being works reasonably required to be done in consequence of the exercise by the undertaker of the rights conferred upon them by this section, and, in default, the Council may at the expense of the undertaker carry out and maintain such works and the undertaker shall repay to the Council any expenses reasonably incurred by the Council in carrying out any such works.

(b) The undertaker shall repay to the Council any loss, damage or expenses suffered or incurred by the Council by reason of the failure of the undertaker to comply with the provisions of this section, or by reason of any fault in, or accident occurring in relation to, any apparatus or material placed on the bridge by

the undertaker and shall indemnify the Council against any actions, proceedings, costs, claims or demands arising out of, or in any way attributable to, the exercise by the undertaker of the rights conferred upon them by this section except to the extent that such actions, proceedings, costs, claims or demands may arise by reason of the neglect or default of the Council their servants or agents:

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—cont.

Provided that whenever any loss or damage occurs which may give rise to a claim against the undertaker under this section the Council shall as soon as possible give notice thereof to the undertaker and shall not concede or compromise any claim made upon the Council without the concurrence of the undertaker.

(6) The Council shall afford to the undertaker all such facilities as the undertaker may reasonably require for the purpose of connecting the said apparatus with any other apparatus of the undertaker.

(7) Any question or difference which may arise between the Council and the undertaker under this section, other than any question or difference as to the meaning or construction of this section, shall be settled by arbitration.

61.—(1) Nothing in this Act affects prejudicially any estate, Crown 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 Council to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

- (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 on behalf of Her Majesty first had and obtained for that purpose; 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) Nothing in this section shall prejudice or affect any statutory powers of the Council—

- (a) to carry out code regulated works within the meaning of the Public Utilities Street Works Act, 1950, in any highway vested in or maintained by the Secretary of State; or

c. 39.

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—cont.

c. 76. (b) to carry out any works by reason only that such works involve or are likely to involve an alteration in any telegraphic line of the Postmaster General in relation to which paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878, apply.

Saving for
Trinity House.

c. 23.

62. Nothing contained in Part III (Works) or Part V (Discontinuance of ferry) of this Act shall derogate from or affect any duty or liability of the conservancy board under section 8 of the Milford Haven Conservancy Act, 1958, nor prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of the Corporation of Trinity House of Deptford Strond.

For
protection of
conservancy
board.

63. For the protection of the conservancy board, the following provisions shall, unless otherwise agreed in writing between the Council and the conservancy board, apply and have effect:—

- (1) Before commencing to construct any of the works on, under or over tidal waters or tidal lands, the Council shall submit to the conservancy board for their reasonable approval plans, sections and particulars of the work, and such work shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be reasonably approved by the conservancy board, or as may be determined by the Board of Trade as hereinafter provided:
- (2) In the event of the conservancy board failing to express their disapproval of any plans, sections or particulars within two months after such plans, sections and particulars shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans, sections and particulars as submitted:
- (3) After the purpose for which temporary structures used to enable any such works to be constructed has been accomplished, the Council shall with all reasonable dispatch or after fourteen days' notice in writing from the conservancy board requiring them so to do, remove any such temporary structures or any materials for the same which may have been placed in the river by the Council, and if they fail to do so the conservancy board may remove the same and the Council shall repay to the conservancy board the reasonable expense of such removal:
- (4) The Council shall permit the officers, servants and agents of the conservancy board to have access, both by water and by land, at all reasonable times on, to or over any such works without payment or hindrance—
 - (a) during the construction thereof for the purpose of inspection; and

(b) after the construction thereof whilst in the execution of their duties in relation to such works:

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—cont.

- (5) If it appears to the Council that the conservancy board have unreasonably withheld their approval to any plans, sections or particulars under paragraph (1) of this section, they may appeal to the Board of Trade, whose decision shall be binding on both parties.

64. For the protection of the South West Wales River Authority For (in this section referred to as “ the river authority ”) the following provisions shall, unless otherwise agreed in writing between the Council and the river authority, apply and have effect:— protection of South West Wales River Authority.

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

“ authorised work ” means so much of Work No. 2 and any subsidiary work carried out under the powers of section 19 (Power to make subsidiary works) or section 20 (Subsidiary works in river and elsewhere) of this Act, as will be constructed through, over or across the watercourse within the area of the river authority;

“ banks ” has the meaning assigned to that expression by the Land Drainage Act, 1930; c. 44.

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

“ the watercourse ” means the stream running from Barnlake Farm to Westfield Pill and included in the property numbered 27 on the deposited plans:

- (2) In the construction of any authorised work the Council shall not diminish the width between the banks of the watercourse except with the consent of the river authority but such consent shall not be unreasonably withheld or delayed:

- (3) Except with the consent of the river authority, which shall not be unreasonably withheld or delayed, the Council shall not construct any authorised work otherwise than—

(a) in such manner as not to interrupt the free passage of water through or in the watercourse; and

(b) in such manner as to allow the free passage of flood waters under the work; and

(c) in such manner as to allow of the widening of the watercourse to such extent as may be reasonably necessary for the improvement of the watercourse:

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—cont.

- (4) (a) The Council shall before commencing to construct any authorised work submit plans thereof to the river authority for their reasonable approval;
- (b) If the river authority do not within twenty-eight days after the submission to them of any such plans signify to the Council in writing their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof:
- (5) No authorised work shall be constructed otherwise than in accordance with such plans as may have been approved (or deemed to have been approved) by the river authority or if such approval be withheld as may be settled by arbitration, and any such work shall be executed to the reasonable satisfaction of the river authority and under the superintendence of the engineer to the river authority if the engineer elects to superintend after receiving reasonable notice of the date when the work is to be commenced:
- (6) The Council shall at all reasonable times afford to the engineer of the river authority or his duly authorised representative access to any authorised work for the purpose of inspection:
- (7) The Council shall not exercise the powers of section 32 of the Railways Clauses Consolidation Act, 1845, on the banks of the watercourse except with the consent of the river authority, but such consent shall not be unreasonably withheld or delayed:
- (8) The Council shall be responsible for and make good to the river authority all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the river authority—
- (a) by reason of any authorised work; or
- (b) by reason of any act or omission of the Council or of any persons in their employ or of their contractors or others whilst engaged upon any authorised work:
- (9) Any question or difference which may arise between the Council and the river authority under this section, other than any question or difference as to the meaning or construction of this section, shall be settled by arbitration.

65. For the protection of the British Railways Board (in this section referred to as "the board") the following provisions shall, unless otherwise agreed in writing between the Council and the board, apply and have effect:—

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—cont.

For
protection of
British
Railways
Board.

(1) In this section—

"railway property" means the railway of the board between Johnston and Neyland and all works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

"the works" means so much of the works authorised by this Act as may be situated upon, across, under or over or may in any way affect railway property and includes the construction, maintenance and renewal of such works;

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

"plans" includes sections, drawings and specifications:

(2) The Council shall not under the powers of this Act acquire compulsorily any railway property, but they may in accordance with the provisions of section 13 (Power to acquire easements only) of this Act acquire such easements and rights in any railway property delineated on the deposited plans as they may reasonably require for the purposes of the works as if such property were land which the Council were authorised to acquire compulsorily under this Act:

(3) The Council shall before commencing the works (other than works of maintenance or repair) furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after the plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

(4) If within twenty-eight days after such plans have been furnished to the board the board give notice to the Council that in consequence of the nature of the works it is reasonably necessary that the board should themselves construct any part of the works then if the Council

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—cont.

desire such part of the works to be constructed the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Council in accordance with the plans approved or deemed to be approved or settled as aforesaid:

- (5) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of or during the execution of the works to ensure the safety or stability of railway property, and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the Council shall not commence or continue, as the case may be, the construction of the works until the engineer shall have notified the Council that the protective works have been completed:
- (6) The Council shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works, and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any works for the repair or maintenance of the works:
- (7) The works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled by arbitration 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 railway property as may be, and so far as is reasonably practicable so as not to interfere with or obstruct the free, uninterrupted and safe user of the railway or the traffic thereon, and the use by passengers of railway property, and if any damage to railway property or any such interference or obstruction shall be caused by the construction of the works, the Council shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the board the reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:
- (8) The Council shall at all times afford reasonable facilities to the engineer for access to the works during their construction, and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

- (9) The board shall at all times afford reasonable facilities to the Council and their agents for access to any works carried out by the board under this section, and shall supply the Council with all such information as they may reasonably require with regard to such works or the method of construction thereof:
- (10) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the works or during a period of twelve months after the completion thereof in consequence of the construction of the works by the Council, such alterations and additions may be effected by the board after notice has been given to the Council, and the Council shall pay to the board on demand the reasonable cost thereof, including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working, and when necessary renewing, any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving, may be set off against any sum payable by the Council to the board under this section:

- (11) The Council shall repay to the board all costs, charges and expenses reasonably incurred by the board—

(a) in constructing any part of the works on behalf of the Council as provided by paragraph (4) of this section or in constructing any protective works under the provisions of paragraph (5) of this section, including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works;

(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 railway property, and for preventing, as far as may be, all interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the works;

(c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

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—cont.

(d) in respect of any additional temporary lighting of railway property in the vicinity of the works, being lighting made reasonably necessary as a result of the works or the failure thereof:

- (12) If at any time after the completion of the works not being works vested in the board, the board shall give notice to the Council informing them that the state of repair of the works appears to be such as to affect prejudicially railway property, the Council shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the works in such state of repair as not to affect prejudicially railway property and, if and whenever the Council fail to do so, the board may make and do in and upon the lands of the board or of the Council all such works and things as shall be requisite to put the works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Council:
- (13) All temporary structures, erections, works, apparatus and appliances erected or placed by the Council under the powers of this Act upon, over or under railway property shall as soon as reasonably practicable be removed by the Council to the reasonable satisfaction of the engineer and in such a way as to cause as little damage to railway property and as little interference with, or interruption to, the traffic on the railways of the board as may be, and if any damage to railway property or such interference, delay or interruption shall be caused by any such failure to remove any such temporary structures, erections, works, apparatus or appliances the Council shall forthwith make good such damage and pay to the board the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage, interference, delay or interruption:
- (14) Before providing any illumination or illuminated road traffic sign on or in connection with the works or in the vicinity of railway property the Council shall consult with the board and comply with any reasonable requirements of the board with regard thereto with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:
- (15) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the Council

in altering, reconstructing or maintaining railway property 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 Council to the board:

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—cont.

(16) The Council shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board—

(a) by reason of the failure of the works; or

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

and the Council shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the construction of the works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Council or in accordance with plans approved by the engineer 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 board or of any person in their employ or of their contractors or agents) excuse the Council from any liability under the provisions of this section:

Provided that the board shall give to the Council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Council:

(17) Any difference arising between the Council and the board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

66. For the protection of each of the specified boards referred to in paragraph (1) of this section the provisions of this section shall, unless otherwise agreed in writing between the Council and the specified board concerned, apply and have effect:—

For protection of electricity boards and gas board.

(1) In this section unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the specified board to fulfil their statutory functions in a manner not less efficient than previously;

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—cont.

c. 56.

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the specified board being one of the electricity boards;

(b) any mains, pipes or other apparatus belonging to or maintained by the gas board;

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(not being in any such case apparatus in respect of which the relations between the Council and the specified board are regulated by the provisions of Part II of the Public Utilities Street Works Act, 1950), and includes any structure or works constructed for the lodging therein of apparatus;

“ electricity boards ” means the Central Electricity Generating Board and the South Wales Electricity Board;

“ the gas board ” means the Wales Gas Board;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

c. 38.

“ operational land ” has the same meaning as in section 221 of the Town and Country Planning Act, 1962;

“ position ” includes depth;

“ specified board ” means the electricity boards and the gas board or any of them, and, in relation to any apparatus or property, means that one of those boards to whom the apparatus or property belongs or by whom the apparatus is maintained and, in relation to the supply of electricity, means that one of those boards by whom the supply is provided;

“ specified work ” means any work or thing done under the powers conferred by Part III of this Act:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Council shall not, under the powers of this Act, acquire any apparatus or operational land otherwise than by agreement:
- (3) If the Council in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the specified board to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the specified board:
- (4) (a) If the Council, for the purpose of the execution of any specified work, require the removal of any apparatus,

they shall give to the specified board written notice of such requirement with a plan and section of the proposed work;

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—cont.

- (b) If the Council require a specified board to remove any apparatus, or if in consequence of the execution of any specified work a specified board shall reasonably require to remove any apparatus, the Council shall, if practicable, afford to the specified board the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the Council and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Council and the Council are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the specified board shall, on receipt of a written notice to that effect from the Council, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (5) (a) Any alternative apparatus to be constructed in lands of the Council in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line or situation as may be agreed between the specified board and the Council or, in default of agreement, settled by arbitration;
- (b) The specified board shall, after the manner of construction and the line and situation of any alternative apparatus has been agreed, or settled by arbitration, as aforesaid and after the grant to the specified board of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Council to be removed under the provisions of this section and, in default, the Council may remove the apparatus:
- (6) Notwithstanding anything in paragraph (5) of this section, if the Council give notice in writing to the specified board that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Council, such work, in lieu of being executed by the specified board, shall be

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—cont.

executed by the Council with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the specified board:

Provided that nothing in this paragraph shall authorise the Council to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

- (7) Where in accordance with the provisions of this section the Council afford to the specified board facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Council of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Council and the specified board or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the Council for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus constructed through the lands of the Council for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Council in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the specified board than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Council by or to the specified board in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (8) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to or is likely to affect any apparatus the removal of which has not been required by the Council under paragraph (4) of this section, the Council shall submit to the specified board a plan, section and description of the work to be executed;
- (b) Such work shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the specified board for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the specified board shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the specified board within fourteen days after the submission to them of any such plan, section and description shall in consequence of the work proposed by the Council reasonably require the removal of any apparatus and give written notice to the Council of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Council under paragraph (4) thereof; and

(ii) nothing in this sub-paragraph shall preclude the Council from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan, section and description in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

- (c) The Council shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give to the specified board notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:
- (9) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the Council shall provide an alternative means of access to such apparatus:

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—cont.

(10) The Council shall repay to the specified board the reasonable costs, charges and expenses incurred by the specified board in or in connection with—

(a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section;

(b) the cutting off of any apparatus from any other apparatus; and

(c) any other work or thing rendered reasonably necessary in consequence of the exercise by the Council of any of the powers of this Act:

c. 39.

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act, 1950 (which imposes limitations on undertakers' rights to payment), shall so far as applicable extend and apply to any payment to be made by the Council under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 66 (For protection of electricity boards and gas board) of the Pembrokeshire County Council Act, 1965":

(11) If by reason or in consequence of the execution, user or failure of any of the specified works or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the specified board or any interruption in the supply of electricity or gas, as the case may be, by a specified board shall be caused, the Council shall bear and pay the cost reasonably incurred by the specified board in making good such damage, and shall—

(a) make reasonable compensation to the specified board for any loss sustained by them; and

(b) indemnify the specified board against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the specified board;

by reason or in consequence of any such damage or interruption:

(12) The temporary stopping up or diversion of any highway under the powers of section 21 (Temporary stoppage of highways) of this Act shall not prevent the specified board from obtaining access to any apparatus nor prejudice or affect any right of the specified board—

PART VIII
—cont.

(a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the highway; or

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway:

(13) (a) Any difference which may arise between the Council and the specified board under this section shall be determined by an arbitrator;

(b) In settling any difference under this section the arbitrator may, if he thinks fit, require the Council to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

67. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act. Saving for town and country planning. c. 38.

PART IX

MISCELLANEOUS AND GENERAL

68.—(1) The Council may make byelaws—

Byelaws.

(a) for preventing injury and damage to the bridge;

(b) for regulating the conduct of all persons using the bridge;

(c) for regulating the traffic along and over the bridge and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines, carriages, vehicles and animals or other classes of traffic and for ensuring that road traffic shall not be unreasonably delayed;

(d) for prohibiting the conveyance upon the bridge of any goods which may, in the opinion of the Council, be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon, or endanger the safety of the bridge or the passenger and other traffic carried thereon;

(e) relating to the issue and inspection of tickets and the collection of tolls; and

PART IX
—cont.

(f) generally for regulating and controlling the use of the bridge:

Provided that no such byelaw shall extend to impose any restriction upon navigation in the river.

(2) As respects byelaws made under this section the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State and any such byelaws may be confirmed with or without modifications.

Bridge to be exempt from rates.

69. Notwithstanding anything contained in any Act the bridge and the buildings (not being dwelling-houses or office buildings), machinery, apparatus and works used in connection therewith shall not either during or after their construction be assessed to any rate.

Application of general provisions of Act of 1936.

70. The sections of the Act of 1936 mentioned in Schedule 2 to this Act shall have effect as if references therein to that Act included a reference to this Act.

Inquiries by Secretary of State or Board of Trade.

71. The Secretary of State or the Board of Trade, as the case may require, may hold such inquiries as he or they may consider necessary in regard to the exercise of any powers conferred upon him or them or required to be exercised by him or them under this Act, and subsections (2) to (5) of section 290 of the Act of 1933 shall apply to any such inquiry.

Powers of Board of Trade.

72. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Arbitration.

73. In arbitrations under a provision of this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the President of the Institution of Civil Engineers on the application of any party after giving notice in writing to the other party or parties.

Protection of members and officers from personal liability.
c. 55.

74. Section 265 of the Public Health Act, 1875, shall apply to the Council as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

Costs of Act

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

SCHEDULES

SCHEDULE 1

Section 49.

ENACTMENTS REPEALED

Session and chapter	Short title	Extent of repeal
20 Geo. 5 c. vii.	The Pier and Harbour Orders Confirmation Act, 1929	The following provisions of the Pembrokeshire (Neyland Landing Stage) Order, 1929:— Sections 10 to 30, 38 and 43 to 49 and the schedule.
5 & 6 Geo. 6 c. x.	The Pembrokeshire County Council Act, 1942	Sections 11 to 24 sections 26 to 45 in section 53 the words "section 43 (Annual account to be sent to the Ministry of Transport) of the Order of 1929 shall apply to the ferry undertaking and" and the schedule.

SCHEDULE 2

Section 70.

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

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Pembrokeshire County Council Act 1965

CHAPTER xxxvi

ARRANGEMENT OF SECTIONS

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3. Incorporation of Acts.
4. Interpretation.

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9. Power to expedite entry.
10. Power to enter for survey or valuation.
11. Disregard of recent improvements and interests.
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- 61. Crown rights.
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- 74. Protection of members and officers from personal liability.
- 75. Costs of Act.

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