

ELIZABETH II



1973 CHAPTER xxxvi

An Act to confer powers upon the Central Electricity Generating Board for the construction and erection of works and a generating station in the county of Caernarvon and for the acquisition of lands and easements for the purposes thereof or in connection therewith; and for other purposes.

[19th December 1973]

WHEREAS the Central Electricity Generating Board (hereinafter referred to as "the Board") were established by the Electricity Act 1957 and it is the duty of the Board under 1957 c. 48. the said Act to develop and maintain an efficient co-ordinated and economical system of supply of electricity in bulk for all parts of England and Wales and for that purpose (inter alia) to generate or acquire supplies of electricity and to provide bulk supplies of electricity for the area boards in England and Wales for distribution by those boards:

And whereas in order to meet the increasing demands for the supply of electricity there is need for the construction of further works for generating electricity:

And whereas by reason of such need it is expedient that the Board should be empowered to construct the works authorised by this Act for increasing the means of generating electricity by water power and to take, divert, impound, appropriate, abstract and use waters from a reservoir and a lake and from certain water-courses for that purpose by means of such works:

And whereas it is expedient that the Board should be empowered to acquire lands and easements for the purpose of the construction of such works or for other purposes in connection therewith:

And whereas it is expedient that the Board should be empowered to construct on the lands described in this Act works for the purposes of generating electricity and other purposes in connection therewith, incidental thereto or consequential thereon and to acquire those lands for those purposes:

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

And whereas it is expedient that the other provisions contained in this Act should be enacted:

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

And whereas plans and sections showing the lines and levels of Works Nos. 1 to 19 and Works Nos. 24 and 25 by this Act authorised, such plans showing also the lands which may be acquired or used compulsorily under the powers of this Act for or in connection with the said works and the other purposes mentioned in this Act together with a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same were in the month of November, 1972, deposited with the clerk of the county council of the administrative county of Caernarvon:

And whereas plans and sections showing the lines and levels of Works Nos. 24A and 24B by this Act authorised, such plans showing also the lands which may be acquired or used compulsorily under the powers of this Act for or in connection with the said works and the other purposes mentioned in this Act together with a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same were in the month of March, 1973, deposited with the clerk of the county council of the administrative county of Caernarvon:

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 North Wales Hydro Electric Power Act 1973.

2. This Act shall be divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Abstractions, impoundings and discharges.

Part V.—Miscellaneous and general.

PART I
—cont.

Division
of Act into
Parts.

3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

“ the Act of 1945 ” means the Water Act 1945; 1945 c. 42.

“ the Act of 1963 ” means the Water Resources Act 1963; 1963 c. 38.

“ the Act of 1965 ” means the Compulsory Purchase Act 1965 c. 56.
1965;

“ aqueduct ” includes an open watercourse, leat, conduit, tunnel, line or lines of pipes, shaft and any ancillary works required for the collection, conveyance and discharge of water;

“ the Board ” means the Central Electricity Generating Board;

“ the Board’s works ” means Works Nos. 1 to 19 and the generating station and “ the water works ” means Works Nos. 24, 24A, 24B and 25, and in both cases includes any works, apparatus and conveniences connected therewith and constructed or provided by the Board as part of, or in connection with, or for the purposes of, the works in question or any of them;

“ the county ” means the administrative county of Caernarvon and “ the county council ” means the council of the county;

“ the date of completion of the water works ” means such date as may be certified by an independent engineer nominated for the purpose by agreement between the Board and the water board or in default of agreement by the President of the Institution of Water Engineers as the date on which a supply of water of at least 200,000 gallons per day is available to the water board by means of the water works;

“ the deposited plans ” “ the deposited sections ” and “ the deposited book of reference ” means in relation to—

(a) Works Nos. 1 to 19 and Works Nos. 24 and 25 authorised by this Act and the lands which may be

PART I
—cont.

acquired or used under the powers of this Act and for the purposes of this Act in relation to those works, the plans, sections and book of reference deposited in connection with the Bill for this Act in the month of November, 1972; and

(b) Works Nos. 24A and 24B authorised by this Act and the lands which may be acquired or used under the powers of this Act and for the purposes of this Act in relation to those works, the plans, sections and book of reference deposited in connection with the Bill for this Act in the month of March, 1973;

“ Ffynnon Llugwy ” means the reservoir known as Ffynnon Llugwy;

“ the generating station ” means the works authorised by subsection (2) of section 21 (Power to acquire lands and construct generating station) of this Act;

“ land ” includes any interest in or right over land and land covered with water;

“ main river ” means a watercourse or part of a watercourse which by reason of being shown by a distinctive colour on a main river map (as defined in subsection (10) of section 11 of the Act of 1963) is to be treated as the main river or part of the main river for the purposes of Part II of the Land Drainage Act 1930;

1930 c. 44.

“ the river authority ” means the Gwynedd River Authority;

“ the road works ” means Works Nos. 7, 8, 17, 18 and 19 and so much of Work No. 2 as lies between the termination of Work No. 19 and the point marked Y on the deposited plans;

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878;

1878 c. 76.

“ the tribunal ” means the Lands Tribunal;

“ the undertaking ” means the undertaking of the Board as for the time being authorised;

“ the water board ” means the Eryri Water Board;

“ watercourse ” except for the purposes of the definition in this section of the expression “ aqueduct ” include any river, stream, canal, ditch, drain, cut, culvert, dyke, sluice, sewer (other than a public sewer within the meaning of the Public Health Act 1936) or passage through which water flows (except a main within the meaning of the Third Schedule to the Act of 1944) and the banks thereof;

1936 c. 49.

“ the works ” means the Board’s works and the water works

(3) References in this Act to reference points shall be construed as references to National Grid reference points.

(4) Unless the subject or context otherwise requires any references in this Act to a work identified by the number of such work or by a number and letter of the alphabet shall be construed as a reference to the work of that number or (as the case may be) that number and letter authorised by this Act.

(5) Unless the subject or context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

4. Section 16 of the Railways Clauses Consolidation Act 1845, and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this Act and, as so incorporated, shall have effect as if—

Incorporation
of Railways
Clauses
Consolidation
Act 1845.

1845 c. 20.

(a) for the words “the period by the special Act limited for the completion of the railway” there were substituted the words “the period of eight years from the commencement of the construction of any of the works authorised by the special Act”;

(b) the expression “the company” meant the Board; and

(c) the expression “the railway” meant the works authorised by this Act and “the centre of the railway” meant the centre of any such works respectively.

5.—(1) For the purposes of this Act the provisions of the Third Schedule to the Act of 1945 which are specified in column (1) of Part I of Schedule 1 to this Act shall, subject to the modifications set out in column (2) thereof, apply to the Board and the water works and Part IV (Minerals Underlying Waterworks) of the said Third Schedule shall, subject to the modifications set out in column (2) of Part II of the said schedule, apply to the Board and the Board’s works.

Application of
provisions of
Third Schedule
to Water Act
1945.

1945 c. 42.

(2) Subject as aforesaid the said provisions are hereby incorporated with this Act and, as so incorporated, shall have effect as if for references therein to undertakers there were substituted references to the Board and for reference therein to “water works” there were substituted reference to “the water works” or the “Board’s works” as the case may require.

6.—(1) Part I of the Act of 1965 (except section 4, paragraph (b) of subsection (2) of section 21, subsection (5) of section 24, section 27 and sub-paragraph (3) of paragraph 3 of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition

Application of
Part I of
Compulsory
Purchase Act
1965.

1965 c. 56.

PART I
—cont.
1946 c. 49.

of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

(2) The provisions of the Act of 1965, as so applied, shall have effect as if—

- (a) the requirement in section 11 (1) of the said Act as to giving not less than fourteen days' notice before entry only applied to the lands in the rural district of Gwyrfai in the county specified in Schedule 2 to this Act and as regards any other land in respect of which notice to treat has been served it required not less than three months' notice;
- (b) in section 11 (3) of the said Act after the word "purchase" there were inserted the words "or over or in which easements and rights may be compulsorily acquired" and for the words "not less than three nor more than fourteen days' notice" there were substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry".

1845 c. 18.

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

PART II

WORKS

Power to
construct
Board's
works.

7.—(1) Subject to the provisions of this Act, the Board may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections construct, maintain and use in the county the works hereinafter described:—

Work No. 1 An enlargement of the reservoir known as Marchlyn Mawr partly in the parish of Llandegai in the rural district of Ogwen and partly in the parish of Llanddeiniolen in the rural district of Gwyrfai to be formed by a dam across the Afon Marchlyn-mawr commencing at reference point 261806E 362358N and terminating at reference point 261380E 362032N.

Work No. 1A An aqueduct in the said parish of Llandegai commencing in the reservoir (Work No. 1) at reference point 261716E 362054N and terminating in the Afon Marchlyn-mawr at reference point 261560E 362564N.

Work No. 1B A vertical shaft in the said parish of Llandegai commencing in the reservoir (Work No. 1) at reference point 261781E 362328N and terminating by a junction with the aqueduct (Work No. 1A).

Work No. 2 An access road partly in the said parish of Llandegai and partly in the said parish of Llanddeiniolen

consisting in part of the construction of a new road and in part of the improvement of an unclassified road between reference points 258252E 363712N and 259378E 363142N commencing at reference point 257500E 363483N and terminating at the reservoir (Work No. 1) at reference point 261355E 362025N.

Work No. 3 An aqueduct partly in the parish of Llanberis in the rural district of Gwyrfai, partly in the said parish of Llandegai and partly in the said parish of Llanddeiniolen commencing in the reservoir (Work No. 1) at reference point 261565E 361933N and terminating in the reservoir (Work No. 6) at reference point 259336E 360075N.

Work No. 3A A surge shaft and water storage tunnels partly in the said parish of Llanberis, partly in the said parish of Llandegai and partly in the said parish of Llanddeiniolen commencing at ground level at reference point 260271E 360762N and terminating vertically downwards by a junction with the aqueduct (Work No. 3).

Work No. 5 An access road partly in the said parish of Llanberis and partly in the said parish of Llanddeiniolen commencing by a junction with the access road (Work No. 2) at reference point 260690E 362832N and terminating at the surge shaft and water storage tunnels (Work No. 3A).

Work No. 6 A reservoir (being an enlargement of Llyn Peris) partly in the said parish of Llanberis and partly in the said parish of Llanddeiniolen to be formed by two dams, one across the Afon Nant Peris commencing at reference point 259781E 358760N and terminating at reference point 260075E 358918N and the other across the Afon-y-Bala commencing at reference point 258710E 360110N and terminating at reference point 258563E 359875N.

Work No. 7 A road diversion being a diversion in the said parish of Llanberis of the road from Llanberis to Capel Curig (classified road No. A.4086) from reference point 260138E 358679N to reference point 259590E 358950N.

Work No. 8 A road alteration being a widening and improvement in the said parish of Llanberis of the road from Llanberis to Capel Curig (classified road No. A.4086) from the termination of Work No. 7 to reference point 258660E 359670N.

Work No. 9 An access road in the said parish of Llanberis commencing by a junction with the said road as diverted by Work No. 7 at reference point 259826E 358735N

PART II
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- and terminating by a junction with the commencement of the access tunnel (Work No. 10) at reference point 259424E 359958N.
- Work No. 10 An access tunnel or tunnels in the said parish of Llanberis commencing by a junction with the termination of the access road (Work No. 9) and terminating at the generating station.
- Work No. 11 An aqueduct in the said parish of Llanberis commencing by a junction with the Afon Dudodyn at reference point 260207E 358937N and terminating in the reservoir (Work No. 6) at reference point 259983E 358933N.
- Work No. 12 An aqueduct in the said parish of Llanberis to divert the Afon Dudodyn into the Afon Nant Peris commencing at reference point 260250E 358708N and terminating at reference point 260200E 358510N.
- Work No. 13 An aqueduct in the said parish of Llanberis to divert the Afon Nant Peris into the Afon Hwch as diverted by Work No. 14 commencing at reference point 260122E 358480N and terminating by a junction with the aqueduct (Work No. 14) at reference point 258486E 359930N.
- Work No. 14 An aqueduct partly in the said parish of Llanberis and partly in the said parish of Llanddeiniolen to divert the Afon Hwch into the Afon-y-Bala commencing at reference point 258396E 359870N and terminating by a junction with the Afon-y-Bala at reference point 258552E 360138N.
- Work No. 15 An improvement of the Afon-y-Bala partly in the said parish of Llanberis and partly in the said parish of Llanddeiniolen consisting of the widening, straightening, strengthening and deepening of the bed and of the straightening and strengthening of the banks of so much of the said river as lies between reference point 258552E 360138N and its confluence with the Llyn Padarn at reference point 258332E 360283N.
- Work No. 16 A diversion of a private road partly in the said parish of Llanberis and partly in the said parish of Llanddeiniolen from the said classified road A.4086 to the Dinorwic Quarries' Workshop Museum from reference point 258228E 359850N to reference point 258588E 360161N.
- Work No. 17 A new road consisting in part of a bridge across the Afon Rhythallt partly in the parish of Llanrug in the rural district of Gwyrfai and partly in the said parish of Llanddeiniolen commencing at reference point 255732E 362155N and terminating by a junction with

the road alteration (Work No. 18) at reference point 255961E 362938N.

PART II
—cont.

Work No. 18 A road alteration being a widening and improvement in the said parish of Llanddeiniolen of part of the classified road B.4547 commencing by a junction with the termination of the new road (Work No. 17) and terminating by a junction with the Caernarvon/Llandegai road (classified road B.4366) at reference point 255856E 366873N.

Work No. 19 A road alteration being a widening and improvement in the said parish of Llanddeiniolen of the classified road (Class III/48) leading from the classified road B.4547 to Deiniolen commencing by a junction with Work No. 18 at reference point 257048E 364260N and terminating at the commencement of the access road (Work No. 2).

(2) The Board may from time to time renew and alter any of the works described in subsection (1) of this section.

8.—(1) Subject to the provisions of this Act, the Board may in Power to
the lines or situations and within the limits of deviation shown construct
on the deposited plans and according to the levels shown upon the water works.
deposited sections make and maintain in the county the works
hereinafter described together with all necessary works and con-
veniences connected therewith, namely:—

Work No. 24 An aqueduct in the said parish of Llandegai commencing at the termination of Work No. 24A at reference point 261730E 366178N and terminating at the water treatment works (Work No. 25).

Work No. 24A An intake and aqueduct in the parish of Capel Curig in the rural district of Nant Conway, in the parishes of Llanllechid and Llandegai in the rural district of Ogwen and in the urban district of Bethesda commencing in the valve house below the dam of Ffynnon Llugwy at reference point 269250E 362386N and terminating by a junction with Work No. 24.

Work No. 24B An access road in the said parish of Capel Curig including an improvement of the existing road and track commencing by a junction with the trunk road A.5 at reference point 268748E 360264N and terminating at the said dam at reference point 269260E 362390N.

Work No. 25 A water treatment works in the said parish of Llandegai in the northerly corner of the enclosure numbered 208 on the 1/2500 Ordnance Survey Caernarvonshire Sheet XII.9 Edition of 1914.

(2) Notwithstanding anything shown on the deposited plans and the deposited sections the Board shall not construct so much

PART II
—cont.

of Work No. 24 as lies between reference point 262414E 366604N and reference point 261730E 366178N.

(3) The Board may from time to time renew and alter any of the works described in subsection (1) of this section until they have vested in the water board under section 12 (Vesting and maintenance of water works) of this Act.

Power to deviate in constructing Board's works.

9. The Board in constructing the Board's works may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections to any extent:

Provided that—

- (a) the dam comprised in Work No. 1 shall not be constructed at a greater height above the general surface of the ground than as shown on the deposited sections and 10 feet in addition thereto;
- (b) except as may be otherwise determined under section 49 (For preservation of scenery and amenities) of this Act the dams comprised in Work No. 6 shall not be constructed at a greater height above the general surface of the ground than those shown on the deposited sections;
- (c) except for the purpose of crossing over a watercourse excavation or hollow no aqueduct authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections

Works subsidiary to Board's works.

10.—(1) Subject to the provisions of this Act, the Board for the purposes of or in connection with any of the Board's works may within the limits of deviation of those works or within the limits of land to be acquired for those works shown on the deposited plans—

- (a) lay down, erect, construct, make and maintain temporarily or permanently all proper roads, bridges, railways, ropeways, approaches, ways, access-works, walls, embankments, stages, dams, coffer-dams, piles, pumping works, turbines, dynamos, cables, electric lines, switch-gear, tanks, weirs, intakes, valves, sluices, spill-ways, overflows, culverts, tunnels, shafts, chambers, aqueducts, channels, catchwaters, gauges, apparatus, buildings, works, fish passes and conveniences in connection with or ancillary to the Board's works or any of them or necessary or convenient for constructing, inspecting, maintaining, repairing, cleansing, managing or using the same;
- (b) temporarily or permanently use, strengthen, widen, improve, alter, divert or otherwise interfere with highways, public and private roads, paths, streams

drains, sewers, telegraphic and telephonic apparatus, electric lines and apparatus and gas, water and other pipes, wires, works and apparatus providing a proper substitute before interrupting the traffic on any such highway or road or path or the passage of water, sewage, gas or electricity in or through any such stream, sewer, drain, pipe, wire, work or apparatus and making compensation for any damage caused to any person by the exercise of such powers. Such compensation shall in case of dispute be referred to and determined by the tribunal.

(2) (a) Before executing any works under paragraph (b) of subsection (1) of this section affecting any highway the Board shall submit to the highway authority plans, sections and particulars (including details of construction) of the proposed works for their reasonable approval.

(b) The Board shall execute such works in accordance with such plans, sections and particulars as may be submitted to and approved by the highway authority or, if such approval be refused, as may be settled by arbitration, and all such works shall be executed to the satisfaction of the highway authority and the Board shall at all times afford to the representative of the highway authority access for the purpose of inspecting such works.

(c) The Board shall give reasonable notice to the highway authority of the time at which such works are intended to be executed and shall comply with such reasonable conditions as the highway authority may require for obviating or reducing interference with the traffic using the highway.

(d) Any dispute or difference which may arise between the highway authority and the Board under this subsection shall be settled by the Secretary of State for Wales.

(3) Before executing any works under paragraph (b) of subsection (1) of this section affecting any drains, sewers or pipes of a local authority, the Board shall give notice in writing of their proposals to the local authority concerned.

(4) Notwithstanding anything in this section the Board and the water board shall not—

(a) use any telegraphic line belonging to or used by the Post Office; or

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

1878 c. 76.

(5) In this section “alter” has the same meaning as in the Telegraph Act 1878.

11. The Board's works, other than the road works, shall for all purposes form part of the undertaking and for the purposes of subsection (5) of section 2 of the Electricity Act 1947 any Board's works to form part of undertaking. 1947 c. 54.

PART II
—cont.

Vesting and
maintenance
of water
works.

functions of the Board under this Act shall be deemed to be functions of the Board under subsections (1) to (3) of that section.

12.—(1) The water works shall when completed be maintained by and at the expense of the Board for a period of one year from the date of completion of the water works and at the end of that period they shall vest in and be maintained by the water board.

(2) As from the date on which the water works are vested in the water board, the water works shall for all purposes form part of the undertaking of the water board.

Power to
enter into
agreements
with water
board.

13.—(1) The Board and the water board may enter into and carry into effect agreements with regard to the construction, maintenance and operation of Works Nos. 1, 1A and 1B and of the water works and the acquisition of lands or easements therefor and the defraying or making of contributions towards the cost of such construction, maintenance, operation and acquisition and with regard to any other matters relating to such acquisition or to the said works.

(2) The water board may subject to and in accordance with the terms of any such agreement exercise the powers of this Act with respect to the construction of the said works or any of those works and in the exercise of those powers the water board shall be subject to the same liabilities and obligations as are thereby imposed on the Board.

Stopping up
of certain
footpaths.

14.—(1) The Board may stop up the footpaths in the rural district of Gwyrfai in the county described in column (1) of Schedule 3 to this Act between the points specified in column (2) of that schedule and thereupon all rights of way over or along the said footpaths shall be extinguished.

(2) The Board may also stop up so much of any other footpaths or of any bridleways within the limits of deviation of the works shown on the deposited plans as may be situate on any lands acquired by the Board under the powers of section 21 (Power to acquire lands and construct generating station) of this Act, which are required for the purpose of any of the works or for obtaining materials for the construction thereof, and thereupon all public rights of way over any such portions of footpaths and bridleways shall be extinguished.

(3) No portion of any footpath or bridleway shall be stopped up under the powers of this section—

(a) until the Board are owners in possession of all lands abutting on both sides of such portion along the complete length to be stopped up except so far as the owners, lessees and occupiers of those lands may otherwise agree;

(b) without the consent of the county council but such consent shall not be unreasonably withheld and any

question whether it is unreasonably withheld shall be determined by the Secretary of State for Wales.

PART II
—cont.

15.—(1) The Board may divert the roads and footpaths shown on the deposited plans as intended to be diverted and may stop up and discontinue as highways so much of any roads or footpaths as will be rendered unnecessary by the diversion of such road or footpath under the powers of this Act:

Diversion of
roads and
footpaths.

Provided that where a road or footpath is diverted under the powers of this Act the existing road or footpath shall not be stopped up under the powers of this section until the new road or footpath to be substituted therefor is completed to the satisfaction of the highway authority and is open for public use, or in the case of difference between the Board and the highway authority until the Secretary of State for Wales shall have certified that the new road or footpath has been completed in accordance with his determination and is open for public use.

(2) As from the date of completion to the satisfaction of the highway authority of any such diverted road or footpath or as from the date of the said certificate, as the case may be, all rights of way over or along the portion of the road or footpath so stopped up shall be extinguished and the Board may appropriate and use the site and soil thereof so far as they are owners of the land on both sides thereof:

Provided that the Board shall make compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in case of difference by the tribunal.

(3) Any road or footpath diverted under the powers of this Act shall be repairable by the authority or person by whom it was repairable before its diversion and be subject to the same public rights of way as were exercisable over the road or footpath before its diversion.

16.—(1) The Board during and for the purpose of the execution of any of the works may temporarily stop up and divert and interfere with any watercourse or any road, bridleway or footpath and may for any reasonable time divert the traffic from any such road, bridleway or footpath and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road, bridleway or footpath from passing along and using the same.

Temporary
stoppage of
watercourses,
roads and
footpaths and
bridleways.

(2) The Board shall provide reasonable access for foot-passengers, with or without animals, bona fide going to or from any such land, house or building.

(3) The Board shall, whenever possible, provide a proper temporary substitute way before interrupting the traffic on any road.

PART II
—cont.

(4) The powers of this section shall not be exercised with reference to any highway without the consent of the highway authority having powers in relation thereto and, in the case of a road which is vested in any person other than the highway authority, that person, and any such consent may be given subject to such reasonable conditions (other than a monetary payment) as the highway authority or other person may think fit to impose but shall not be unreasonably withheld, and any question whether any such consent is or is not unreasonably withheld or whether any conditions are or are not reasonable shall be determined by the Secretary of State for Wales.

(5) The powers of this section shall not be exercised with reference to any watercourse without the consent of the river authority and any such consent may be given subject to such reasonable conditions (other than a monetary payment) as the river authority may think fit to impose but shall not be unreasonably withheld, and any question whether any such consent is or is not unreasonably withheld or whether any conditions are or are not reasonable shall be determined by arbitration.

(6) The powers of this section shall not be exercised in relation to a road upon which a service of stage carriages or express carriages is operated unless not less than forty-eight hours previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised.

1969 c. 48.

(7) The exercise of the powers conferred by this section in relation to a highway shall not affect the powers of the Post Office under the Telegraph Acts (as defined in section 21 of the Post Office Act 1969) to maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that highway for any of those purposes.

Vesting and
maintenance
of road works.

17.—(1) The road works shall, when completed, be vested in the county council and subject to subsection (2) of this section shall be maintainable at the public expense by the county council and for that purpose the county council shall have all such rights in relation to the subsoil or undersurface of the road works as may be necessary for the control, protection, improvement, repair and maintenance of the road works as highways maintainable at the public expense.

(2) Subject to section 19 (Contribution by county council to road works) of this Act, the road works shall be maintained and repaired by and at the expense of the Board during the construction of the works and for a period of one year thereafter.

Completion
of road works.

18.—(1) The road works shall for the purposes of section 17 (Vesting and maintenance of road works) of this Act be deemed to

be completed when the county council are satisfied that any such work has been completed in accordance with their reasonable requirements and is open for public use or, in the case of a difference between the Board and the county council as to whether the said requirements have been complied with or as to their reasonableness, when the matter in dispute has been referred to and determined by the Secretary of State for Wales and he has certified that the said road works have been completed in accordance with his determination.

(2) Before applying to the Secretary of State for Wales for his determination the Board shall give to the county council not less than seven days' notice of their intention to apply for the same.

19. The county council shall make such contribution to the cost—

(a) of constructing Works Nos. 18 and 19; and
(b) of maintaining the road works during the period in which the Board are responsible for maintaining those works;

Contribution
by county
council to
road works.

as may be agreed between the Board and the county council or in default of agreement as may be determined by arbitration to be appropriate having regard to the benefit to the public of having a right of passage over the roads comprised in those works.

20.—(1) The Board shall provide and maintain or cause to be provided and maintained for the workmen employed in and about the construction of the works such accommodation and such arrangements for meals as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible to the works and shall provide and maintain proper and sufficient sanitary accommodation for such workmen.

Accommoda-
tion for
workmen
employed on
construction.

(2) Nothing in this section or done thereunder shall prejudice or affect the operation of the Rivers (Prevention of Pollution) Acts, 1951 to 1961, or section 72 of the Act of 1963 or permit the doing of an act which would have been unlawful by virtue of the provisions of the said Acts if this section had not been enacted.

PART III LANDS

21.—(1) Subject to the provisions of this Act the Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of—

Power to
acquire lands
and construct
generating
station.

(a) the works or of obtaining access thereto;

PART III
—cont.

- (b) obtaining materials for or depositing spoil or other material excavated during the construction thereof;
- (c) improving the amenities of the land on or under which the works are constructed or of any land in the vicinity of any of the works; or
- (d) otherwise for the purposes of this Act or other purposes connected therewith.

(2) Subject to the provisions of this Act the Board may enter upon, take and use the lands in the parishes of Llanberis and Llanddeiniolen in the rural district of Gwyrfa in the county delineated upon the deposited plans and described in Schedule 4 to this Act or any part or parts of those lands and may notwithstanding anything contained in any other enactment in, on or under those lands or any of them or any part or parts of any of them construct, maintain, work and use works for generating electricity and for transforming, converting, switching or transmitting electricity, together with all necessary or convenient buildings, turbines, engines, generators, machinery, works, apparatus and conveniences, and accordingly section 2 of the Electric Lighting Act 1909 shall not apply to or in respect of the generating station constructed under the powers of this subsection:

1909 c. 34.

Provided that before constructing the generating station under the powers of this subsection the Board shall submit to the Secretary of State for Trade and Industry for his approval plans and particulars of the generating station.

(3) Subject to the provisions of this Act the Board may enter upon, take and use the lands in the parishes of Llanberis and Llanrug in the said rural district of Gwyrfa delineated on the deposited plans and specified in Schedule 5 to this Act or any part or parts of those lands for the purpose of providing accommodation and other facilities in accordance with section 20 (Accommodation for workmen employed on construction) of this Act.

(4) (a) The powers of the Board for the compulsory purchase of land under this section shall cease after the expiration of three years from 31st December, 1973.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 31st December, 1976, notice to treat has been served in respect of that land.

Power to
acquire ease-
ments only.

22.—(1) The Board may, instead of acquiring any land which 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 or for the purpose

of obtaining access to those works or for the purpose of doing any other thing necessary in connection with those works.

PART III
—cont.

(2) Accordingly the Board may give notice to treat in respect of any such easement or right describing the nature thereof and “land” in Part I of the Act of 1965, as applied by this Act, includes such easements and rights as aforesaid.

(3) Where the Board 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 works authorised by this Act, 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 Board to acquire the land, the Board 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 Board may acquire the land compulsorily notwithstanding that the period mentioned in subsection (4) of section 21 (Power to acquire lands and construct generating station) 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.

23.—(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 Board 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 place where the land is situated for the correction thereof.

Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify 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,

PART III
—cont.

House of Commons, and with the clerk of the county council and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any copy so deposited, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

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

Extinction of
private rights
of way.

24.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on the entry on the land in pursuance of subsection (1) of section 11 of the Act of 1965, as applied by this Act, whichever is the sooner.

1961 c. 33.

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

Disregard of
recent
improvements
and interests.

25. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed, or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was, at the time of the erecting, executing or making of the building, works, improvement, or alteration, directly or indirectly concerned if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration (as the case may be) was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Easements
only to be
acquired
for Work
No. 13.

26. Notwithstanding anything in section 21 (Power to acquire lands and construct generating station) or section 22 (Power to acquire easements only) of this Act the Board shall not purchase compulsorily any land for the construction of Work No. 13 (other than for any works to be constructed on or over the surface of the ground forming part of, or connected with, any part of such work) if the owners thereof are able and willing to grant or sell to the Board such easements or rights in that land

as may be sufficient for the purpose of constructing and maintaining such work at a price to be agreed or, failing agreement, to be determined by arbitration in accordance with the provisions of the Land Compensation Act 1961.

PART III
--cont.

1961 c. 33.

27. Notwithstanding anything in section 21 (Power to acquire lands and construct generating station) or section 22 (Power to acquire easements only) of this Act the Board shall not for the construction of Work No. 24A (other than for any works to be constructed on or over the surface of the ground forming part of, or connected with, any part of such work) purchase compulsorily any land in the ownership of the National Trust for Places of Historic Interest or Natural Beauty if the said Trust are able and willing to grant or sell to the Board such easements or rights in that land as may be sufficient for the purpose of constructing and maintaining such work at a price to be agreed or, failing agreement, to be determined by arbitration in accordance with the provisions of the Land Compensation Act 1961.

Easements only to be acquired in land owned by the National Trust.

28. Notwithstanding anything in this Act the Board shall not acquire compulsorily the lands numbered on the deposited plans 159, 160, 379 and 380 in the parish of Llanddeiniolen in the rural district of Gwyrfai or any part of those lands.

Certain lands not to be compulsorily acquired.

PART IV

ABSTRACTIONS, IMPOUNDINGS AND DISCHARGES

29. In this Part of this Act—

“ approved ” means approved by the river authority;

“ day ” means a period of twenty-four hours reckoned from 9 o'clock in the morning;

“ gauge ” includes a gauge, weir or other apparatus for measuring the flow or level of water;

“ inland water ” has the same meaning as in the Act of 1963;

“ the lower reservoir ” means Llyn Peris as enlarged by means of Work No. 6;

“ Marchlyn Mawr ” means the reservoir known as Marchlyn Mawr;

“ the upper reservoir ” means Marchlyn Mawr as enlarged by Work No. 1;

“ year ” means a period of twelve months commencing on the first day of April in any year.

Interpretation for purposes of Part IV.

30. Subject to the provisions of this Act the Board may collect, intercept, impound, take, use, divert and appropriate for the purposes of the undertaking the waters of the upper reservoir and the lower reservoir and the waters of any watercourse that may be taken and intercepted by means of Works Nos. 1, 6, 11, 12, 13, 14, 15 and 24A and may raise or lower or regulate the

Power to take waters for certain works.

PART IV
--cont.

water or the level or the flow of water in the said reservoirs and watercourses or any of them to such an extent as may be necessary for the purpose of the construction or operation of Works Nos. 1, 6, 11, 12, 13, 14, 15 and 24A or other the purposes of this Act.

Power to take water for construction of Board's works.

31. During the construction of the Board's works the Board may take from Llyn Peris, Marchlyn Mawr and from any watercourse within the limits of deviation shown on the deposited plans such water as they may require for processes carried on in connection with the construction of the said works.

Abstraction by Work No. 3 from upper and lower reservoirs.

32.—(1) As from the date of completion of Work No. 3 the Board may by means of that work abstract water from the lower reservoir for the purpose of filling the upper reservoir and from the upper reservoir for the purpose of filling the lower reservoir:

Provided that the quantity of water abstracted from either reservoir shall not exceed—

- (a) 3,000 million gallons in any day; or
- (b) 750,000 million gallons in any year.

(2) The quantity of water so abstracted shall be measured in an approved manner.

Abstractions from Marchlyn Mawr.

33.—(1) Except with the consent of the water board which is not to be unreasonably withheld the Board shall not before the date of completion of the water works abstract water from Marchlyn Mawr or otherwise interfere with or interrupt the supply of water from that reservoir or cause or permit the quality of such water to be adversely affected and any question as to whether such consent has been unreasonably withheld shall be referred to and determined by arbitration.

(2) As from the date of completion of the water works licence No. 23/65/18/1 granted by the river authority to the water board shall be revoked but no compensation shall be payable to the water board under section 46 of the Act of 1963 in respect of such revocation.

Abstraction by water board from Ffynnon Llugwy.

34.—(1) As from the date of completion of Work No. 24A the water board may by means of the intake comprised in that work abstract water from Ffynnon Llugwy:

Provided that—

- (a) the quantity of water abstracted by means of the said work shall not exceed one million gallons in any day;
- (b) the water board shall as from the completion of Work No. 24A discharge from Ffynnon Llugwy into the Afon Llugwy in a regular and continuous flow such quantity of water as is required to augment the natural flow of the watercourse so that the flow immediately below the

valve house below the dam of Ffynnon Llugwy measured by means of an approved gauge on an approved site is not less than at the rate of one million gallons per day.

PART IV
—cont.

(2) The quantity of water so abstracted shall be measured by an approved gauge on an approved site.

35.—(1) (a) The provisions of section 32 (Abstraction by Work No. 3 from upper and lower reservoirs) of this Act shall, subject to the provisions of section 33 (Abstractions from Marchlyn Mawr) and section 39 (Discharge of water from upper reservoir into Afon Marchlyn-mawr) of this Act, be deemed to be included in licences under the Act of 1963 granted by the river authority to the Board:

Abstractions
to be licensed
under Act
of 1963.

Provided that for the purpose of calculating the charges which under the charging scheme for the time being in force under section 58 of the Act of 1963 are payable by the Board in respect of the licences which by virtue of this subsection are deemed to have been granted to the Board it shall be assumed that the maximum quantity of water permitted to be abstracted from both the upper reservoir and the lower reservoir is 750,000 million gallons in any year.

(b) The provisions of section 34 (Abstraction by water board from Ffynnon Llugwy) of this Act shall be deemed to be included in a licence under the Act of 1963 granted by the river authority to the water board.

(2) (a) For the purposes of determining the date on which the Board and the water board have acquired protected rights in respect of the licences referred to in the foregoing subsection (hereinafter in this section referred to as “the abstraction licences”) each such licence shall be deemed to have been granted by the river authority on the passing of this Act.

(b) For the purpose of calculating the amounts of the licence fees payable under section 57 of the Act of 1963 in respect of the abstraction licences the licence deemed to have been granted to the Board shall be deemed to have been granted on the passing of this Act and the licences deemed to have been granted to the water board shall be deemed to have been granted on the date on which licence No. 23/65/18/1 is revoked in accordance with the provisions of subsection (2) of section 33 (Abstractions from Marchlyn Mawr) of this Act.

(c) For the purpose of calculating the charges payable by the Board and the water board under the charging scheme for the time being in force in the area of the river authority in respect of the abstraction licences each such licence shall be deemed to have been granted as from the date of completion of the work by means of which the abstraction to which the licence relates is made.

PART IV
—cont.

(3) (a) The abstraction licences shall remain in force until varied or revoked.

(b) Except as may be otherwise provided by this Act the provisions of the Act of 1963 shall apply to an abstraction licence as they apply to a licence granted under that Act.

Exemption
for certain
abstractions.
Works Nos. 1
and 6
deemed to be
constructed
under
impounding
licence.

36. The restriction imposed by subsection (1) of section 23 of the Act of 1963 shall not apply to the abstraction of water by means of any of the works (except Work No. 3 and the intake comprised in Work No. 24A).

Compensation
to river
authority for
loss of licence
fees and
charges.

37. Works Nos. 1 and 6 shall be deemed to have been constructed under licences under section 36 of the Act of 1963 granted by the river authority to the Board.

38. As compensation for the payments which would have been made to the river authority for licence fees and charges if licences had been granted under—

(a) section 29 of the Act of 1963 in respect of the abstraction of water by means of the works referred to in section 36 (Exemption for certain abstractions) of this Act; and

(b) section 36 of the Act of 1963 in respect of the obstruction or impeding of the flow of inland waters by means of the works referred to in section 37 (Works Nos. 1 and 6 deemed to be constructed under impounding licence) of this Act;

the Board shall pay to the river authority the sum of five hundred pounds in respect of each year or part of a year in the period commencing with the date of the passing of this Act and ending on the date of completion of Work No. 3.

Discharge
of water
from upper
reservoir into
Afon March-
lyn-mawr.

39.—(1) During the period of the construction of Works Nos. 1, 1A, 1B and 3 and the first filling of the upper reservoir the Board shall at all times discharge water from the upper reservoir into the Afon Marchlyn-mawr at the prescribed rate per day in a uniform and continuous flow.

(2) On and after the first filling of the upper reservoir the Board shall by means of Work No. 1A discharge from the upper reservoir into the Afon Marchlyn-mawr water at the prescribed rate measured by an approved gauge on an approved site in a uniform and continuous flow.

(3) In this section “the prescribed rate” means in the case of the discharge under subsection (1) of this section a rate of not less than 80,000 gallons per day and in the case of the discharge under subsection (2) of this section 320,000 gallons per day or in either case such less quantity as may be agreed by the river authority or in default of agreement determined by arbitration.

Agreement
as to
discharge
into the
Afon Ogwen.
1916 c. xlviii.

40. Notwithstanding anything in the Conway and Colwyn Bay Joint Water Supply Board Act 1916 the Conway Valley Water

Board and the Board on the one hand may enter into an agreement with the river authority on the other hand to permit such quantity of water as may be specified in the agreement to be discharged into the Afon Ogwen or any of its tributaries for the purpose of augmenting the flow in the Afon Ogwen.

41.—(1) The river authority or any statutory water undertakers (as defined in and for the purposes of the Act of 1945 (including Part II of that Act)) may enter into an agreement with the Board for the transfer to the river authority or the undertakers (as the case may be) of all or any of the Board's rights and powers (subject to any liabilities and obligations) to abstract water from or divert water from or into Ffynnon Llugwy and any works constructed for the purpose of or in connection with the exercise of such rights and powers.

(2) An agreement under the foregoing subsection may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the parties to the agreement necessary or expedient for the purposes of the agreement.

42.—(1) The Board may from or by means of any of the Board's works discharge water either directly or indirectly into any inland water (whether or not it is the inland water from which the water so discharged has been abstracted) or may by means of any such works transfer water from one inland water to another.

(2) The Board shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise by the Board of the powers conferred by this section, the amount of such compensation to be determined by arbitration.

(3) The consent of the river authority under section 7 of the Rivers (Prevention of Pollution) Act 1951 shall not be required for the discharge of water from the generating station into the upper reservoir or into the lower reservoir by means of the aqueduct Work No. 3.

43. The discharge of water by the Board from the lower reservoir into the Afon-y-Bala and the operation by the Board of the sluices and other apparatus controlling or effecting such discharge shall be in accordance with a scheme to be prepared by the river authority and agreed with the Board or, in default of agreement, settled by the Secretary of State for Wales.

44.—(1) It shall be lawful for the Board with the consent of the river authority which is not to be unreasonably withheld to divert and alter the course or the flow of water in, into or out of any watercourse on any lands acquired or appropriated by them for the purposes of the Board's works and the existing bed, banks and channel of the diverted portion of such watercourse

PART IV
—cont.

shall by virtue of this Act vest in the Board and may be appropriated and used by the Board for the purposes of or in connection with those works. Any question arising under this subsection as to whether or not the river authority have unreasonably withheld their consent shall be referred to and determined by arbitration.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be.

(3) Where under the foregoing provisions of this section the course of a watercourse being a main river is diverted or altered the Board shall pay to the river authority any expenses necessarily incurred in the consequential alteration of the main river map (as defined in subsection (10) of section 11 of the Act of 1963).

Power to
Board to
improve and
regulate flow
of certain
watercourses.

45.—(1) (a) Subject to the provisions of this Act the Board for the purposes of improving or regulating the flow of any of the watercourses to which this section applies which may require improvement or regulation consequent upon the construction, operation or maintenance of any of the Board's works may—

- (i) widen, dredge, cleanse and scour the watercourse;
- (ii) reduce or remove any shoals, shelves, banks or other accumulations therein;
- (iii) alter or remove or cause to be altered or removed any weirs, sluices or other impediments or obstructions whatsoever therein or on the banks thereof;
- (iv) alter or reconstruct any culvert or other structure therein or on the banks thereof.

(b) Any spoil or other material dredged or removed in the exercise of the powers of this subsection may be deposited on the banks of the watercourse.

(2) The Board shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise by the Board of the powers of this section. Any question as to the amount of the compensation to be so paid shall be determined by arbitration.

(3) The powers conferred on the Board by this section shall not be exercised—

- (a) except with the consent of the river authority which is not to be unreasonably withheld; and
- (b) in relation to the part of the Afon Rhythallt to which this section applies so as, except with the consent of the water board, to affect the weir and abstraction works of the water board in that part;

and any such consent may be given subject to such reasonable terms and conditions as the river authority or the water board (as the case may be) may think fit.

Any dispute or difference between the Board and the river authority under this subsection shall be referred to and determined by arbitration.

(4) This section applies to the following watercourses, that is to say:—

(a) So much of the Afon Nant Peris as is downstream of reference point 261000E 357800N.

So much of the Afon Gafr as is between reference point 260600E 358435N and the confluence of that watercourse with the Afon Nant Peris.

So much of the Afon Dudodyn as is between reference point 260460E 359296N and the confluence of that watercourse with the Afon Nant Peris.

So much of the Afon Hwch as is downstream of reference point 258000E 359500N.

So much of the Afon Rhythallt as is upstream of reference point 255550E 362550N.

So much of the Afon Marchlyn-mawr as is upstream of reference point 260850E 364860N;

(b) So much of any watercourse which flows directly or indirectly into any of the watercourses specified in paragraph (a) of this subsection as is within 1,000 feet (measured along the watercourse) upstream of the confluence of the two watercourses.

46.—(1) For the purpose of constructing, altering, enlarging, cleaning, repairing or examining any of the works the Board may cause the water in any such work to be discharged into any available watercourse. Temporary discharge of water into streams.

(2) (a) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and shall make compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount of such compensation to be determined in case of difference by arbitration.

(b) For the purposes of this subsection any extra expenditure which it becomes reasonably necessary for any public authority to incur for the purpose of properly discharging their statutory functions shall be deemed to be damage sustained by them.

(3) (a) The provisions of subsections (2), (3), (4), (5) and (6) of section 34 of the Act of 1945 shall with any necessary modifications apply to the discharge of water under subsection (1) of this section.

(b) The Board shall give to the water board notice of their intention to cause water to be discharged into the Afon Marchlyn-mawr from Work No. 1, Work No. 1A or Work

PART IV
—cont.

No. 1B under the powers of this section and subsections (2), (3), (4), (5) and (6) of the said section 34 shall in any such case apply to the water board as they apply to the authorities mentioned in paragraph (a) of the said subsection (2).

PART V

MISCELLANEOUS AND GENERAL

Protection
for works
from blasting.

47.—(1) (a) At any time after the commencement of the construction of the protected works the Board may serve notice on the owners and occupiers of land within the specified limits and such notice shall specify the date, being not less than fourteen days after the service thereof, upon which it shall be effective and such notice may—

- (i) in the case of property within the inner limit, prohibit blasting within that limit; and
- (ii) in the case of property outside the inner limit but within the outer limit, prohibit blasting between those limits without the consent of the Board (which consent shall not be unreasonably withheld) and subject to such reasonable terms and conditions as the Board may impose.

(b) If the Board cannot after reasonable inquiry ascertain the identity of the owner or occupier of any such land they shall affix the notice to some conspicuous object or objects on the land addressed to “the owners and any occupiers” of the land (describing it).

(2) Any question as to—

- (a) whether the consent of the Board under the foregoing subsection has been unreasonably withheld; or
- (b) the reasonableness of any terms or conditions imposed by the Board under the said subsection;

shall be determined by arbitration.

(3) Any person who suffers loss by the operation of this section shall be entitled to be paid compensation by the Board and such compensation shall be determined, in case of dispute, in accordance with the provisions of the Land Compensation Act 1961.

1961 c. 33.

(4) Without prejudice to any liability arising apart from this subsection where any damage is caused to the protected works by blasting in contravention of a notice served under subsection (1) of this section, any person responsible for the blasting shall be liable for such damage and for any loss sustained by the Board.

(5) If any person blasts in contravention of a notice served under subsection (1) of this section he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(6) In this section—

“blasting” means breaking up or loosening slate or other minerals, rock or soil by means of explosion, the expansion of gas, the change of a substance from one physical state to another or a chemical reaction not constituting combustion;

“the inner limit” means an imaginary line drawn round the protected works at a distance of 220 yards from the outside extremities of those works;

“the outer limit” means an imaginary line drawn round the protected works at a distance of 500 yards from those works;

“the protected works” means the Board’s works or any of those works other than the road works;

“the specified limits” means the inner limit and the outer limit.

48. The Board shall, so far as their powers and duties permit, collaborate in the carrying out of any measures for the economic development and social improvement of the administrative areas which by virtue of the Local Government Act 1972 form the new county of Gwynedd, and in particular shall use their best endeavours, in relation to the construction of the works, to secure the maximum employment of workmen normally resident in those areas.

Duty to collaborate in promoting economic development and social improvement.
1972 c. 70.

49.—(1) In the construction and maintenance of the works the Board shall have regard—

For preservation of scenery and amenities.

(a) to the preservation for the public of the natural beauty of the district in which the works are situate and to the enjoyment thereof by the public;

(b) to the conservation of flora and fauna and geological or physiographical features of special scientific interest therein; and

(c) to the protection of buildings and other objects of architectural or historic interest.

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

(a) after consultation with the Countryside Commission appoint a landscape consultant whom the Board shall consult generally in connection with their duties under paragraph (a) of subsection (1) of this section and on

PART V
—cont.

questions affecting amenity in or in connection with or arising out of the carrying out or doing under the powers of this Act of any operations or things including the following:—

- (i) the disposal of spoil or waste material;
- (ii) the reinstatement or restoration of land;
- (iii) the planting and felling of trees and the planting of bushes and other plants;

(b) consult with the Countryside Commission with respect to the situation, design and (where appropriate) to the external appearance of any dam, aqueduct, building, road or bridge or any wall, embankment or fence forming part of or constructed in connection with any building, road, bridge or aqueduct; and

(c) send to the Countryside Commission copies of any recommendations of the said landscape consultant made to the Board in pursuance of his functions under paragraph (a) of this subsection.

1971 c. 78. (3) (a) Without prejudice to anything contained in the Town and Country Planning Act 1971, the Board shall consult with the local planning authority as to—

- (i) the situation, design, height and external appearance of any dam, aqueduct, building, bridge, wall, embankment, road or fence to be constructed under this Act;
- (ii) the carrying out of quarrying operations or the manner and method of disposing of any spoil or waste material resulting from the carrying out of any operations under this Act;
- (iii) the reinstatement or restoration of land (including the segregation and eventual restoration of topsoil); and
- (iv) except for the purpose of replacement, the planting or felling of trees and the planting of bushes and other plants.

(b) The Board shall send to the local planning authority copies of any recommendations of the said landscape consultant made to them with regard to any of the matters referred to in the foregoing paragraph (a) of this subsection and shall comply with such reasonable requirements as the local planning authority shall make—

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

(iii) with regard to the reinstatement or restoration of land (including the segregation and eventual restoration of topsoil), and the felling of trees;

PART V
—cont.

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

Provided that before making any requirement with regard to the disposal of spoil or waste material the local planning authority shall consult with the Minister of Agriculture, Fisheries and Food and shall not consent to or require the deposit of any spoil or waste material along or within 100 feet of the bank of any watercourse other than any aqueduct or other work authorised by this Act without first consulting with the river authority.

(4) The Board shall as soon as possible and in any case not later than six months (or such longer period as the local planning authority may agree in writing) after any temporary buildings or structures erected for the purposes of the works may be reasonably expected to be no longer required for such purpose, demolish or otherwise dispose of such buildings or structures, and remove all surplus materials, plant, machinery and appliances provided or erected in connection therewith, and shall so far as is reasonably practicable and to the reasonable satisfaction of the local planning authority restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed.

(5) In this section the expression “ spoil and waste material ” includes the rock, sand, mud and other materials removed by the Board under the powers of this Act.

(6) If any question shall arise as to the reasonableness of any requirements which the local planning authority may make under subsection (3) or subsection (4) of this section or as to whether any reasonable requirements have been complied with the question shall be referred to and determined by the Secretary of State for Trade and Industry and the Secretary of State for Wales acting jointly whose decision shall be final and if any such question relates to the deposit of spoil or waste material along or within 100 feet from the bank of any watercourse other than an aqueduct or other work authorised by this Act the river authority may make representations to the said Secretaries of State with regard to such deposit and shall be entitled to be heard by the said Secretaries of State at any inquiry with reference thereto.

(7) The powers conferred by this section on the local planning authority shall be exercisable only by the county council on or before 31st March, 1974, and thereafter by the county planning authority.

PART V
—cont.

For the
protection of
the river
authority.

50. For the protection of the river authority the following provisions shall unless otherwise agreed in writing between the Board and the river authority apply and have effect:—

- (1) In this section unless the context otherwise requires—
 - “construct” includes alter, extend, enlarge, replace or relay and “construction” shall be construed accordingly;
 - “plans” includes sections and particulars;
 - “specified works” means Works Nos. 1, 6, 12, 13, 14, and 15 and the bridge forming part of Work No. 17 and includes any works and conveniences connected therewith and constructed or provided by the Board as part of, or in connection with, or for the purposes of those works or any of them:
- (2) In the execution of any specified work the Board shall not diminish the width between the banks of any watercourse except with the consent of the river authority which consent shall not be unreasonably withheld:
- (3) Before commencing to construct any of the specified works the Board shall give notice to the river authority of their intention to commence such construction and shall submit to the river authority plans of such work for their reasonable approval:
- (4) The Board shall not construct any specified work except in accordance with such plans as may be reasonably approved by the river authority or if such approval be withheld as may be settled by arbitration as hereinafter provided:
 - Provided that if within two months after the receipt of any such plans the river authority do not signify their disapproval thereof they shall be deemed to have approved the plans as submitted:
- (5) During the construction of any specified work the Board shall at all times afford the chief engineer of the river authority or his duly authorised representative access to the specified work for the purpose of inspection:
- (6) If under any agreement made in pursuance of section 13 (Power to enter into agreements with water board) of this Act the water board construct any of the specified works the foregoing provisions of this section shall apply to the construction of any such work by the water board as they apply to the construction of a specified work by the Board:
- (7) The Board shall—
 - (a) construct upstream of the aqueduct (Work No. 13) such one or more gravel traps as may be reasonably approved by the river authority;

(b) after completion of the aqueduct and gravel traps take all reasonable steps to keep the aqueduct clear of gravel, debris and other similar material; and

(c) regularly inspect, maintain and where necessary repair the said gravel traps and remove accumulations of gravel debris and other materials therefrom:

PART V
—cont.

(8) If any dispute or difference shall arise between the Board and the river authority with respect to any matter under this section the matter in dispute or difference shall be determined by arbitration.

51. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the Board and the undertakers, apply and have effect:—

For
protection of
statutory
undertakers.

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

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

“apparatus” means—

(a) in the case of electricity undertakers, electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by or lawfully laid or erected by such undertakers; or

1882 c. 56.

(b) in the case of gas or water undertakers any apparatus belonging to such undertakers or for the maintenance of which they are responsible;

and includes any structure for the lodging therein of apparatus but in relation to the water board does not include any apparatus of that board in the enclosures in the parish of Llandegai in the rural district of Ogwen numbered 52, 54, 55 and 57 on the deposited plans;

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

“operational land” has the same meaning as in section 222 of the Town and Country Planning Act 1971;

1971 c. 78.

“plan” includes a section and description;

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

“the undertakers” means the British Gas Corporation, the Merseyside and North Wales Electricity Board and the water board:

PART V
—cont.

- (2) Notwithstanding anything in this Act or shown on the deposited plans the Board shall not, under the powers of this Act, acquire otherwise than by agreement any apparatus or operational land of the British Gas Corporation or the Merseyside and North Wales Electricity Board:
- (3) The powers conferred on the Board by paragraph (b) of subsection (1) of section 10 (Works subsidiary to Board's works) of this Act shall not be exercised in respect of any apparatus otherwise than in accordance with the provisions of this section:
- (4) If the Board 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 undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been laid or constructed and is in operation to the reasonable satisfaction of the undertakers:
- (5) (a) If the Board, for the purpose of the execution of any specified work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan of the proposed work, and if it is agreed between the Board and the undertakers or, in default of agreement, determined by arbitration that the removal of the apparatus is reasonably required and that it should be removed the following provisions of this paragraph shall have effect;
(b) If it is agreed or determined by arbitration in accordance with sub-paragraph (a) of this paragraph that any apparatus should be removed or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Board shall, if practicable, afford to the undertakers the necessary facilities and rights for the laying or construction of adequate alternative apparatus in other lands of the Board 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 laid or constructed elsewhere than in other lands of the Board and the Board are unable to afford such facilities and rights as aforesaid the undertakers shall, on receipt of a written notice to that effect from the Board, forthwith use their best endeavours to obtain the necessary facilities and rights:
- (6) (a) Any alternative apparatus to be laid or constructed in lands of the Board in pursuance of paragraph (5) of

this section shall be laid or constructed in such manner and in such line or situation as may be agreed between the undertakers and the Board, or, in default of agreement, settled by arbitration;

PART V
—cont.

(b) The undertakers shall, after the manner of laying or 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 undertakers of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to lay or construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required to be removed under the provisions of this section and, in default, the Board may remove the apparatus:

(7) Notwithstanding anything in paragraph (6) of this section, if the Board give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the laying or construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Board, such work, instead of being executed by the undertakers, shall be executed by the Board with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Board 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:

(8) Where in accordance with the provisions of this section the Board afford to the undertakers facilities and rights for the laying or construction, maintenance, repair, renewal and inspection in lands of the Board 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 Board and the undertakers, 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 laid

PART V
—cont.

or constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the Board 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 laid or constructed through the lands of the Board for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Board 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, less favourable on the whole to the undertakers 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 by the Board to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the case:

(9) (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 Board under paragraph (5) of this section, the Board shall submit to the undertakers a plan of the work to be executed;

(b) Such work shall be executed only in accordance with the plan submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers, within fourteen days after the submission to them of any such plan, shall, in consequence of the work proposed by the Board, reasonably require the removal of any apparatus and give written notice to the Board 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 Board under paragraph (5) thereof; and

PART V
—cont.

(ii) nothing in this sub-paragraph shall preclude the Board 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 in lieu of the plan previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan;

(c) The Board 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 undertakers notice as soon as reasonably practicable and a plan 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:

(10) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed, the Board shall provide an alternative means of access to such apparatus:

(11) The Board shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers 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 reasonably necessary in consequence of the exercise by the Board of any of the powers of this Act:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Board under this paragraph as if the Board were the promoting authority and 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 1950 c. 39.

PART V
—cont.

the words “agreed or settled by arbitration under section 51 (For protection of statutory undertakers) of the North Wales Hydro Electric Power Act 1973”:

- (12) 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 undertakers or any interruption in the supply of gas, electricity or water (as the case may be) by the undertakers shall be caused, the Board shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, or in restoring the supply of gas, electricity or water (as the case may be) and shall—

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

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

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

Provided that—

(i) nothing in this paragraph shall impose any liability on the Board with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

- (13) The temporary stopping up of any road, bridleway or footpath under the powers of section 16 (Temporary stoppage of watercourses, roads and footpaths and bridleways) of this Act shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers—

(a) to maintain, inspect, repair, renew or remove any apparatus in the road, bridleway or footpath; or

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that road, bridleway or footpath:

- (14) The foregoing provisions of this section shall have effect in lieu of the provisions of section 26 of the Public

Utilities Street Works Act 1950 in so far as such provisions would otherwise have effect as regards any specified work in relation to apparatus:

PART V
—cont.
1950 c. 39.

- (15) (a) Any difference which may arise between the Board and the undertakers under this section (other than a difference as to the meaning or construction thereof) shall be determined by arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the Board to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purposes for which the apparatus is used.

52.—(1) Any electrical works or equipment constructed, erected, laid down, made, maintained, worked or used pursuant to the powers conferred by this Act shall be so constructed, erected, laid down or made and so maintained, worked and used that any electricity generated or conveyed by or used in or in connection with any such works or equipment does not cause interference (whether by induction or otherwise) with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line.

(2) Where, in pursuance of the powers conferred by sections 14 (Stopping up of certain footpaths) or 15 (Diversion of roads and footpaths) of this Act the Board stop up the whole or any portion of a road, footpath or bridleway the following provisions of this subsection shall, unless otherwise agreed in writing between the Board and the Post Office, have effect in relation to so much of any telegraphic line belonging to, or used by, the Post Office as is under, in, upon, over, along or across the land which, by reason of the stopping up, ceases to be a road, footpath or bridleway (in this subsection referred to as “the affected line”), that is to say:—

- (a) The power of the Post Office to remove the affected line shall be exercisable notwithstanding the stopping up of the road, footpath or bridleway, so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (3) of this section unless, before the expiration of that period, the Post Office has given notice to the Board of its intention to remove the affected line or that part thereof, as the case may be;

PART V
—cont.

- (b) The Post Office may, by notice in that behalf to the Board, abandon the affected line or any part thereof and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period it has removed it or given notice of its intention to remove it;
- (c) The Post Office shall be entitled to recover from the Board the expense of providing in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as it may reasonably require;
- (d) Where under paragraph (b) of this subsection the Post Office has abandoned the whole or any part of the affected line it shall vest in the Board and the provisions of the Telegraph Acts 1863 to 1916 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) As soon as practicable after the whole or any portion of a road, footpath or bridleway has been stopped up in pursuance of the powers referred to in subsection (2) of this section the Board shall send by post to the Post Office a notice informing it of such stopping up.

Ancient
monuments.

53. Nothing in this Act shall authorise the Board to acquire compulsorily land being or being the site of an ancient monument or other object of architectural interest under the legal protection of the Secretary of State for Wales or to interfere with such monument or object or with the access thereto except with the consent of the said Secretary of State and in giving such consent he may attach thereto such conditions as are requisite having regard to the nature of the monument or object and to the nature and extent of any interference therewith or to the access thereto.

Making good
diminution
of local
wells due to
construction
of Work
No. 2.

54.—(1) In this section—

“protected person” means in relation to each of the protected wells the person who is for the time being entitled to abstract water therefrom;

“protected well” means the well or borehole—

(a) in the land numbered on the deposited plans 235 in the parish of Llanddeiniolen in the rural district of Gwyrfai which at the passing of this Act is being used for providing a supply of water to the premises in the said parish known as Bwlch-cae-mawr; or

(b) in the land numbered on the deposited plans 262 as aforesaid which at the passing of this Act is being used for providing a supply of water for the premises in the said parish known as Bryn y Gwynt;

“ relevant diminution ” means a reduction in the supply of water available in a protected well such that a protected person is prevented from abstracting water therefrom to the extent that he was entitled to do so at the passing of this Act.

(2) If it shall be agreed between the Board and a protected person or determined by arbitration that during the construction or after the completion of Work No. 2 and as a result of that construction there has been a relevant diminution in that person's protected well the Board shall, on his written request at their own option either—

- (a) immediately cause to be afforded to him a supply of water equal to the amount of the diminution so, however, that any interruption of such a supply owing to frost, exceptional drought, unavoidable accident, electrical or mechanical breakdown or other unavoidable cause or the execution of necessary works shall not be a breach of any obligation under this paragraph; or
- (b) at the expense of the Board make such alterations, additions or extensions to his relevant works, machinery or apparatus for abstracting water as will make good the diminution;

or offset the effect of the diminution partly in one way and partly in the other.

(3) (a) The Board shall pay to a protected person such amount as may be agreed or failing agreement determined by arbitration to represent the difference between the cost of obtaining a supply of water after the relevant diminution (including where a supply of water has been afforded under paragraph (a) of the last foregoing subsection, any charges paid to the person affording the supply) has occurred and that incurred by him in obtaining a supply of water before the relevant diminution occurred.

(b) In lieu of paying the difference by annual amounts the Board may pay such amount as may be agreed or failing agreement determined by arbitration to represent the capitalised value of such annual amounts.

(4) All mains, pipes, pumps, meters and fittings required for the purpose of supplying water to a protected person in pursuance of these provisions shall be provided, laid, placed or fixed by or

PART V
—cont.

at the expense of the Board and thereafter shall be repaired, maintained, renewed and made good by and at the expense of the protected person.

(5) It shall be a condition of the Board's liability under this section that the protected person shall afford to them, their officers and servants, without charge at all reasonable times, such rights, facilities and information as the Board may reasonably require for the purpose of discharging their obligations.

(6) Where a protected person accepts or is awarded monetary compensation or damages in respect of the effect of a relevant diminution the foregoing provisions of this section shall not have effect so as to oblige the Board to take or cause to be taken action in accordance with these provisions in relation to that diminution in so far as its effect is the subject of such compensation or damages; but nothing in this subsection shall be taken as intended to relieve the Board of any obligation to make good, whether by paying compensation or otherwise, loss or damage suffered by a protected person in consequence of anything done by them for the purpose of these provisions.

(7) Any question or difference arising between the Board and the protected person under these provisions (other than a difference as to the meaning or construction of these provisions) shall be determined by arbitration.

Arbitration.

55. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them) and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to the reference and determination.

1950 c. 27.

**Saving for
Town and
Country
Planning
Act 1971.**
1971 c. 78.

56.—(1) Section 289 of the Town and Country Planning Act 1971 shall apply to this Act as if it had been passed during the Session 10 & 11 Geo. 6; and accordingly the Town and Country Planning Act 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

(2) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 shall have effect as if the authority to develop given—

(a) by this Act in respect of Works Nos. 1 to 19, 24, 24A, 24B and 25, were limited to such development begun within seven years after the passing of this Act; and

(b) by section 10 (Works subsidiary to Board's works) of this Act were limited to development carried out within twelve months of the completion of the Board's works.

PART V
—cont.

(3) In its application to development authorised by this Act the said Class XII shall also have effect as if the functions of the local planning authority were only exercisable by the county council on or before 31st March, 1974, and thereafter by the county planning authority.

(4) In this section the reference to article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or 1971 c. 78. any corresponding provisions of an Act repealing that section.

57.—(1) Nothing in this Act shall authorise the Board to take, use or in any manner interfere with any land or hereditament or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose. Crown rights.

(2) Nothing in this Act shall authorise the Board to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description 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 and the Board shall comply with such conditions as the government department may prescribe in giving such consent.

(3) Nothing in this section shall prejudice or affect any statutory powers of the Board 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 for Wales. 1950 c. 39.

58. The costs, charges and expenses preliminary to and of and incidental to the applying for and the preparing, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Board. Costs of Act.

SCHEDULES

Section 5.

SCHEDULE 1

PART I

PROVISIONS OF THIRD SCHEDULE TO THE ACT OF 1945 APPLIED TO BOARD FOR PURPOSES OF THE WATER WORKS

Provisions applied (1)	Modifications (2)
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plans" and for the words "the said plans" wherever they occur there shall be substituted the words "the deposited sections".
Section 6 (Penalty for obstruction of works)	—
Part IV (Minerals Underlying Waterworks)	In section 12 for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage, or distribution of water and underground works belonging to them" there shall be substituted the words "the water works" and the words "for the time being belonging to them" shall be omitted.
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—

PART II

Section 5.

PROVISIONS OF PART IV OF THIRD SCHEDULE TO THE ACT OF 1945
APPLIED TO BOARD FOR PURPOSES OF THE BOARD'S WORKS

Provisions applied (1)	Modifications (2)
Part IV (Minerals Underlying Waterworks)	<p>In section 12 for the words " after this section is incorporated with their enactments " there shall be substituted the words " under the special Act "; for the words " all existing pipes or other conduits for the collection, passage, or distribution of water and underground works belonging to them " there shall be substituted the words " all such pipes or other conduits or underground works "; and the words " for the time being belonging to them " shall be omitted.</p> <p>In section 13 for the words " lying under the reservoirs or buildings of the undertakers, or any of their pipes or other conduits or underground works " there shall be substituted the words " lying under, beside or over the Board's works "; for the words from " the prescribed distance " to the word " forty " there shall be substituted the words " five hundred ".</p> <p>In section 14 in subsection (1) for the words " their reservoirs or buildings, or pipes or other conduits or underground works " there shall be substituted the words " the Board's works " and for the words in subsections (2) and (3) " said property or works of the undertakers " there shall be substituted the words " Board's works ".</p> <p>In section 15 for the words " lying under the reservoirs or buildings of the undertakers, or any of their pipes or other conduits or underground works " there shall be substituted the words " lying under, beside or over the Board's works " and for " said property or works of the undertakers " there shall be substituted the words " Board's works ".</p> <p>In section 16 for the words " lying on both sides of any reservoir, building, pipe or other conduit or other works of the undertakers " there shall be substituted the words " lying on both sides of the Board's works ".</p> <p>In section 18 for the words " their waterworks " there shall be substituted the words " the Board's works ".</p>

Section 6.

SCHEDULE 2

LANDS IN RESPECT OF WHICH POSSESSION CAN BE TAKEN AFTER NOTICE
TO TREAT ON GIVING NOT LESS THAN FOURTEEN DAYS' NOTICE

Parish (1)	Number on deposited plans (2)
Llanberis	2, 15, 49, 99A, 119, 120, 121, 122, 123 and 125.
Llanddeiniolen	311, 361, 384, 386, 389 and 390.

Section 14.

SCHEDULE 3

FOOTPATHS TO BE STOPPED UP

1949 c. 97.

(1) Footpath		(2)
No. on provisional map prepared by the county council under section 30 of National Parks and Access to the Countryside Act 1949 or other description	Parish	Portions of footpaths as marked on de- posited plans showing extent of stopping up
No. 120	Llanddeiniolen	E1 to D2.
Footpath connecting footpath No. 36 with footpath No. 37	Llanberis	J1 to J2.
Footpath connecting footpath No. 36 with footpath No. 37	Llanberis	K1 to K2.

SCHEDULE 4

Section 21.

DESCRIPTION OF LAND FOR GENERATING STATION

Land comprising 258 acres or thereabouts and bounded by a line commencing at reference point 259821E 361210N and drawn thence in a straight line in a south-easterly direction to reference point 260552E 360337N, thence in a straight line in a south-westerly direction to reference point 259863E 359745N, thence in a straight line in a north-westerly direction to reference point 259118E 360611N, and thence in a straight line in a north-easterly direction to and terminating at the point of commencement.

SCHEDULE 5

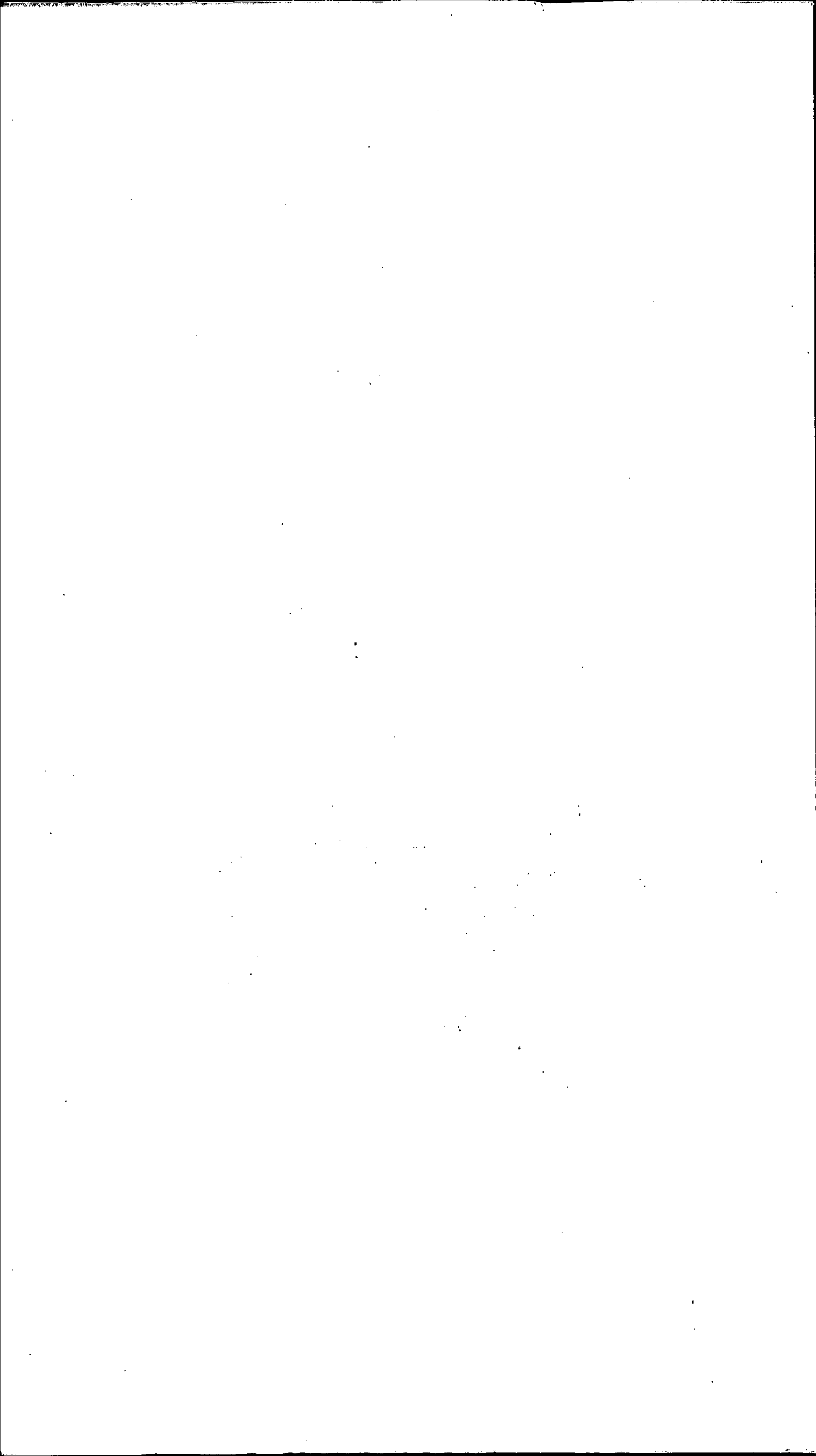
Section 21.

LAND TO BE ACQUIRED FOR PURPOSES OF SECTION 20 (ACCOMMODATION FOR WORKMEN EMPLOYED ON CONSTRUCTION) OF THIS ACT

Parish (1)	Number on deposited plans (2)
Llanberis	127 to 143 (inclusive).
Llanrug	15, 16, 17 and 19 to 37 (inclusive).

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FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament



North Wales Hydro Electric Power Act 1973

CHAPTER xxxvi

ARRANGEMENT OF SECTIONS

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3. Interpretation.
4. Incorporation of Railways Clauses Consolidation Act 1845.
5. Application of provisions of Third Schedule to Water Act 1945.
6. Application of Part I of Compulsory Purchase Act 1965.

PART II

Section

WORKS

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8. Power to construct water works.
9. Power to deviate in constructing Board's works.
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12. Vesting and maintenance of water works.
13. Power to enter into agreements with water board.
14. Stopping up of certain footpaths.
15. Diversion of roads and footpaths.
16. Temporary stoppage of watercourses, roads and footpaths and bridleways.
17. Vesting and maintenance of road works.
18. Completion of road works.
19. Contribution by county council to road works.
20. Accommodation for workmen employed on construction.

PART III

LANDS

21. Power to acquire lands and construct generating station.
22. Power to acquire easements only.
23. Correction of errors in deposited plans and book of reference.
24. Extinction of private rights of way.
25. Disregard of recent improvements and interests.
26. Easements only to be acquired for Work No. 13.
27. Easements only to be acquired in land owned by the National Trust.
28. Certain lands not to be compulsorily acquired.

PART IV

ABSTRACTIONS, IMPOUNDINGS AND DISCHARGES

29. Interpretation for purposes of Part IV.
30. Power to take waters for certain works.
31. Power to take water for construction of Board's works.
32. Abstraction by Work No. 3 from upper and lower reservoirs.
33. Abstractions from Marchlyn Mawr.
34. Abstraction by water board from Ffynnon Llugwy.
35. Abstractions to be licensed under Act of 1963.
36. Exemption for certain abstractions.
37. Works Nos. 1 and 6 deemed to be constructed under impounding licence.
38. Compensation to river authority for loss of licence fees and charges.

Section

39. Discharge of water from upper reservoir into Afon Marchlyn-mawr.
40. Agreement as to discharge into the Afon Ogwen.
41. Ffynnon Llugwy.
42. Discharge and transfer of water.
43. Discharge from lower reservoir into Afon-y-Bala.
44. Power to divert watercourses.
45. Power to Board to improve and regulate flow of certain watercourses.
46. Temporary discharge of water into streams.

PART V

MISCELLANEOUS AND GENERAL

47. Protection for works from blasting.
48. Duty to collaborate in promoting economic development and social improvement.
49. For preservation of scenery and amenities.
50. For the protection of the river authority.
51. For protection of statutory undertakers.
52. For the protection of Post Office.
53. Ancient monuments.
54. Making good diminution of local wells due to construction of Work No. 2.
55. Arbitration.
56. Saving for Town and Country Planning Act 1971.
57. Crown rights.
58. Costs of Act.

SCHEDULES:

Schedule 1—

Part I—Provisions of Third Schedule to the Act of 1945 applied to Board for purposes of the water works.

Part II—Provisions of Part IV of Third Schedule to the Act of 1945 applied to Board for purposes of the Board's works.

Schedule 2—Lands in respect of which possession can be taken after notice to treat on giving not less than fourteen days' notice.

Schedule 3—Footpaths to be stopped up.

Schedule 4—Description of land for generating station.

Schedule 5—Land to be acquired for purposes of section 20 (Accommodation for workmen employed on construction) of this Act.

