



## CHAPTER cclxvi.

An Act to revive and extend the powers for the compulsory purchase of lands by the Llanelly Harbour and Burry Navigation Commissioners for the execution of works authorised by the Llanelly Harbour Act 1896 for the improvement of the port and harbour of Llanelly and to empower the said Commissioners to borrow moneys with the consent of the Urban District Council of Llanelly and for other purposes. [17th August 1901.]

A.D. 1901.

**W**HEREAS under the Local and Personal Act 47 George III. session 2 chapter cvii. (in this Act called "the Act of 1807") commonable lands and waste grounds in the parish of Llanelly were enclosed and certain of them (in this Act called "the public estates") were allotted to and vested in trustees by that Act constituted who were thereby authorised to lease the same and to raise money on the security of the rents and profits thereof and to apply all moneys so raised in (among other things) the improvement of the town and port of Llanelly or of the public estates and to apply the residue of the said rents and profits (in this Act called "the income of the public estates") after payment thereof of the annual charges payable in respect of the moneys so raised and of the costs charges and expenses of the said trustees in the improvement of the said town and port :

47 Geo. 3.  
Sess. 2.  
c. cvii.

And whereas by the Local and Personal Act 53 George III. chapter clxxxiii. certain Commissioners were constituted and empowered to improve deepen widen and maintain the navigation of the Rivers Burry Loughor and Lliedi and to light and buoy the same and for those purposes to levy dues on shipping and goods and borrow money and their powers were extended by Acts passed in the years 1843 and 1858 :

53 Geo. 3.  
c. clxxxiii.

And whereas by a Provisional Order made under the Public Health Act 1848 and confirmed by the Public Health Supplemental

6 & 7 Vict.  
c. lxxxviii.  
21 & 22 Vict.  
c. lxxii.  
13 & 14 Vict.  
c. cviii.

A.D. 1901. — Act 1850 (No. 3) the borough of Llanelly as therein defined was constituted a district under the Public Health Act 1848 and the public estates were transferred to and vested in the local board of health for the said district (in this Act called "the local board") upon the trusts thereof declared and with and subject to the rights powers authorities and duties granted or imposed by so much of the Act of 1807 as was not by the said order repealed and so far as the same were not repugnant to or inconsistent with that order or the Public Health Act 1848 or any byelaw made thereunder And provision was made that if the property so transferred should be insufficient to satisfy charges created by the said trustees the deficiency should be charged on the general district rates levied in the parts and places which but for the said order would or ought to have been chargeable with such deficiency and that all expenses which should be incurred by the local board under so much of the Act of 1807 as was not repealed by the said order and which should not be defrayed out of the revenues received by the local board under the Act of 1807 should be defrayed out of the general or special district rates as the case might require :

27 & 28 Vict.  
c. cciii. And whereas by the Llanelly Harbour Act 1864 (in this Act called "the Act of 1864") the said Commissioners were incorporated and empowered to dredge the harbour to construct a new dock and other works and to levy dues for the use thereof :

31 Vict. c. x. And whereas by a Provisional Order under the Local Government Act 1868 confirmed by the Local Government Supplemental Act 1868 the district of the local board was extended :

41 Vict.  
c. lxxxiii. And whereas by the Llanelly Harbour Act 1878 (in this Act called "the Act of 1878") the said Commissioners were reconstituted and as so reconstituted included the members of the local board and the reconstituted Commissioners (in this Act called "the Commissioners") were authorised to borrow with the consent of the local board 50,000*l.* on the security of the harbour revenue and (collaterally) the income of the public estates and it was provided by the said Act that if the harbour revenue should be insufficient for the repayment of the borrowed moneys the deficiency should be met out of the said income and if that should prove insufficient then out of the waterworks revenue of the local board and that if there were still a deficiency it should be met out of the general district rate of Llanelly to the intent that the whole of the net income of the public estates should be available for the payment of the principal moneys borrowed under the Act of 1878 and the interest thereon :

And whereas by the Llanelly Local Board Act 1888 (in this Act called "the Act of 1888") the local board was authorised to sell the public estates freed from the trusts of the Act of 1807 and all principal moneys raised on the security of the recited Acts but it was enacted that the purchase money paid to the local board on any such sale (in that Act referred to as "public estates capital money") should while uninvested or unapplied and the investments thereof when invested be held on the same trusts as the public estates would have been held if not sold and that the income of the public estates capital money should be applied as the income of the public estates if not sold would have been applied and it was also enacted that in addition to the powers for securing the repayment of moneys borrowed by the Commissioners under the Act of 1878 and the interest thereon the local board might if they thought fit charge by way of collateral security the general district rates of their district with such repayment and interest provided such charges should not in any one year exceed the amount which might in such year be produced by a general district rate of sixpence in the pound on the assessable value for that year of property assessable to that rate and that such collateral security should cease on the expiration of fifty years from the first day of January 1890 :

A.D. 1901.  
51 & 52 Vict.  
c. clxxv.

And whereas the works authorised by the Act of 1864 were not constructed but the Commissioners under the powers of other of the said Acts and with the consent of the Board of Trade constructed training walls in the River Loughor to train the channel thereof and to improve the access to the docks at Llanelly :

And whereas under the powers of the Llanelly and Mynydd Mawr Railway Act 1875 a railway was constructed from the corner of the scouring reservoir of the Commissioners to join the Carmarthenshire Railway :

38 & 39 Vict.  
c. clxiv.

And whereas by the Llanelly Harbour Act 1896 (in this Act called "the Act of 1896") the Commissioners were authorised to extend the said training walls and to construct a new dock and entrance a new cut or navigable channel and certain railways with various subsidiary works and (as the said new cut or channel would cut through the said Mynydd Mawr Railway) to divert the said railway and by the Act of 1896 the borrowing powers of the Commissioners were enlarged and the limit of charge in any one year by way of collateral security on the said general district rate of the urban district of Llanelly was extended to one shilling in the pound on the assessable value of the property assessable to that rate in that year and the period for which such security should subsist was extended to the first day of January 1957 :

59 & 60 Vict.  
c. clxxxvi.

A.D. 1901.

And whereas it is expedient that the Commissioners should be authorised to borrow further moneys on the security of the harbour undertaking and the same collateral security :

And whereas the Commissioners have constructed the greater part of the said works but they are unable to complete certain of them as the time for exercising their compulsory powers for the purchase of the necessary lands has expired :

And whereas the time for completing the said works has not expired and it is expedient that powers for the compulsory purchase of lands be revived and extended :

And whereas the urban district council of Llanelly are the successors of the local board :

And whereas it is expedient that the other provisions hereinafter contained should be made :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 :—

Short title.

1. This Act may be cited as the Llanelly Harbour Act 1901 and the Llanelly Harbour Acts 1858 to 1896 and this Act may be cited as the Llanelly Harbour Acts 1858 to 1901.

Incorporation of Acts.

2. The following Acts and parts of Acts (that is to say) :—

The Lands Clauses Acts ;

Part II. (Extension of time) of the Railways Clauses Act 1863 ;

The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be created by the Commissioners except section 84 ;

so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act.

Interpretation.

3. In this Act unless the subject or context otherwise requires terms to which meanings are assigned in Acts wholly or partly incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction :

“The council” means the urban district council for the district of the borough of Llanelly .

4. The powers for the compulsory purchase of lands for the construction of the works C H and I authorised by the Act of 1896 are hereby revived and extended until the seventh day of August one thousand nine hundred and three and shall then cease.

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Revival and extension of powers.

5.—(1) The Commissioners shall not under the powers of this Act or of any former Act revived or extended by this Act purchase or acquire ten or more houses which on the fifteenth day of December next before the passing of this Act or of the Act by which such purchase or acquisition was originally authorised were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

(2) If the Commissioners acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section—

The expression “house” means any house or part of a house occupied as a separate dwelling; and

The expression “labouring class” means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

6. The following provisions for the protection of the Great Western Railway Company shall apply and have effect (that is to say):—

For protection of Great Western Railway Company.

The Commissioners shall complete and open for traffic to and from the new dock the bridge over the River Lledi (Work E) described in section 6 of and authorised by the Act of 1896 within the time limited by section 19 of that Act for the completion of the works by that Act authorised.

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For pro-  
tection of  
Llanelly and  
Mynydd  
Mawr  
Railway  
Company  
and John  
Waddell &  
Sons.

7. Whereas under the powers contained in the Act of 1896 as revived and extended by this Act the Commissioners have powers to enter upon take and use for the construction of the Works C and H authorised by the Act of 1896 the railway of the Llanelly and Mynydd Mawr Railway Company (in this section called "the company") and the land on which the same is situate :

And whereas the Work C is a cut or navigable channel leading to the entrance to the new dock and intersects the railway of the company and the Work H is a diversion of the railway for the purpose of carrying the same by means of a swing bridge over the Work C :

And whereas the undertaking of the company including the railway sidings and stages hereinafter mentioned is worked by John Waddell and Sons contractors Edinburgh :

And whereas the company and the said John Waddell and Sons opposed the Bill for this Act but withdrew their opposition thereto in consideration of the provisions of this section Therefore the following provisions shall unless otherwise agreed between the Commissioners and the company be observed and have effect (that is to say) :—

(1) The Commissioners shall maintain the berth of the company at their existing coal stages and also a sufficient access thereto and shall place and keep the company in a position not less favourable in respect of depth of water and facilities for shipment than that enjoyed by them prior to the commencement of the construction of the new dock by the Commissioners :

(2) The company may at their own expense further deepen by dredging or otherwise the depth of water at the said berth and over the access thereto to such depth as they may from time to time see fit not exceeding the depth for the time being of such channel and the Commissioners shall maintain the said berth and access at such increased depth :

(3) If the company are under the indenture of lease dated the eleventh day of January one thousand eight hundred and eighty-two granted to them by the Commissioners (hereinafter called "the indenture of 1882") entitled to erect additional stages they may in connection therewith provide and maintain at their own expense a proper communication between such stages and the navigable channel Provided that the Commissioners shall if required by the company themselves maintain such communication by dredging the actual cost of such dredging being borne and paid by the company :

- (4) The Commissioners shall remove the existing moorings and buoys in use at the stages and in substitution therefor shall provide and maintain such efficient equally convenient moorings and buoys or mooring dolphins on the west side of the navigable channel as may be arranged by the engineers of the Commissioners and the company or in the event of difference determined by arbitration as hereinafter provided :
- (5) The Commissioners shall in consideration of the substitution of the diversion railway (Work H) for the existing railway of the company provide the lines of railway and sidings coloured red on a plan signed in quadruplicate by the Right Honourable the Earl of Morley the Chairman of Committees of the House of Lords (which plan is hereinafter in this section referred to as "the agreed plan") and on the completion of the said lines of railway and sidings the same and the said Work H and the existing railways of the company coloured blue on the agreed plan shall for all purposes (including the levying of tolls rates and charges) constitute in perpetuity a part of the undertaking of the company Provided that nothing herein contained shall extend the right of the company to any of their existing or additional coal stages or the said lines of railway and sidings to the south of the entrance to the new dock (other than the said Work H) beyond the period prescribed in the said indenture of 1882 :
- (6) The Commissioners shall also construct and maintain the lines of railway and sidings coloured green and black on the agreed plan and the company shall have a joint right of user of such of the same as are coloured green with the Commissioners free of charge with the exception of the siding coloured green extending southward from the point Z on the said plan and the company shall be entitled to use the said lines coloured black for the purpose of exchanging traffic with the Commissioners free of charge :
- (7) The Commissioners shall provide and maintain such works as may from time to time be necessary to keep reasonably free of sand the lines of railway and sidings coloured red and green on the agreed plan and situate on the seaward side of the entrance to the new dock :
- (8) If through the failure of the Commissioners to properly dredge the berth at the stages of the company or the access thereto any vessel intending to load or unload cargo at such stages shall be unable so to do or to lie safely thereat the Commissioners shall (without prejudice to the obligations of

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the Commissioners under subsections (1) and (2) respectively) allow such vessel to enter and use the new dock upon and subject to the provisions of the indenture of 1882 as regards the amount of the rates and charges to be paid in respect of such ship and cargo and the application thereof and the company shall have the use of the staiths cranes railways and other conveniences on and around the same for the purpose of loading or unloading cargo for charges not exceeding the cost of loading similar cargo at the stages at the passing of this Act Provided that any difference between the Commissioners and the company as to whether such vessel could have loaded or unloaded cargo at the stages of the company shall be determined by arbitration as hereinafter provided :

- (9) The swing bridge carrying the railway of the company across the entrance to the new dock shall be worked and maintained by the Commissioners in accordance with such regulations restrictions and arrangements and generally in such manner as may be agreed upon between the Commissioners and the company or determined by arbitration as hereinafter mentioned Provided that the arbitrator shall have due regard to the relative importance of the railway and dock traffic :
- (10) The Commissioners shall provide work and maintain adequate signals and signalling appliances and arrangements in connection with the said swing bridge and the crossing over and connections with the railway of the company to be constructed by the Commissioners under this section and the working thereof including signalmen :
- (11) If at any time the traffic of the company over the said swing bridge shall be interrupted by the failure of or for the reconstruction or repair of the bridge the company shall have the right if they so desire during such interruption to run over and use free of toll with their engines waggons and trucks and with their officers and servants for the conveyance of traffic of every description to and from the stages of the company the railways of the Commissioners but without prejudice to any claims competent to the company against the Commissioners in respect of loss (if any) arising from the interruption of the traffic of the company over the said swing bridge as aforesaid :
- (12) The Commissicners shall not without the consent of the company construct or grant any right to construct any line other than as shown on the agreed plan across over or under or connecting with the company's railway or connecting with any



railway crossing the Great Western Railway to the west of the company's railway : A.D. 1901.

- (13) The Commissioners may construct maintain and use a line of rails across Work H between points lettered on the agreed plan Z and D provided that the said line shall not be used so as to obstruct the traffic of the company over the said Work H :
- (14) The Commissioners as regards the railways of the company between the points Y and Z on the agreed plan and the company as regards the railways of the Commissioners may respectively run over and use the same and the works and conveniences connected therewith with their engines waggons and trucks and with their officers and servants for the purposes of traffic of every description Provided that the terms and conditions upon which such running powers shall be exercised shall be determined from time to time in default of agreement by arbitration as hereinafter mentioned Provided also that the exercise of such running powers shall be subject to and in accordance with the regulations of the Commissioners and the company respectively for the time being in force and that any difference as to the reasonableness of any such regulation shall be determined by arbitration as aforesaid Provided that the company in respect of all traffic carried over their railway by the Commissioners or by any company or person with the consent of the Commissioners for which that railway affords an access to or from the new dock shall be entitled to receive a toll of not less than the sum which they would be entitled to if the traffic were carried by them over their own railway Such toll unless agreed on between the company and the Commissioners shall be settled by arbitration Provided also that the arbitrator in determining the toll for traffic (other than competitive traffic) carried by the Commissioners over the railway of the company shall be entitled to modify any provisions as to tolls chargeable by the Commissioners and by the company or either of them under any Act relating to them respectively :
- (15) The rights secured to Nevill Druce and Company under their agreement with the Commissioners dated the twenty-second day of March one thousand eight hundred and fifty-eight of conveying slag and other refuse for the purpose of tipping the same on the west side of the breakwater shall be exercised by them by conveying the same over the said swing

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bridge and the approaches thereto free of toll but so as not to interfere with the traffic of the company :

- (16) Upon the completion by the Commissioners of the Work H and of two of the sidings as may be selected by the company shown on the agreed plan on the seaward side of the new dock the company shall give the Commissioners possession of the bank across the entrance to the new dock. The remainder of the works herein agreed upon shall be completed before the said swing bridge is opened for the passage of vessels to the new dock and so much of the land comprised in the indenture of 1882 as lies between the points marked Q and R on the agreed plan and the railway and works upon the same shall vest in the Commissioners discharged from all estates rights and interests of the company in or over upon or in respect of the same. Provided nevertheless that the whole of the yearly rent of five shillings reserved by the said indenture shall continue to be payable during the remainder of the term thereby created :
- (17) Towards and for the purpose of the repayment to the company of the capital expended by them or on their behalf under the indenture of 1882 the Commissioners shall out of the rates and charges received by them for coal shipped at the new dock from the railway of the company pay to the company twopence per ton until the sum so paid shall amount to three thousand pounds :
- (18) The company shall withdraw all claims in dispute between them and the Commissioners and outstanding at the twenty-first day of March one thousand nine hundred and one except the claim of the company for the costs awarded them in respect of the injunction obtained by them against the Commissioners and shall accept the sidings and other accommodation works to be provided by the Commissioners under this section as compensation for land taken for the purposes of Works C and H and for works or other damage caused to them by the construction by the Commissioners of Works C and H :
- (19) The traffic of the company to from and at the new dock and vessels loading or discharging the same shall be accommodated and dealt with by the Commissioners in every respect including dues rates and charges on terms not less favourable than those granted by the Commissioners to any other company body or person :
- (20) The consent of the Commissioners shall not be required to the exercise of any rights by the railway company their

successors and assigns under article (22) of the said indenture : A.D. 1901.

(21) Except as in this section specifically provided nothing herein contained shall prejudicially affect the rights of the Commissioners or of the company with reference to the maintenance or ownership of the works constructed under the indenture of 1882 or the cost thereof or any right under the said indenture :

(22) Any difference between the Commissioners and the company arising under this section shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859 as if the Commissioners were a railway company within the meaning of that Act.

8.—(1) The Commissioners may from time to time (in addition to any other moneys they are authorised to borrow under any other Act) borrow at interest with the consent of the council the following sums for the following purposes (that is to say) :—

Power to Commissioners to borrow with consent.

For paying the costs of this Act as hereinafter defined the sum necessary for the purpose ;

For and in relation to the completion and equipment of the works by the Act of 1896 authorised any sums not exceeding twenty thousand pounds ;

For the other purposes of the recited Acts (so far as the same are respectively in force) and this Act such sums not exceeding ten thousand pounds as the Board of Trade may consider expedient for improving the harbour and facilitating the trade of the port and may sanction accordingly.

(2) Subject to the provisions of this Act the Commissioners may mortgage the harbour undertaking and may by way of collateral security charge the moneys borrowed upon the income of the public estates and of the public estates capital money.

(3) In case the harbour undertaking so mortgaged shall at any time prove insufficient for the payment of any sum required for the repayment of any moneys borrowed under the powers of this Act or for the payment of any interest on such moneys such sum shall be deemed to be and shall be charged on the income of the public estates subject to any charges affecting the same and then subsisting and to the provisions of Part II. Public Property Undertakings &c. (Public Estates) of the Act of 1888.

9. If at any time the funds in the hands of the Commissioners from the harbour revenue be insufficient for the repayment of any moneys borrowed by the Commissioners with the consent of the

If harbour revenue insufficient for payment of principal

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and interest  
council to  
make up  
deficiency  
out of  
income of  
public estates  
&c.

council under the authority of this Act or for the payment of any interest on such moneys the council shall as soon as may be after demand in writing in that behalf under the seal of the Commissioners pay to the order of the Commissioners any sum or sums so demanded out of the surplus income of the public estates for the time being in the hands of the council and the income of the public estates capital money as provided by the said Part II. of the Act of 1888 and if such surplus and other income be insufficient for the purpose aforesaid the council shall subject as by this Act provided pay the deficiency out of the general district rate.

Council may  
collaterally  
secure  
moneys  
borrowed by  
Commis-  
sioners by  
charge on  
general  
district rate.

**10.** In addition to the powers by this Act given for securing the repayment of moneys borrowed by the Commissioners thereunder and the payment of the interest on such moneys the council may if they think fit from time to time by way of further collateral security charge the repayment of such moneys and the payment of such interest on the general district rate :

Provided that the aggregate amount which may in any one year become payable in respect of any loans to the Commissioners under whatever Act raised shall not exceed the amount which might in such year be produced by a general district rate of one shilling in the pound on the assessable value for that year of property assessable to the general district rate. Provided also that such collateral security shall cease at the expiration of sixty years from the first day of January one thousand eight hundred and ninety-seven and that for the repayment of the moneys so collaterally secured the first instalment shall be paid or the first payment to the sinking fund (as the case may be) shall be made on the first day of January next following the borrowing thereof.

Sections 236  
to 239 of  
Public Health  
Act 1875 to  
apply to  
mortgages by  
council under  
this Act.

**11.** Every mortgage created by the council under this Act shall be deemed to be a mortgage to which the provisions of the two hundred and thirty-sixth to the two hundred and thirty-ninth sections of the Public Health Act 1875 apply and the provisions of those sections shall apply thereto accordingly.

As to appli-  
cation of  
harbour  
revenue.

**12.** Before applying the harbour revenue in improving the harbour and works of the Commissioners as provided by section 19 (4) (Application of revenue) of the Act of 1878 the Commissioners shall pay the interest on moneys borrowed by them under the powers of the Act of 1896 and this Act and provide the requisite instalments or appropriations to sinking fund prescribed by the Act of 1896 and this Act and the said section 19 shall be read and construed accordingly.

**13.** The following sections of the Act of 1878 and the Act of 1896 (that is to say) :—

Of the Act of 1878—

Section 15 (Annual return to Board of Trade with respect to instalments and sinking fund);

Section 16 (Provision as to loan by Public Works Loan Commissioners);

Section 17 (Priority of existing mortgages and bonds);

Section 18 (Application of borrowed moneys);

Section 22 (Receipt in case of persons not sui juris);

Section 23 (Protection of lenders from inquiry) with the exception of the words "or entitled";

Of the Act of 1896—

Section 131 (Power to borrow under Local Loans Act 1875);

Section 132 (Consent of council to be endorsed on mortgages &c.);

Section 136 (As to repayment of borrowed moneys);

Section 137 (Power to reborrow);

Section 138 (Commissioners not to regard trusts);

shall extend and apply mutatis mutandis to and in relation to moneys borrowed under the powers of this Act.

**14.** All the costs charges and expenses incurred by the Commissioners preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Commissioners out of the harbour revenue or out of moneys to be borrowed for that purpose under the powers of this Act.

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A.D. 1901.  
Incorporating certain sections of Act of 1878 and Act of 1896.

Costs of Act.