

[8 EDW. 7.] *Fishguard and Rosslare Railways and Harbours Act, 1908.* [Ch. xvii.]



CHAPTER xvii.

An Act to empower the Fishguard and Rosslare Railways and Harbours Company to construct Harbour Works at Fishguard in substitution for certain authorised Harbour Works and Railways in connection therewith and for other purposes. [18th June 1908.] A.D. 1908.

WHEREAS it is expedient that the Fishguard and Rosslare Railways and Harbours Company (in this Act called "the Company") should be empowered to make and maintain the harbour works at Fishguard in this Act described or mentioned in substitution for certain works authorised by the Fishguard and Rosslare Railways and Harbours Act 1899 (in this Act referred to as "the Act of 1899") and in connection therewith to make and maintain the railways and acquire the lands in this Act mentioned and that certain provisions of that Act should be amended as provided by this Act:

And whereas by the Fishguard Harbour Order 1873 confirmed by the Pier and Harbour Orders Confirmation Act 1873 provision was made for the incorporation of a body of commissioners with powers to construct a pier and other works at Fishguard but the powers of that Order have never been carried into execution and it is expedient that the said Order should be repealed:

And whereas plans and sections showing the lines and levels of the harbour railway and other works by this Act authorised to be constructed and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken

A.D. 1908. — for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Pembroke and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas it is expedient that the Company should be authorised to apply their funds for the purposes of this Act :

And whereas the objects aforesaid 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 for all purposes as the Fishguard and Rosslare Railways and Harbours Act 1908.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Harbours Docks and Piers Clauses Act 1847 :

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 :

Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade.

Interpretation.

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

The expression "the harbour works" means the harbour works by this Act authorised ;

The expression "the railways" means the new railways by this Act authorised ;

The expression "the harbour plan" means the plan signed in triplicate by the Right Honourable the Earl of Onslow the

Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords another in the Private Bill Office of the House of Commons and another at the Board of Trade; A.D. 1908.

The expression "the harbour" means the harbour formed by the existing works of the Company and the harbour works by this Act authorised and the area below high-water mark included within the line delineated in red on the harbour plan:

And from and after the passing of this Act the expression "the harbour" where used in the Act of 1899 shall have the meaning assigned to that expression by this Act.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the harbour works hereinafter described and 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 those purposes. Power to make harbour works.

The harbour works hereinbefore referred to and authorised by this Act are situate in or adjacent to the parish of Llanwnda in the county of Pembroke and are—

The following pier or breakwater in substitution for the pier or breakwater authorised by the Act of 1899 (that is to say):—

(1) A pier or breakwater commencing at a point on the seaward side of the road leading from Fishguard to Goodwick 18 chains or thereabouts south-east of the bridge carrying that road over the railway of the Great Western Railway Company and extending into the sea for a distance of 1 mile 1½ chains or thereabouts in a north-easterly direction and thence for a distance of 7 chains or thereabouts in a northerly direction and there terminating;

(2) An embankment for reclaiming portions of the foreshore and bed of the sea commencing at a point in the south-eastern boundary of the Company's property 3 chains or thereabouts south-west of the boat-slip in

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the harbour of the Company and extending seawards in an easterly direction for a distance of 3 furlongs 1 chain or thereabouts and terminating at a point in the said pier or breakwater 38 chains or thereabouts from its commencement as hereinbefore described:

The following jetties or landing stages in substitution for the jetty or landing stage authorised by the Act of 1899 (that is to say):—

(3) A jetty or landing stage (No. 1) commencing at a point in the said embankment 10 chains or thereabouts from its commencement as hereinbefore described and extending into the sea for a distance of 5 chains or thereabouts in a north-easterly direction and there terminating;

(4) A jetty or landing stage (No. 2) commencing at a point in the said embankment 21 chains or thereabouts from its commencement as hereinbefore described and extending into the sea for a distance of 5 chains or thereabouts in a north-easterly direction and there terminating;

(5) A boat-slip in substitution for the existing boat-slip hereinbefore referred to commencing at a point in the said pier or breakwater not less than 23 chains or thereabouts from its commencement as hereinbefore described and extending into the sea for a distance of two chains or thereabouts in a south-easterly direction:

All necessary approaches roads jetties piers wharves quays rails sidings sheds buildings warehouses cranes tips machinery mooring and other buoys beacons electric and other lights water-pipes works and conveniences:

And the company may and shall abandon the construction of the pier or breakwater and the jetty or landing-place authorised by the Act of 1899 and may at any time after the completion of the boat-slip by this Act authorised and the footpath leading thereto abandon and discontinue the use of and may remove the said existing boat-slip within the harbour:

Provided that all electric lights made and maintained by the Company under the powers of this Act shall be so constructed maintained and used as to prevent any interference

with telegraphic communication by means of any telegraphs belonging to or used by the Postmaster-General: A.D. 1908.

Provided also that notwithstanding anything contained in this Act or shown on the deposited plans the footpath leading to the said boat-slip shall be constructed of a width of not less than six feet.

The harbour works will be constructed solid throughout.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways hereinafter described with all proper stations sidings bridges roads works and conveniences connected therewith and 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 those purposes The railways and works hereinbefore referred to and authorised by this Act are situate in the said parish of Llanwnda and are— Power to
make rail-
ways &c.

A railway (No. 1) (4 furlongs in length) commencing by a junction with Railway No. 7 authorised by the Great Western Railway Act 1903 and terminating at a point 1 chain or thereabouts south-west of a point in the road leading from Fishguard to Goodwick 18 chains or thereabouts south-east of the bridge carrying that road over the railway of the Company :

A railway (No. 2) (3 furlongs and 3.95 chains in length) commencing at the termination of Railway No. 1 and terminating at or near the termination of the jetty or landing-stage No. 1 by this Act authorised :

A railway (No. 3) (3 furlongs and 8.35 chains in length) commencing at the termination of Railway No. 1 and terminating at or near the termination of the jetty or landing-stage No. 2 by this Act authorised.

6. The bridge for carrying the railways over the road numbered on the deposited plans 23 in the parish of Llanwnda shall notwithstanding anything shown on the deposited sections be constructed with a clear span of not less than thirty feet and the width of the bridge shall not be greater than is necessary for the construction and use of four lines of railway over the bridge and if and so far as the Company shall be the owners of the lands on As to road
from Good-
wick to
Fishguard.

A.D. 1908. both sides of any portion of the said road (other than the portion over which the said bridge is situate) the Company shall set back the fences on each side of the said road at a distance of not less than fifty feet from each other. Provided always that the Company shall have full and free right of access to and from the said road from and to their property so fenced off.

For protection of old harbour at Fishguard.

7. If by reason of the construction of the works by this Act authorised any injury shall be caused to the access from the sea to the old harbour within the urban district of Fishguard (in this section referred to as "the old harbour") the Company shall at their own expense carry out such works as may be necessary for the purpose of maintaining the access to the old harbour for vessels of the same class as those now frequenting the wharves and quays of the Fishguard Harbour Improvement Company within the old harbour.

Power to acquire additional lands at Fishguard &c.

8. Subject to the provisions of this Act and in addition to any other lands which the Company are by this Act authorised to acquire the Company may enter upon take and use for the purposes of the harbour works and railways and for the general purposes of their undertaking the lands following delineated on the deposited plans and described in the deposited book of reference relating thereto (that is to say):—

Certain lands in the said parish of Llanwnda bounded by the eastern boundary fence of the lands acquired by the Great Western Railway Company for the construction of Railway No. 7 authorised by the Great Western Railway Act 1903 the said road leading from Fishguard to Goodwick and the road leading from Drim to Fishguard :

Certain other lands in the same parish lying between the said road leading from Fishguard to Goodwick and the foreshore and between points respectively about 2 chains and 23 chains south-east of the railway of the Company :

And the Company may in the said parish of Llanwnda stop up and discontinue (1) the footpath leading from the road between Fishguard and Goodwick to the existing boat-slip in the harbour of the Company between a point 7 chains or thereabouts from its junction with the said road and the said boat-slip and (2) the footpath leading from the said footpath to the road leading to Fishguard Bay Hotel and which crosses the Company's railway

by means of a footbridge and in lieu of the said footpaths may make and maintain a new footpath along the south-eastern side of the pier or breakwater by this Act authorised between the said road and the boat-slip by this Act authorised. A.D. 1908.

9. Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not under the powers of this Act purchase or acquire any greater area of the common or commonable lands known as Goodwick Moor than twenty-two acres and the Company shall before entering upon the said Moor in lieu of paying compensation therefor add to the Moor adjoining lands belonging to the Company or acquired by them for that purpose being of equal area with the portion of the Moor required to be taken by them and such lands shall be thrown into and form part of the Moor and shall be subject to the common and any other rights now enjoyed over or in respect of the Moor. Provisions as to Goodwick Moor.

For the purpose of providing lands to be added to the said Moor under this section the Company may subject to the provisions of this Act enter upon take and use any of the lands delineated on the deposited plans and described in the deposited book of reference.

10. Where this Act authorises the making of a new footpath and the stopping up of existing footpaths such stopping up shall not take place until two justices shall have certified that the new footpath has been completed to their satisfaction and is open for public use. As to stopping up footpaths

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing footpaths are situate seven days' notice in writing of their intention to apply for the same.

As from the date of the said certificate all rights of way over or along the existing footpaths shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the footpath stopped up as far as the same is bounded on both sides by lands of the Company :

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation

A.D. 1908. shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for completion of harbour works.

11. If the harbour works be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Harbour works to be included in parish of Llanwnda.

12. So much of the harbour works as is made and constructed in and upon the foreshore and bed of the sea adjoining but not included in the parish of Llanwnda or any other parish and any land reclaimed from the sea under the powers of this Act shall from and after the completion of the harbour works be for all purposes included in the parish of Llanwnda and the rural district of Haverfordwest.

Provisions as to boat-slip.

13. The new boat-slip by this Act authorised shall for all purposes whatsoever be deemed to be in substitution for the said existing boat-slip and the Company may make such reasonable charges for the use of the existing and substituted boat-slip as they may think fit and as the Board of Trade may approve.

Power to dredge.

14. Subject to the provisions of this Act the Company may with the consent in writing of the Board of Trade dredge scour cleanse deepen and remove any rocks banks sand mud or shingle within or adjoining the harbour works or the approaches thereto :

Provided that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

Limits of lateral and vertical deviation for harbour works.

15. Except as by this Act otherwise provided the Company may in constructing the harbour works deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet above or below the levels so shown :

Provided that notwithstanding anything shown on the deposited plans no lateral deviation of the pier or breakwater by this Act authorised shall be made in a south-easterly direction beyond the line delineated in blue on the harbour plan :

Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. A.D. 1908.

16. The Company may by means of the embankment and works by this Act authorised enclose and reclaim the portions of the foreshore and bed of the sea which will be bounded by (1) the said embankment (2) the pier or breakwater by this Act authorised (3) the public road leading from Fishguard to Goodwick and (4) the south-eastern boundary of the Company's property and the portions of the foreshore and bed of the sea so reclaimed shall subject to the provisions of the section of this Act the marginal note of which is "Crown rights" vest in and belong to the Company. Power to reclaim lands.

17. From and after the passing of this Act the prescribed limits referred to in section 52 of the Harbours Docks and Piers Clauses Act 1847 shall for the purposes of the harbour undertaking of the Company at Fishguard be the harbour as defined by this Act and also the sea area within the line delineated in green on the harbour plan. Prescribed limits for harbour-master's jurisdiction.

18. Subject to the provisions of this Act the railways shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) and for all other purposes be deemed to be part of the railways at Fishguard authorised by the Fishguard Bay Railway and Pier Act 1893. Rates and charges for railways.

19. If the Company fail within the period limited by this Act to complete the railways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in Penalty imposed unless line is opened within time limited.

A.D. 1908. the name of the Paymaster General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

20. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Period for completion of railways.

21. If the railways are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for compulsory purchase of lands.

22. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

23. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Power to owners to grant easements &c.

24. The Company shall at or near the works below high-water mark by this Act authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on works during construction.

25. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

Permanent lights on works.

If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

26. In case of injury to or destruction or decay of the harbour works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision against danger to navigation.

27. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the

Works below high-

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water mark
not to be
commenced
without
consent of
Board of
Trade.

sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of
works by
Board of
Trade.

28. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement
of work
abandoned
or decayed.

29. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Life-saving
apparatus
may be
attached to
works.

30. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to the harbour works by this Act authorised spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire at their own risk rockets over the said works Provided always that such

spars and apparatus shall be placed in such positions as may be approved by the Company so as not to interfere with the carrying on of the undertaking of the Company.

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31. The Company shall at all times keep at convenient places on the harbour works and in obedience to any requirements which may be made by the Board of Trade a sufficient number of lifebuoys and life-lines in good order and fit and ready for use.

Lifebuoys to be kept.

32. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times at their own risk have free ingress passage and egress to along and from the harbour.

Lifeboat crew exempt from tolls.

33. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Act Provided always that the harbour master may require such vessels to anchor in the portion of the area of the harbour master's authority as defined by this Act outside the harbour if there is reasonable shelter in such portion of the said area.

Certain fishing vessels under stress of weather exempt from rates.

34. The Fishguard Harbour Order 1873 confirmed by the Pier and Harbour Orders Confirmation Act 1873 and so much of that Act as relates to the said Order are hereby repealed.

Repeal of Fishguard Order of 1873.

35. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to Company to apply corporate funds to purposes of Act.

36. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement

Provision as to general Railway Acts.

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A.D. 1908. of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Crown
rights.

37. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of Act.

38. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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