

ELIZABETH II



1965 CHAPTER XXXV

An Act to provide for the transfer of the Conway Bridge to the mayor, aldermen and burgesses of the borough of Conway or the National Trust for places of Historic Interest or Natural Beauty or other body approved by the Minister of Public Building and Works and for the dissolution of the Conway Bridge Commissioners; to authorise the taking down and removal of the said bridge; to make further provision with regard to the health, local government, improvement and finances of the borough; and for other purposes.

[5th August 1965]

**W**HEREAS—

(1) The borough of Conway in the county of Caernarvon (in this Act referred to as “the borough”) is a municipal borough under the management and local government of the mayor, aldermen and burgesses of the borough (in this Act referred to as “the Corporation”):

(2) By virtue of the Conway Bridge Act, 1878, the Conway Bridge (in this Act referred to as “the bridge”) was vested in the Conway Bridge Commissioners (in this Act referred to as “the commissioners”), and it was provided by that Act that the commissioners should be the persons who for the time being are members of the town council of the borough:

(3) It is expedient to provide for the dissolution of the commissioners and for the transfer of the undertaking of the commissioners as in this Act provided:

(4) By an agreement entered into in July, 1954, between the commissioners and the Minister of Transport, the commissioners agreed to sell to that Minister their interest in certain lands in the borough containing 1.962 acres or thereabouts (in this Act referred to as "the specified lands") forming part of their undertaking:

(5) By virtue of the Secretary of State for Wales and Minister of Land and Natural Resources Order, 1965, the functions of the Minister of Transport in relation to the subject-matter of the said agreement were transferred to the Secretary of State:

(6) Doubts have arisen as to the powers of the commissioners to carry the said agreement into effect and it is expedient to vest the specified lands in the Secretary of State as by this Act provided:

S.I. No. 1226 (7) By virtue of the Chester-Bangor Trunk Road (Conway By-Pass Bridge) Order, 1951, the Minister of Transport has constructed another bridge over the navigable waters of the river Conway and in consequence the bridge is no longer used for traffic:

(8) The National Trust for Places of Historic Interest or Natural Beauty have represented to the Corporation that they desire to be given an opportunity to preserve the bridge as a building of special architectural or historic interest and it is expedient to make provision to enable them or such other body desirous of preserving and maintaining the bridge as may be approved by the Minister of Public Building and Works to acquire the bridge and the approaches thereto for that purpose:

(9) It is expedient to authorise the taking down and removal of the bridge by the body in whom it is vested in pursuance of this Act:

(10) It is expedient to make further provision with reference to the health, local government, improvement and finances of the borough and that the powers of the Corporation in regard thereto should be enlarged and extended as in this Act provided:

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

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

c. 51. (13) In relation to the promotion of the Bill for this Act, the requirements of Part XIII of the Local Government Act, 1933, have been observed:

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

1. This Act may be cited as the Conway Corporation Act 1965. Short title.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Conway Bridge.

Part III.—Streets.

Part IV.—Parks, municipal property, seashore, etc.

Part V.—Finance.

Part VI.—Miscellaneous.

Part VII.—General.

3.—(1) In this Act the several words and expressions to which meanings are assigned by section 295 of the Act of 1959, have the same respective meanings, unless there be something in the subject or context repugnant to such construction. Interpre-  
tation.

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

“ the Act of 1878 ” means the Conway Bridge Act, 1878; c. lxviii.

“ the Act of 1933 ” means the Local Government Act, 1933; c. 51.

“ the Act of 1936 ” means the Public Health Act, 1936; c. 49.

“ the Act of 1959 ” means the Highways Act, 1959; c. 25.

“ the Act of 1960 ” means the Road Traffic Act, 1960; c. 16.

“ the Act of 1962 ” means the Town and Country Planning Act, 1962; c. 38.

“ the appointed day ” has the meaning assigned to that expression by section 47 (The appointed day) of this Act;

“ the approaches ” means the approaches to the bridge shown coloured blue on the signed plan, together with any buildings thereon and together with so much of the wall shown on the signed plan as belongs to the commissioners as is not included in the definition of “ the specified lands ”;

“ authorised security ” means any mortgage, stock, bond or other security which the Corporation are for the time being authorised to grant, create or issue, or upon or by means of which the Corporation are for the time being authorised to raise money;

PART I  
—cont.

“ the borough ” means the borough of Conway;

“ the bridge ” means the bridge over the river vested in the commissioners by the Act of 1878 and includes the abutments and any other part of the bridge and the highway carried thereby;

“ the bridge undertaking ” means the bridge undertaking of the commissioners as the same existed immediately before the passing of this Act, and includes—

(a) the bridge works and lands;

(b) all bank balances and cash and other balances in the hands of the commissioners or in the hands of their bankers, agents or servants on their behalf immediately before the passing of this Act, and investments and securities for moneys forming part of any fund established by the commissioners;

(c) all tolls, rents, book debts and other sums of money which immediately before the passing of this Act are due or payable to or are accruing due or payable to the commissioners;

(d) all estates, rights, powers, easements, interests and privileges vested in, or had; or enjoyed, by the commissioners immediately before the passing of this Act;

(e) all contracts between the commissioners and others and in force immediately before the passing of this Act and the benefits of such contracts subject to any liabilities thereunder;

(f) all registers, books, accounts, maps, plans, specifications, engineering reports and other documents belonging to the commissioners;

(g) all other the real and personal property forming part of the undertaking of the commissioners immediately before the passing of this Act;

“ the bridge works and lands ” means—

(a) the bridge and the approaches together with such part of the embankment leading thereto as was vested in the commissioners immediately before the passing of this Act;

(b) all lands, houses, toll-houses, public sanitary conveniences and other hereditaments and properties in connection therewith vested in the commissioners immediately before the passing of this Act;

“ the commissioners ” means the Conway Bridge Commissioners constituted by the Act of 1878;

“ corporate land ” has the same meaning as in section 305 of the Act of 1933;

“ the Corporation ” means the mayor, aldermen and burgesses of the borough;

“ the council ” means the council of the borough;

“ daily fine ” means a fine for each day on which an offence is continued after conviction;

“ the day of transfer ” means the 1st April, 1966;

“ the general rate fund ” means the general rate fund of the borough;

“ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952;

c. 55.

“ the National Trust ” means the National Trust for Places of Historic Interest or Natural Beauty;

“ private street ” has the same meaning as in section 213 of the Act of 1959;

“ the river ” means the river Conway;

“ the seashore ” includes any bank, barrier, dune, beach, flat or other land adjacent to the foreshore;

“ the signed plan ” means the plan signed in triplicate by The Right Honourable The Lord Merthyr, the chairman of the committee of the House of Lords to whom the Bill for this Act was referred, one copy of which plan has been deposited in each of the following offices:—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill Office of the House of Commons; and

(c) the office of the town clerk;

“ the specified lands ” means the two pieces of land containing 1.962 acres or thereabouts situate in the borough and delineated and coloured pink on the signed plan, and includes the wall constructed on the southerly side of the larger of the said two pieces of land and on land adjacent thereto and shown on the signed plan between the points marked A and B;

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

c. 76

“ the town clerk ” means the town clerk of the borough;

“ the trust ” means the National Trust or any other body approved by the Minister of Public Building and Works (after consultation with the Corporation) to acquire the bridge and the approaches in pursuance of section 10 (Transfer of bridge and approaches to trust) of this Act;

PART I  
—cont.

“verge” includes any lands situated between two carriageways and any part of a street which is not a carriageway footway or cycle track.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as extended or amended by or by virtue of any subsequent enactment, including this Act.

## PART II

## CONWAY BRIDGE

Transfer of  
bridge  
undertaking  
and dissolution  
of  
commissioners.

## 4. On the day of transfer—

- (1) the bridge undertaking, except the specified lands, shall, subject to the provisions of this Part of this Act, by virtue of this Act and without any deed of conveyance or other assurance become and be vested in the Corporation, subject to all debts, liabilities and obligations of the commissioners in respect thereof which shall be subsisting immediately before the day of transfer except any obligation to maintain the bridge and the approaches as a highway;
- (2) the specified lands shall, by virtue of this Act and without any deed of conveyance or other assurance, become and be vested in the Secretary of State, subject to all debts, liabilities and obligations of the commissioners in respect thereof which shall be subsisting immediately before the passing of this Act;
- (3) that part of the bridge and of the approaches which immediately before the passing of this Act formed part of the Chester-Bangor trunk road (A.55) shall cease to be a trunk road and thereupon all rights of way thereover shall be extinguished;

Provided that the British Railways Board shall continue to be entitled to pass over and across the approaches for the purpose of gaining access to and egress from any property vested in or repairable by that board;

- (4) the commissioners shall by virtue of this Act become and be dissolved;
- (5) the following enactments shall be repealed :—
  - (a) the Act of 1878;
  - (b) the Conway Bridge Composition of Debt Act, 1878;
  - (c) the Conway Order, 1903.

c. clxvi.

c. lxxix.

5. Notwithstanding anything in section 7 (Power to remove bridge) of this Act, the Corporation may—

PART II  
—cont.

Retention  
and disposal  
of bridge  
works and  
lands.

- (1) continue to maintain so much of the bridge works and lands as is vested in them, and retain, hold, adapt and use the same or any part thereof or interest therein for such time and for such purposes as they think fit;
- (2) sell, lease, exchange or otherwise dispose of so much of the bridge works and lands as is vested in them or any part thereof, or any interest therein, in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of payment in any other form);
- (3) appropriate so much of the bridge works and lands as is vested in them or any part thereof for any other purpose;
- (4) sell, exchange or dispose of any rents reserved on the sale, lease, exchange or other disposition of the bridge works and lands vested in them or any part thereof or interest therein;
- (5) make, do and execute any deed, act or thing proper for effectuating any such sale, lease, exchange or other disposition;
- (6) on any such exchange, pay or receive money for equality of exchange.

6.—(1) Any capital money received by the Corporation in respect of a transaction under the last preceding section (other than capital money received on the sale, exchange or leasing of land) shall be applied in or towards the extinguishing of any loan raised by the Corporation under any enactment or for any other purpose to which capital money may properly be applied.

Proceeds of  
disposal of  
bridge works  
and lands.

(2) Any capital money received by the Corporation on the sale, exchange or leasing of land under the last preceding section may be applied in such manner as the Secretary of State may approve for the purposes mentioned in subsection (1) of this section:

Provided that section 27 of the Town and Country Planning Act, 1959, shall apply to any application of capital money under this subsection as if this subsection had been in force immediately before the commencement of that Act. c. 53.

7. Notwithstanding the provisions of any enactment, but subject to the following provisions of this Part of this Act, the Corporation may after the day of transfer take down and remove the bridge.

Power to  
remove  
bridge.

PART II  
—cont.As to  
removal of  
bridge.

8.—(1) If the council resolve to take down and remove the bridge the Corporation shall, as soon as reasonably practicable thereafter and to the satisfaction of the Board of Trade, take down and remove the bridge, including such of the foundations, abutments and timber protective works in the river, as the Board of Trade may direct, and shall ensure so far as practicable that such taking down and removal does not unnecessarily obstruct the navigable waterway of the river, or otherwise interfere with or impede navigation:

Provided that no fixed temporary works shall be placed in the river in connection with the taking down and removal of the bridge so as to reduce the navigable waterway of the river to a width of less than 150 feet.

(2) The Corporation may sell the structure and materials of the bridge and apply the proceeds for any purpose for which capital money may properly be applied.

(3) For the purposes of Part V of the Act of 1959, the taking down and removal of the bridge shall be deemed to be an improvement of a highway.

(4) If the exercise of the powers of this section shall involve any interference with the apparatus or property of any statutory undertakers, the powers shall be exercised in such manner and subject to such conditions as may be agreed between the statutory undertakers and the Corporation or in the absence of agreement, as may be determined by an arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other party.

(5) If any additional maintenance or any alterations or additions, either permanent or temporary, to property of the British Railways Board (in this subsection referred to as "the board") shall be reasonably necessary in consequence of the exercise of the powers of this section, such additional maintenance, alterations and additions may be effected by the board after notice has been given to the Corporation and the Corporation shall pay to the board on demand the cost thereof, including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing any such alterations or additions and any dispute arising between the Corporation and the board about the necessity for such additional maintenance, alterations or additions or the cost thereof shall be referred to and settled by arbitration as provided in subsection (4) of this section.



(6) For the purposes of this section, section 31 of the Land Drainage Act, 1961, shall have effect as if—

PART II  
—cont.

- (a) in subsection (2) of that section, after the word “alteration” there were inserted the word “removal”;  
 (b) in subsection (3) thereof, after the word “erect” there were inserted the word “remove”; and  
 (c) in subsection (5) thereof, after the words “the work” there were inserted the words “or take such other action as is required to secure that the work so executed complies with any consent or approval given under this section”.

c. 48.

9.—(1) The Corporation shall at or near such part of the bridge as is below the level of mean high-water springs during the whole time of the taking down and removal of the same, exhibit every night from sunset to sunrise such lights (if any), and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct.

Lights on  
works during  
removal.

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

10.—(1) (a) Notwithstanding the provisions of section 4 (Transfer of bridge undertaking and dissolution of commissioners) of this Act, if before the day of transfer the trust shall give notice to the commissioners in the form set out in Schedule 1 to this Act (or in a form substantially to the like effect) that they desire the bridge and the approaches to vest in them, the bridge and the approaches shall on the day of transfer by virtue of this Act and without any deed of conveyance or other assurance, become and be vested in the trust, subject to all debts, liabilities and obligations of the commissioners in respect thereof which shall be subsisting immediately before the day of transfer, except any obligation to maintain the bridge and the approaches as a highway.

Transfer of  
bridge and  
approaches to  
trust.

(b) Copies of any notice given in pursuance of this subsection shall be sent to the Minister of Public Building and Works and to the Corporation at the same time as that notice is sent to the commissioners.

(2) (a) If the bridge and the approaches are vested in the trust in accordance with subsection (1) of this section—

- (i) the Corporation shall not exercise the powers of the provisions of this Part of this Act referred to in paragraph (b) of this subsection, but those provisions shall be exercisable by the trust and shall have effect as if for references to the Corporation or the council there were substituted references to the trust;

PART II  
—cont.

- (ii) the bridge and the approaches shall be maintained by the trust:

Provided that the trust shall not be obliged to maintain any part of the bridge which they may resolve to take down and remove;

- (iii) the trust shall indemnify and hold harmless the Corporation from all claims, demands or expenses which may be made on or against them or which they may have to pay by reason or in consequence of the failure or want of repair of the bridge and the approaches or any part thereof:

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

- (b) The provisions of this Part of this Act hereinbefore referred to are—

Section 7 (Power to remove bridge);

Section 8 (As to removal of bridge), except subsections (2) and (3); and

Section 9 (Lights on works during removal).

As to  
capital fund  
of commis-  
sioners.

- 11.**—(1) If in pursuance of section 10 (Transfer of bridge and approaches to trust) of this Act, the bridge and the approaches are vested in the trust—

(a) there shall, on the day of transfer, be transferred to the trust from the moneys standing to the credit of the capital fund a sum of thirty-eight thousand, three hundred and sixty-eight pounds, or such other sum as may be agreed between the Corporation and the trust;

(b) the trust shall out of the said sum set aside an amount not exceeding eleven thousand, nine hundred and sixty-eight pounds, or such other amount as may be agreed between the Corporation and the trust as necessary for the carrying out of immediate repairs to the bridge;

(c) as from the day of transfer the remainder of the capital fund shall be applicable by the Corporation—

(i) in or towards the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act which by virtue of section 53 (Costs of Act) of this Act are payable by the Corporation;

(ii) in meeting the expenses incurred by the Corporation in pursuance of paragraph (2) of section 12 (Payment of certain expenses relating to the bridge) of this Act;

(iii) in meeting any debts, liabilities or obligations transferred to the Corporation under this Part of this Act;

(iv) for any purpose to which capital money may properly be applied.

(2) (a) If any moneys in the capital fund are transferred to the National Trust in pursuance of subsection (1) of this section, such moneys shall (after setting aside the amount referred to in paragraph (b) of that subsection) be invested in accordance with the powers of investment contained in section 4 of the National Trust Act, 1953, and if they are transferred to any other body c. vii. (except the Corporation), they shall (after setting aside the said amount) be invested in any securities in which trustees are for the time being authorised to invest trust funds.

(b) Any income arising from the investment of such moneys shall, unless the trust resolve to take down and remove the bridge, be applied in such manner as the trust think fit for the maintenance, repair, renewal and improvement of the bridge and approaches.

(3) If the trust resolve to take down and remove the bridge the trust may apply the moneys in the capital fund transferred to them in pursuance of this section in or towards the cost of such taking down and removal and any balance shall be paid to the Corporation.

(4) If the bridge and the approaches are not transferred to the trust the capital fund shall be applicable by the Corporation—

(a) for the purposes mentioned in paragraph (c) of subsection (1) of this section; and

(b) in or towards the maintenance, repair and renewal of the bridge works and lands; and

(c) if the council resolve to take down and remove the bridge, in or towards the cost of such taking down and removal and any costs paid by the Corporation in pursuance of paragraph (1) of section 12 (Payment of certain expenses relating to the bridge) of this Act.

(5) (a) Pending the application of the moneys in the capital fund, or any part thereof, transferred to the Corporation to any of the purposes authorised by this section, such moneys shall (unless applied in any other manner authorised by any enactment) be invested in any securities in which trustees are for the time being authorised to invest trust funds.

(b) Any income arising from the investment of the moneys in the capital fund transferred to the Corporation in manner provided

PART II  
—con.

by this subsection, and any income arising from the application of the fund by the Corporation for the purposes authorised, shall be carried to and form part of the general rate fund, and an amount equivalent to such income shall be credited to the capital fund.

(6) In this section “the capital fund” means the moneys standing to the credit of the capital fund formed by the commissioners under section 26 (Application of tolls) of the Act of 1878.

Payment of  
certain  
expenses  
relating to  
the bridge.  
c. xxxii.

## 12. The Corporation may pay—

- (1) the whole or part of the cost incurred by the Conway Valley Water Board in removing and relaying or replacing so much of the conduit or line of pipes (part of Work No. 2 sanctioned by the Conway and Colwyn Bay Joint Water Supply Board Act, 1908), as is laid in the approaches or as is constructed across the river and in removing the bridge carrying the same over the river;
- (2) reasonable expenses incurred by the Corporation on account of or in connection with—
  - (a) the reception or entertainment of persons on the occasion of the dissolution of the commissioners or the transfer of the bridge and the approaches to the trust; and
  - (b) the provision of a model of the bridge.

Savings.

13. Notwithstanding the foregoing provisions of this Part of this Act, the following provisions shall have effect, that is to say:—

- (1) If at the passing of this Act any action, arbitration or proceeding or any cause of action, arbitration or proceeding is pending or existing against or in favour of the commissioners, the same shall not abate or be discontinued or in any wise prejudicially affected by reason of such transfer, but the same may be continued, prosecuted and enforced by, against or in favour of the Corporation as and when it might have been continued, prosecuted and enforced by, against or in favour of the commissioners if this Act had not been passed:
- (2) All rents, charges, tolls and sums of money, in connection with the bridge undertaking, which have been lawfully made, charged or imposed, and which immediately before the passing of this Act are due to the commissioners, shall continue to be due and payable and may be collected, recovered or enforced by the Corporation

as and when the same might have been payable to and collected, recovered or enforced by the commissioners if this Act had not been passed:

PART II  
—cont.

- (3) All agreements, conveyances, contracts, deeds and other instruments entered into or made with or by the commissioners and in force on the passing of this Act (except the agreement entered into in July, 1954, between the commissioners and the Minister of Transport and referred to in the preamble to this Act) shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if, instead of the commissioners, the Corporation had been a party thereto:
- (4) All books and documents which, if the transfer had not been made, would have been evidence in respect of any matter for or against the commissioners, shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

### PART III

#### STREETS

14.—(1) No person shall mix or deposit mortar, cement, plaster or any like substance in any street in the borough maintainable at the public expense or in any street therein constructed under the powers in that behalf contained in the Housing Act, 1957, the Act of 1959 or the Act of 1962, or an enactment repealed by any of those Acts, or in any part of a private street being a part that drains into a gully, drain or sewer for the maintenance of which the Corporation are responsible, except upon such board or in such receptacle as will protect the street from such mortar, cement, plaster or substance and will prevent it from being washed into any gully, drain or sewer:

Mixing of  
mortar, etc.,  
in streets.

Provided that this section shall not apply to the mixing or depositing in any street of any substance for the purposes of making up, maintaining, reinstating, repairing, altering or improving such street or any bridge over or under the same.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding five pounds.

15.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall in any street in the borough or in any open space to which the public have access adjacent to any street in the borough—

Damage to  
trees, etc.,  
on streets and  
in open  
spaces.

(a) remove or cut any turf; or

PART III  
—cont.

(b) remove, cut or displace any tree, shrub or plant which has been planted for the purpose of improving amenities, or cut or pluck any bud, blossom, flower or leaf of any such tree, shrub or plant.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding five pounds and to the payment of such further amount as appears to the court reasonable compensation for any damage done by such contravention, which last-mentioned amount shall be paid to the person having control of the street or open space.

(3) In any proceedings under this section in respect of any matter referred to in paragraph (b) of subsection (1) of this section, it shall be a defence for the defendant to show that he did not know, and had no reason to know, that the tree, shrub or plant in question had been planted for the purpose of improving amenities.

(4) Nothing in this section shall apply to any open space vested in or under the control of, a local authority, a board of conservators or the National Trust, or to any land as respects which byelaws have been made under section 90 of the National Parks and Access to the Countryside Act, 1949.

c. 97.

Verges, etc.,  
of housing  
estates.

c. 56.

16.—(1) Where any grass verge, garden or space which has been provided by the Corporation in pursuance of the Housing Act, 1957, or by a housing association in pursuance of arrangements made with the Corporation under that Act, or any enactment repealed by that Act, is maintained in an ornamental condition or mown, the Corporation may by notice prohibit any person from—

(a) causing or permitting horses, cattle, motor vehicles or caravans to enter upon any such grass verge, garden or space; or

(b) entering upon any such garden.

(2) Any such notice as is referred to in the foregoing subsection shall be conspicuously posted on, or in proximity to, the grass verge, garden or space to which it relates.

(3) If any person (except in a case of emergency) contravenes a notice so posted, he shall be liable to a fine not exceeding forty shillings.

(4) Before exercising their powers under subsection (1) of this section in relation to any grass verge, garden or space provided by a housing association, the Corporation shall consult the association.

(5) The powers of this section shall not be exercisable in relation to any grass verge, garden or space which forms part of a highway maintainable at the public expense.

PART III  
—cont.

17.—(1) Subject to the provisions of this section, the Corporation shall have power, in any street vested in them, or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

Trees, grass  
verges and  
gardens.

(a) to plant trees or shrubs or place containers in which to grow trees or shrubs;

(b) to attach containers for plants to posts or standards provided by the Corporation or, with the consent of the owner thereof, to any other posts or standards or to any building adjacent to the street;

(c) to plant flowers and other vegetation on or between any pillars or walls provided by the Corporation;

(d) to lay out grass verges or gardens;

(e) to provide guards or fences, and otherwise do anything expedient, for the maintenance or protection of such trees, shrubs, containers, flowers, vegetation, grass verges or gardens;

(f) to cut down any such tree or shrub, to remove any such container, guard, fence, flowers or vegetation and to abolish any such grass verge or garden or enlarge or diminish the area thereof;

(g) by notice to prohibit persons from entering upon, or causing or permitting horses, cattle or vehicles to enter upon, any grass verge laid out under this section and maintained in an ornamental condition or mown, or any garden so laid out;

(h) by notice to prohibit the playing of any game on any such grass verge as aforesaid which is likely to cause damage thereto.

(2) Any such notice as is referred to in paragraphs (g) or (h) of the foregoing subsection shall be conspicuously posted on, or in proximity to, the grass verge or garden to which it relates.

(3) If any person (except in a case of emergency) contravenes a notice so posted in pursuance of the said paragraph (g), or if any person contravenes a notice so posted in pursuance of the said paragraph (h), he shall be liable to a fine not exceeding five pounds.

(4) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

PART III  
—cont.

c. 68.

(5) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section, and anything done by the Corporation under that section or under section 1 of the Roads Improvement Act, 1925, with respect to such highways or land before the passing of this Act shall be deemed to have been done under this section.

(6) Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

(7) The Corporation may exercise the powers conferred by this section in—

- (a) a street, being a trunk road with the consent of the Secretary of State;
- (b) a street, being a county road, with the consent of the county council of the administrative county of Caernarvon;

notwithstanding that the street is not vested in the Corporation.

(8) (a) Where the Corporation carry out works under any enactment relating to private street works, they may, with the consent of the owners of premises fronting, adjoining or abutting on the part of the street in which the works are carried out, exercise the powers conferred by this section in that part, and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

(b) The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

Temporary  
restriction or  
prohibition of  
traffic during  
execution  
of works.

18.—(1) Where the Corporation are satisfied—

- (a) that traffic on any street in the borough for the maintenance of which they are responsible should, by reason of any works being executed or proposed to be executed on or near the street, be restricted or prohibited; and
- (b) that it is desirable that such restriction or prohibition should come into force without delay and that for this reason it is not expedient to effect such restriction or prohibition by means of an order made under subsection (1) of section 36 of the Act of 1960;

they may by notice restrict or prohibit for any period not exceeding twenty-four hours the use of that street, or any part thereof, by vehicles, or by vehicles of any particular class or description, to such extent and subject to such conditions and exceptions as they may consider necessary:



Provided that the powers conferred on the Corporation by this section shall not be exercised—

PART III  
—cont.

- (i) with respect to any street or any part thereof on more than one occasion in any period of fourteen consecutive days; or
- (ii) with respect to any street upon which public service vehicles are authorised by a road service licence to operate unless the Corporation give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

(2) The provisions of subsections (3), (4), (5), (8), (9) and (10) of section 36 of the Act of 1960 shall extend and apply for the purposes of this section as if any notice issued by the Corporation under subsection (1) of this section had been issued under subsection (2) of that section.

(3) Notwithstanding the imposition of any restriction or prohibition on the use of any street under the powers of this section, any statutory undertakers shall be at liberty at all times to execute and do all such works and things in, upon or under such street as may be necessary for inspecting, repairing, maintaining, renewing or removing any apparatus of those undertakers which at the time of the imposition of such restriction or prohibition is in that street.

19. For the purpose of the execution of any works on or near a public footpath or bridleway in the borough, the Corporation may restrict or prohibit temporarily the use of that footpath or bridleway, or of any part thereof:

Temporary  
stoppage of  
footpaths  
and  
bridleways.

Provided that—

- (1) the Corporation shall not exercise the powers of this section so as to deprive persons bona fide going to or from any building or land of reasonable access to the building or land;
- (2) the exercise by the Corporation of the powers of this section in relation to any footpath or bridleway in the borough shall not prejudice or affect the right of the Postmaster General or any statutory undertakers—
  - (a) to maintain, inspect, repair, renew or remove any telegraphic line or apparatus belonging to, or used or maintained by, him or them, which may for the time being be under, in, upon, over, along or across that footpath or bridleway; or
  - (b) for the purpose of such maintenance, inspection, repair, renewal or removal, to enter upon or break open that footpath or bridleway.

PART III  
—cont.  
Provisions as  
to fairs in  
streets.

20.—(1) Of the fairs which may lawfully be held in the borough, the following shall, subject to the provisions of this section, be held on the following days in every year :—

(a) the Seed Fair on the 26th March or, in any year in which that day falls on—

(i) a Sunday (other than Easter Day), Easter Monday or Good Friday, on the 27th March;

(ii) Easter Day, on the 28th March;

(b) the Honey Fair on the 13th September or, in any year in which that day falls on a Sunday, on the 14th September.

(2) (a) The Corporation may from time to time by order made and submitted to the Secretary of State for confirmation by him—

(i) prescribe the streets or parts of streets in the borough in which any fair may be held; and

(ii) remove any fair from any of the streets or parts of streets and market places of the borough to any other street or part of a street or market place within the borough; and

(iii) remove any fair from any of the streets or parts of streets or market places of the borough to any land within the borough under the management and control of the Corporation notwithstanding that such land is held by the Corporation for a statutory purpose not connected with the holding of fairs.

(b) The provisions of Schedule 2 to this Act shall apply to the submission and confirmation of orders under paragraph (a) of this subsection.

#### PART IV

##### PARKS, MUNICIPAL PROPERTY, SEASHORE, ETC.

As to disposal  
of public  
walks and  
pleasure  
grounds.  
c. 55.

21. The powers of sections 163, 164 and 165 of the Act of 1933 may be exercised by the Corporation in respect of land for the time being held by them for the purposes of section 164 of the Public Health Act, 1875, notwithstanding that such land has been made available for free and unrestricted access by members of the public:

Provided that the Corporation shall not under the powers of this section appropriate, sell, lease or otherwise dispose of any land exceeding an area of 150 square yards without providing in exchange other land not being less in area and being equally suitable for the purposes of section 164 of the Public Health Act, 1875.

Golf courses

22.—(1) The Corporation may, upon their corporate land or upon land within or outside the borough acquired or appropriated after the passing of this Act for that purpose, provide a golf course, and for that purpose may provide such buildings, and execute such works, as may be necessary or expedient.

(2) References in the following provisions of this section to a golf course provided under this section shall include references to any buildings provided, or works executed, under the foregoing subsection, and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

(a) themselves manage a golf course provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or

(b) let it, or any part thereof, for such consideration, and on such terms and conditions, as they think fit.

(4) The Corporation may—

(a) at a golf course provided under this section, provide and sell refreshments of all kinds, subject to the provisions of all enactments relating thereto;

(b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;

(c) grant, upon such terms and conditions, and for such period, as they think fit, the right so to provide and sell refreshments;

(d) by themselves, or any person appointed by them in that behalf, apply for, and hold, licences for the sale of intoxicating liquor or tobacco at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses upon their corporate land or provided under this section, whether within or outside the borough, and the conduct of persons using them or resorting thereto.

23. No power conferred upon the Corporation by either of the foregoing sections of this Part of this Act shall be exercised in such a manner—

(a) as to be at variance with a trust subject to which land or a building is held, managed or controlled by the Corporation (except any trust for the benefit of the public arising by virtue of the fact that the land has been held and used for the purposes of section 164 of the Public Health Act, 1875), without an order of the High Court, or of the Charity Commissioners, or of the Minister of Education and Science, or, where the trust instrument reserves to the donor, or any other person, the power to vary the trust, without the consent of the donor or that other person; or

c. 55.

PART IV  
—cont.

(b) as to contravene a covenant or condition subject to which a gift or lease of land or a building has been accepted by, or granted to, the Corporation without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

Byelaws as to  
and  
management  
of corporate  
land.

24.—(1) The Corporation may, with reference to any corporate land for the time being belonging to the Corporation in or over which the public has or is from time to time granted or allowed access for the purpose of enjoyment or open air recreation, make byelaws for the regulation thereof and of the days and times of admission thereto, and for the preservation of order and prevention of nuisances therein, and may by such byelaws provide for the removal of any person infringing any byelaw by any authorised officer of the Corporation or police constable.

(2) For the avoidance of doubt, it is hereby declared (notwithstanding that the public has or may from time to time be granted or allowed access for the purpose of enjoyment or open air recreation in or over the said corporate land) that the Corporation have (and shall be deemed always to have had) the right from time to time to inclose such parts of the said corporate land and to exclude the public therefrom and to deal with the same in the manner in which municipal corporations are for the time being authorised to deal with corporate land.

(3) Nothing in this section shall authorise the Corporation, or be interpreted as indicating that the Corporation are already authorised, to obstruct, close or divert any right of way except in accordance with the powers conferred by any enactment.

(4) If the Corporation shall at any time inclose any such part of the said corporate land or exclude the public therefrom, any byelaws made by the Corporation under subsection (1) hereof shall thereupon cease to have effect in respect of the land so inclosed or from which the public has been so excluded.

(5) In this section the expression “authorised officer” has the same meaning as in section 343 of the Act of 1936.

Unauthorised  
structures on  
seashore.

25.—(1) No person shall without the consent of the Corporation, erect, provide, place or use any structure, or place any chair, on any part of the seashore belonging or let to them unless he is authorised to do so by or under an enactment:

Provided that nothing in this section shall prevent a person placing a chair or chairs on the seashore for his own personal use or that of his family.

(2) If any person erects, provides or places a structure or chair in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding five pounds, and, if after his conviction thereof the structure or chair remains on any such part of the seashore, he shall be liable to a fine not exceeding twenty shillings for each day on which it so remains.

(3) If any person uses a structure in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

(4) In this section “structure” means any shed, hut, shelter, tent, booth, stall, stand, shop or other erection or obstruction, whether on wheels or not.

26. As from the appointed day, section 94 of the Public Health Acts Amendment Act, 1907, shall, in its application to the borough, have effect as if the following subsection were substituted for subsection (3) thereof:—

Licensing of  
boatmen and  
pleasure boats.  
c. 53.

“ (3) No person shall—

(a) let for hire a pleasure boat or pleasure vessel not so licensed, or at any time during the suspension of the licence for the boat or vessel; or

(b) carry, or permit to be carried, passengers for hire in a pleasure boat or pleasure vessel unless the boat or vessel, and the boatman in charge thereof and the navigator, are so licensed, or at any time during the suspension of the licence for the boat or vessel or the boatman or navigator:

Provided that this subsection shall not be taken to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for profit.”

27.—(1) Subject to the provisions of subsection (2) of this section, the Corporation may—

Protection of  
seashore and  
adjoining  
land from  
pollution.

(a) cleanse the seashore within the borough and the adjoining land (including land below the level of mean low-water springs) by removing therefrom oil or any mixture containing oil or any other polluting, offensive or injurious substance which may have been deposited thereon by the action of any tidal or other waters; and

(b) for the purpose of preventing the pollution of the seashore within the borough and such adjoining land as aforesaid by any such substance as aforesaid, spray or

PART IV  
—cont.

cause to be sprayed with chemicals or other substances any tidal or other waters, and may do any other thing or take any other measure which in their opinion is likely to achieve that purpose.

(2) The Corporation shall not in exercise of the powers of subsection (1) of this section spray chemical substances or cause chemical substances to be sprayed except with the consent of the Minister of Agriculture, Fisheries and Food.

1888 c. 54.  
1923 c. 16.  
1945 c. 42.  
1955 c. 25.

(3) Nothing in this section or done thereunder shall prejudice or affect the operation of the Sea Fisheries Regulation Act, 1888, the Salmon and Freshwater Fisheries Act, 1923, the Water Act, 1945, the Rivers (Prevention of Pollution) Acts, 1951 to 1961, or the Oil in Navigable Waters Act, 1955, or any byelaws from time to time in force made under any of those Acts, or permit the doing of any act which would have been unlawful by virtue of the provisions of the said Acts or of any such byelaw if this section had not been enacted.

(4) The powers conferred on the Corporation by this section shall not be exercised on land held or used by the British Railways Board for the purposes of their railways without their consent, but in such case consent shall not be unreasonably withheld, and any question whether it is unreasonably withheld shall be determined by the Minister of Transport.

(5) In this section “oil” has the same meaning as in the Oil in Navigable Waters Act, 1955.

## PART V

## FINANCE

Power to  
borrow.

28.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, such sums as may be necessary for paying the costs, charges and expenses of this Act;

and, subject to the provisions of this section, Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(2) The Corporation shall repay sums borrowed under paragraph (b) of the foregoing subsection within five years from the date of borrowing.

(3) It shall not be lawful to exercise the powers of borrowing conferred by paragraph (a) of subsection (1) of this section,

except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

PART V  
—cont.

c. 58.

29.—(1) The Corporation may close any transfer books or registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days, or any shorter consecutive period, next before the date on which interest on the authorised securities to which such transfer book or register relates is payable. Closing of registers.

(2) The persons who, on the date on which the transfer book or register is closed, are entered therein as holders of any security of the class to which such transfer book or register relates, shall be entitled to the interest next payable thereon.

30.—(1) The Corporation may give notice to the registered holder of an authorised security that they intend to send interest or dividends on the security to him by post if he does not object, and unless the registered holder within fourteen days from the date of receipt of the notice notifies the Corporation that he objects, the Corporation may from time to time send orders for the payment of interest and dividend warrants to him by post at the address in the register. Interest and dividends by post.

(2) If the registered holder of an authorised security notifies the Corporation that he wishes interest or dividends on the security to be sent to another person at an address specified in the notice, the Corporation may from time to time send orders for the payment of interest or dividend warrants to that person by post at that address.

(3) For the purposes of this section, the Corporation may treat as the registered holder of an authorised security that one of the joint holders of the security who is first named in the register or such other of them as they may in writing direct.

(4) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall discharge the Corporation from any obligation to deliver the order or warrant to the holder of the security.

(5) An order or warrant sent by post in pursuance of this section shall be deemed a cheque, and the Corporation shall in relation thereto be deemed a banker within the meaning of the Bills of Exchange Act, 1882. c. 61.

(6) In this section “authorised security” means any mortgage or bond or other security that the Corporation are for the time being authorised to grant or issue but does not include stock.

PART V  
—cont.

## Reserve funds.

31.—(1) (a) The Corporation may (if they think fit) provide a reserve fund in respect of their Morfa Camp undertaking and any other undertaking, department or service of the Corporation from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in any securities in which trustees are from time to time authorised to invest trust funds until the fund so provided amounts to the maximum for the time being prescribed by the Corporation.

(b) Any income arising from the investment of the moneys in the reserve fund in manner provided by this subsection shall be carried to and form part of the general rate fund and an amount equivalent to such income shall be credited to the reserve fund.

(2) The reserve fund provided under this section may, in respect of the undertaking, department or service to which it relates, be applied—

- (a) in making good any deficiency at any time happening in the income of the Corporation from the undertaking, department or service; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking, department or service; or
- (c) in or towards the payment of the cost of providing, renewing, improving or extending any works, buildings, machinery, vehicles, plant or conveniences, and equipment and appliances in connection therewith, office machinery, furniture, fittings and appliances forming part of the undertaking, department or service or otherwise for the benefit thereof;

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

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

(4) If and when the Corporation establish a reserve fund under this section in respect of any such undertaking, department or service as aforesaid, any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the Corporation in respect of that undertaking, department or service



and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking, department or service.

PART V  
— cont.

(5) In the event of any undertaking, department or service of the Corporation in respect of which a reserve fund has been established under this section ceasing the said fund shall be applied in or toward the extinguishment of any loan raised by the Corporation under any enactment or for any other purpose to which capital money may properly be applied.

32.—(1) The Corporation may make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged, and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loan all or any of the provisions of this Act, and the Act of 1933, in regard to the borrowing and repayment of money, with or without modification, and may make provision in regard to all matters incidental to the objects aforesaid.

Scheme for  
equated  
periods.

(2) Any scheme made by the Corporation under this section shall have no force or effect until confirmed by the Minister of Housing and Local Government, who may confirm the same, with or without modifications, and when so confirmed the scheme shall, notwithstanding any enactment, order or sanction to the contrary, have full force and effect.

(3) Nothing in any scheme made under this section shall prejudice or affect the security, rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds existing at that time, except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the said Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the said Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this section may be altered, extended, amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

PART V  
—cont.

(6) In this section the expression “statutory borrowing power” means any power, whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity, rentcharge, rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment, but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933.

Receipt in  
case of  
minors.

33. If any money is payable by the Corporation to any employee (other than wages or salary) or creditor or the holder of any authorised security and the person entitled to such payment is a minor, the receipt of the guardian shall be a sufficient discharge to the Corporation.

Expenses of  
investment  
of super-  
annuation  
fund.

34. All costs, charges and expenses incurred by the Corporation in investing moneys forming part of the superannuation fund maintained by them, or otherwise in relation thereto, shall be paid by the Corporation out of that fund.

Exclusion of  
certain  
remuneration  
and service for  
super-  
annuation  
purposes.

35.—(1) This section applies to employees who are contributory employees for the purposes of the Local Government Superannuation Acts, 1937 to 1953 and who are employed whole-time by the Corporation, a local authority or any voluntary organisation, undertakers or other body approved by the Minister of Housing and Local Government, and who participate in the benefits of the superannuation fund maintained by the Corporation.

(2) The salary, wages, fees and other payments paid or made to an employee to whom this subsection applies in respect of any part-time employment (not being employment the duties of which may be performed during the hours which such employee is normally required to devote to his ordinary whole-time employment) by the Corporation or any other authority or body, the employees of which participate in the benefits of the superannuation fund maintained by the Corporation, in any capacity for the performance of duties which are not duties which he may be called upon to perform in his ordinary whole-time employment shall not be remuneration within the meaning of the Local Government Superannuation Acts, 1937 to 1953, or of any other enactment affecting the superannuation fund maintained by the Corporation under those Acts, and the service of any such contributory employee in any such part-time employment shall not be reckoned as service for any of the purposes of those Acts.

(3) In this section, unless the subject or context otherwise requires, words and expressions to which meanings are assigned in the Local Government Superannuation Acts, 1937 to 1953, have the same respective meanings.

PART V  
—cont.

36. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, where it is agreed between the Corporation and a person at any time entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage, or to alter the rate of interest payable by the Corporation on the principal moneys so secured and not repaid, or both to extend such time and to alter such rate of interest, effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body, by the duly authorised representative of that body) and of the town clerk or his duly authorised representative, endorsed on the deed by which such mortgage was originally granted, and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall, as from the date specified in such endorsement, operate and take effect accordingly.

Modification  
of mortgages  
by endorse-  
ment under  
hand.

## PART VI

### MISCELLANEOUS

37.—(1) Notwithstanding anything contained in paragraph 3 of Part V of Schedule 3 to the Act of 1933, or in any other enactment or rule of law to the contrary, the minutes of the proceedings or meetings of the council, or of any committee or sub-committee thereof, may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same meeting or the next ensuing meeting of the council, or as the case may be, at the same or any subsequent meeting of the committee or sub-committee by the person presiding thereat:

As to  
minutes of  
council  
meetings, etc.

Provided that if a meeting of the council is held not later than ten days after a previous meeting of the council, the minutes of that previous meeting may be signed and each leaf comprising those minutes initialled at the next but one ensuing meeting of the council.

(2) Any minutes purporting to be signed as provided by subsection (1) of this section shall be received in evidence without further proof.

PART VI  
—cont.Information  
centres.  
c. 26.Notice of  
variation of  
rent, etc.

38. The powers of the Corporation under section 134 of the Local Government Act, 1948, shall extend to any information concerning the borough and its neighbourhood.

39. The rent for the time being recoverable by the Corporation under a tenancy of any premises forming part of any housing accommodation belonging to the Corporation may be increased or reduced, or the terms and conditions of that tenancy may be varied, amended or added to, by the service by the Corporation on the tenant of a notice specifying the amount of the increase or reduction of rent, or the variation or amendment of or addition to the terms and conditions, whether or not such notice is accompanied by a notice to quit, but such increase, reduction, variation, amendment or addition shall not take effect until such date as may be specified in the notice not being earlier than—

- (1) four weeks after the service thereof; or
- (2) the date on which, if this section had not been enacted, the tenancy could have been terminated by serving a notice to quit on the date of the service of the notice under this section;

whichever shall be the later:

Provided that if before the date specified in the notice the tenant upon whom such notice has been served serves a counter-notice upon the Corporation requiring them to treat the notice as a notice to quit, the notice shall be deemed to be a notice to quit the premises on that date.

False  
statements to  
obtain rent  
rebates, etc.

40.—(1) If a person, for the purposes of obtaining for himself or another person—

- (a) the tenancy or occupation of a house belonging to, or at the disposal of, the Corporation; or
- (b) a grant, loan, allowance or other payment by, or on behalf of, the Corporation; or
- (c) a reduction of a rent, rate, charge or other payment due, or to become due, to the Corporation;

knowingly or recklessly makes, or permits to be made, to the Corporation or to any committee of the council or member of the council or employee of the Corporation, a statement which is false in a material particular about his, or that other person's, needs or means, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and term of imprisonment.

(2) Where the making of a false statement for any of the purposes aforesaid is an offence under any enactment other than the Perjury Act, 1911, it shall not be an offence under this section.

(3) The court by which a person is convicted of an offence under this section may, by the conviction, adjudge him—

PART VI  
—cont.

- (a) to repay to the Corporation a sum not exceeding the amount of the grant, allowance or other payment, not being a loan, obtained by means of the false statement;
- (b) to pay to the Corporation a sum not exceeding the difference between any reduced payment accepted by the Corporation in faith of the false statement and the payment which the Corporation would otherwise have accepted.

41.—(1) If a vehicle is left in the borough elsewhere than on a road or in an off-street parking-place provided under section 81 of the Act of 1960, the Corporation may, with the consent of the occupier of the land on which the vehicle is left and after giving not less than seven days' notice to the owner of the vehicle, cause it to be removed: Removal of vehicles.

Provided that where the vehicle appears to the Corporation to be abandoned—

- (a) the Corporation may cause it to be removed without the consent of the occupier of the land if they are unable after reasonable inquiry to ascertain his name and address; and
- (b) the Corporation may cause the vehicle to be removed without notice to the owner thereof if they are unable after reasonable inquiry to ascertain his name and address.

(2) The provisions of any regulations for the time being in force under section 43 of the Act of 1960 (which relates to the removal of vehicles from roads) about the method of removing vehicles and their loads and arrangements for the safe custody of vehicles and their loads shall apply to vehicles removed under this section.

(3) Section 15 of the Road Traffic and Roads Improvement Act, 1960 (which relates to charges for the removal and storage of vehicles), and any order for the time being in force under that section shall apply to a vehicle removed under this section as if it had been removed from a road in pursuance of regulations under section 43 of the Act of 1960. c. 63.

(4) For the purpose of the said section 15 and any such order as applied by the last preceding subsection, "the appropriate authority" means the Corporation, and any reference in regulations under section 43 of the Act of 1960 to a charge to payment of which the Corporation are entitled under the said section 15 shall be construed accordingly.

PART VI  
—cont.

(5) If it appears to the Corporation that a vehicle removed under this section has been abandoned, the Corporation may sell or otherwise dispose of it subject to compliance with such regulations as are for the time being in force under section 43 of the Act of 1960 relating to the disposal of vehicles abandoned on roads; and the provisions of any regulations for the time being in force under that section relating to the proceeds of the sale of vehicles abandoned on roads and to the recoupment of costs incurred in connection with the disposal of such vehicles shall, with the necessary modifications, apply to the sale and disposal of vehicles under this subsection.

(6) In this section “owner” in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement means the person in possession of the vehicle under that agreement, and “road” means a highway or other road to which the public has access and includes any bridge over which the road may pass.

Removal of  
furniture, etc.,  
from land  
adjoining  
streets.

42.—(1) Where it appears to the Corporation that any furniture, articles, goods or materials have been placed or dropped (whether accidentally or otherwise) in or upon any verge of a street or roadside waste or open space adjoining any street in the borough (not being in any such case part of a highway) and that they have remained there for more than seven days, the Corporation may remove and store any such furniture, articles, goods or materials and shall not be liable for any loss or damage caused by such removal or storage.

(2) If the Corporation remove any furniture, articles, goods or materials under the powers of this section—

- (a) they shall, if and as soon as it is reasonably practicable to do so, notify the person whom they believe to be the owner thereof; and
- (b) the furniture, articles, goods or materials shall be deemed to be materials within the meaning of section 276 of the Act of 1936, but the Corporation shall not exercise any power to sell any such furniture, articles, goods or materials, whether under that section or otherwise, until after the expiration of twenty-eight days from the date of such notification or six months from the day on which they removed the furniture, articles, goods or materials, whichever shall first occur.

Touting,  
hawking, etc.

43.—(1) As from the appointed day no person shall at any place in the borough to which this section applies—

- (a) importune any person by touting for a hotel, lodging-house or refreshment house, for a shop, for a theatre, garden, pier or place of amusement, or for a boat, hackney carriage or public service vehicle; or

(b) without the consent of the Corporation, which may be given on such terms and conditions as they think fit—

PART VI  
—cont.

(i) hawk, sell or offer for sale any article or commodity; or

(ii) take a photograph by way of trade or business of any person except as mentioned in subsection (6) of this section.

(2) The prohibition imposed by paragraph (a) of subsection (1) of this section shall not apply to touting for a boat on the seashore by or on behalf of the owner thereof and which is not to the annoyance of any person or a nuisance.

(3) The Corporation shall not withhold their consent under paragraph (b) of subsection (1) of this section to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons.

(4) (a) The prohibition imposed by sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to a sale or offering for sale to persons residing in, or employed at, premises in or adjoining a place to which this section applies.

(b) For the purposes of this subsection the expression “premises” shall not include any camping place to which this subsection applies by virtue of byelaws made by the Corporation under this section.

(5) The prohibition imposed by sub-paragraph (i) of paragraph (b) of subsection (1) of this section shall not apply to a sale or offering for sale—

(a) of fish from the quay on being landed thereon from a fishing boat; or

(b) of a boat or any equipment thereof if the boat or equipment is sold or offered for sale by or on behalf of the owner or, in the case of a boat, by or on behalf of the master and the transaction is not in the course of the carrying on by the owner or master (as the case may be) of a business which consists wholly or mainly of the buying and selling of boats and their equipment, or of either of those articles.

(6) The prohibition imposed by sub-paragraph (ii) of paragraph (b) of subsection (1) of this section shall not apply to the taking of a photograph for the purpose of making it available for publication in a newspaper or periodical if the photographer is employed as such by or on behalf of the owner or publisher

PART VI  
—cont.

of a newspaper or periodical, or carries on a business which consists in, or includes, selling or supplying photographs for such publication.

(7) This section applies to any place—

c. 25.

(a) in or on an esplanade, parade, promenade, marine drive or public walk;

(b) in a park, pleasure ground or open space within the meaning of the Open Spaces Act, 1906, which is provided by the Corporation or under their management and control;

(c) on the seashore;

(d) in any street or part of a street to which this section applies by virtue of byelaws made by the Corporation under this section.

(8) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (b) of subsection (1) of this section, or by any terms or conditions attached to a consent given by the Corporation thereunder, may appeal to a magistrates' court.

(9) If any person contravenes any of the foregoing provisions of this section, or any term or condition upon which any consent is given thereunder, he shall be liable to a fine not exceeding ten pounds.

(10) The provisions of this section shall not prevent the owner of any part of the seashore, or any person with his consent, exercising any rights which he could have exercised if this section had not been enacted.

(11) In this section the expression "seashore" shall not have the extended meaning given by subsection (2) of section 3 (Interpretation) of this Act.

Hairdressers  
and barbers.

44.—(1) As from the appointed day a person shall not carry on the business of a hairdresser or barber in the borough on premises occupied by him unless he is registered by the Corporation under this section and the premises are so registered.

(2) On application in that behalf made to the Corporation by any person for the registration of the applicant or of any premises, and, if the application relates to premises, on his furnishing them with particulars of the premises, the Corporation shall register the applicant or the premises and issue to the applicant a certificate of registration.

(3) If any person carries on business in contravention of subsection (1) of this section, he shall be liable to a fine not exceeding ten pounds and a daily fine not exceeding forty shillings.



(4) The occupier of premises registered under this section shall keep a copy of the certificate of registration and of the byelaws made by the Corporation under section 77 of the Public Health Act, 1961, displayed in the premises, and, if he fails to do so, he shall be liable to a fine not exceeding forty shillings and a daily fine not exceeding ten shillings.

PART VI  
—cont.

c. 64.

(5) Where an offence punishable under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence.

## PART VII

### GENERAL

45. As respects byelaws made under this Act, the confirming authority, for the purpose of section 250 of the Act of 1933, shall be the Secretary of State.

Confirming  
authority for  
byelaws.

46.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

Local  
inquiries.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act, as well as the Ministers therein mentioned.

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

c. 31.

47.—(1) In this Act, “the appointed day” means such day as may be fixed by resolution of the council, subject to and in accordance with the provisions of this section.

The appointed  
day.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough, notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

PART VII  
—cont.

(b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

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

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

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

Restriction on  
right to  
prosecute.

48. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation.

## Appeals.

49.—(1) Section 300 of the Act of 1936, shall apply to appeals to a magistrates' court under this Act; and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement, refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

(a) involves the execution of any work or the taking of any action; or

(b) makes it unlawful for any person to carry on a business which he was lawfully carrying on up to the time of the requirement, refusal or decision;

then, until the time for appealing has expired or, when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work, or take the action, nor shall the Corporation themselves execute the work or take the action; and

(ii) that person may carry on that business.

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

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

**51.** For the protection of the board the following provisions shall, notwithstanding the provisions of subsection (4) of section 8 (As to removal of bridge) of this Act, and unless otherwise agreed in writing between the Corporation and the board, apply and have effect:—

PART VII  
—cont.

For protection  
of Conway  
Valley Water  
Board.

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

“apparatus” means mains, pipes or other apparatus belonging to or maintained by the board and includes any works for the lodging therein of apparatus;

“the board” means the Conway Valley Water Board;

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

“position” includes depth:

- (2) Notwithstanding anything in this Act or shown on the signed plan, no apparatus shall be vested in the Corporation or the Secretary of State by the provisions of this Act:
- (3) Nothing in this Act or shown on the signed plan shall affect the right of the board from time to time to enlarge or replace the existing apparatus in the lands forming the approaches without the payment of additional compensation, except such compensation as may be related to the reinstatement of the surface of the land:
- (4) The Corporation or the owner or owners for the time being of the lands forming the approaches shall not construct any building over any apparatus in the said lands without the consent in writing of the board, which shall not be unreasonably withheld:
- (5) If in consequence of the exercise by the Corporation or by the trust of the powers of Part II (Conway Bridge) of this Act, the access to any apparatus of the board is materially obstructed, the Corporation or the trust (as the case may be) shall, if and so far as reasonably practicable, provide an alternative means of access to such apparatus:
- (6) The provisions of Part II of Schedule 12 to the Act of 1959 shall apply in relation to the approaches to the same extent as if the approaches had been stopped up pursuant to an order made under section 108 of the Act of 1959 on the application of the Corporation:

PART VII  
—cont.

Provided that, for the purposes of the application of the said provisions, paragraph 5 of the said schedule shall have effect as if the words “may, and,” were omitted:

- (7) (a) Nothing in section 16 (Verges, etc., of housing estates) or section 17 (Trees, grass verges and gardens) of this Act shall affect the rights of the board with respect to apparatus (including the placing of apparatus) in any grass verge, garden or space:

Provided that in exercising such rights the board shall not cause or permit, except in case of necessity, vehicles to enter upon any such verge or space which is maintained in an ornamental condition or mown or any garden;

- (b) Nothing in the said section 16 or the said section 17 shall relieve the Corporation, or any person acting by the requirement or with the consent of the Corporation, from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections, and the said powers shall be exercised so as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any apparatus:
- (8) (a) Any difference which may arise between the Corporation or the trust and the board under this section (other than a difference as to the meaning or construction of this section shall be determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed on the application of either party (after notice in writing to the other party) by the President of the Institution of Civil Engineers;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the board may be under in respect of any apparatus and may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of the apparatus.

Application of  
general  
enactments.

52.—(1) The sections of the Act of 1936 mentioned in Part I of Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act except Part III (Streets).

(2) The sections of the said Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to Part IV (Parks, municipal property, seashore, etc.) of this Act.

(3) The sections of the Act of 1959 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included references to the following provisions of this Act:—

PART VII  
—cont.

Section 14 (Mixing of mortar, etc., in streets);

Section 15 (Damage to trees, etc., on streets and in open spaces);

Section 16 (Verges, etc., of housing estates);

Section 17 (Trees, grass verges and gardens);

Section 19 (Temporary stoppage of footpaths and bridleways).

53. All the costs, charges and expenses preliminary to and of Costs of Act. and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.

## SCHEDULES

Section 10.

## SCHEDULE 1

## FORM OF NOTICE TO THE COMMISSIONERS

## CONWAY CORPORATION ACT, 1965

## SECTION 10

To the Conway Bridge Commissioners:

Take notice that in pursuance of subsection (1) of section 10 (Transfer of bridge and approaches to trust) of the above-mentioned Act the

.....  
desire the bridge and the approaches as defined in the said Act to vest in them.

Dated this            day of            , 196 .

## SCHEDULE 2

Section 20

## PROCEDURE FOR SUBMISSION FOR CONFIRMATION OF ORDERS UNDER SECTION 20 OF THIS ACT

1. Before submitting an order to which this schedule applies to the Secretary of State for confirmation, the Corporation shall publish once at least in each of two successive weeks in a local newspaper circulating in the borough and once in the London Gazette a notice—

- (a) stating the general effect of the order;
- (b) specifying a place in the borough where a copy of the order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;
- (c) stating that the order is about to be submitted to the Secretary of State for confirmation and that any person within the said period of twenty-eight days may by notice to the Secretary of State object to the confirmation of the order.

2. Not later than the date on which the said notice is first published, the Corporation shall serve a copy thereof and a copy of the order on the county council of the administrative county of Caernarvon.

3. The Corporation shall at the request of any person interested, furnish him with a copy of the order upon payment of such charge not exceeding one shilling as they think reasonable.

SCH. 2  
—cont.

4. If no objection is duly made or if all objections so made are withdrawn, then the Secretary of State may, if he thinks fit, confirm the order with or without modification, but in any other case, unless it appears to him that the objection is of a trivial nature, he shall, before confirming the order, cause a public inquiry to be held and shall consider any objection not withdrawn and the report of any person who held the inquiry and may then confirm the order, with or without modification.

5. As soon as may be after an order to which this schedule applies has been confirmed by the Secretary of State, the Corporation shall publish in a local newspaper circulating in the borough a notice stating that the order has been confirmed and naming the place where a copy of the order may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Secretary of State of his objection to the confirmation of the order, appeared at the public inquiry in support of his objection.

6. Either—

(a) a copy of a newspaper containing a notice published in pursuance of this schedule; or

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

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

7. An order to which this schedule applies shall come into operation upon but not until such date as may be specified in the order.

### SCHEDULE 3

#### GENERAL ENACTMENTS APPLIED

#### PART I

Section 52.

#### SECTIONS OF ACT OF 1936 APPLIED TO THIS ACT OTHER THAN PART III

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

SCH. 3  
—cont.

## PART II

## SECTIONS OF ACT OF 1936 APPLIED TO PART IV OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
287	Power to enter premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
293	Recovery of expenses, &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint, &c.
329	Saving for certain provisions of the Land Charges Act, 1925.

c. 22.

## PART III

## SECTIONS OF ACT OF 1959 APPLIED TO SECTIONS 14, 15, 16, 17 AND 19 OF THIS ACT

Section	Marginal note
269	Summary proceedings for offences.
273	Notice to be given of right of appeal.
274	Appeals and applications to magistrates' courts.
275	Appeals to quarter sessions from decisions of magistrates' courts.
277	Effect of decision of court upon an appeal.
278	Judges and justices not to be disqualified by liability to rates.
280	Notices, etc., to be in writing; forms of certain documents.
281	Authentication of documents, etc.
282	Service of notices, etc.
283	Reckoning of periods.

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# Conway Corporation Act 1965

## CHAPTER xxxv

### ARRANGEMENT OF SECTIONS

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##### PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

#### PART II

##### CONWAY BRIDGE

4. Transfer of bridge undertaking and dissolution of commissioners.
5. Retention and disposal of bridge works and lands.
6. Proceeds of disposal of bridge works and lands.
7. Power to remove bridge.
8. As to removal of bridge.
9. Lights on works during removal.
10. Transfer of bridge and approaches to trust.
11. As to capital fund of commissioners.
12. Payment of certain expenses relating to the bridge.
13. Savings.

## PART III

## STREETS

## Section

14. Mixing of mortar, etc., in streets.
15. Damage to trees, etc., on streets and in open spaces.
16. Verges, etc., of housing estates.
17. Trees, grass verges and gardens.
18. Temporary restriction or prohibition of traffic during execution of works.
19. Temporary stoppage of footpaths and bridleways.
20. Provisions as to fairs in streets.

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## PARKS, MUNICIPAL PROPERTY, SEASHORE, ETC.

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25. Unauthorised structures on seashore.
26. Licensing of boatmen and pleasure boats.
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Section

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- 46. Local inquiries.
- 47. The appointed day.
- 48. Restriction on right to prosecute.
- 49. Appeals.
- 50. Protection of members and officers of Corporation from personal liability.
- 51. For protection of Conway Valley Water Board.
- 52. Application of general enactments.
- 53. Costs of Act.

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Schedule 2—Procedure for submission for confirmation of orders under section 20 of this Act.

Schedule 3—General enactments applied—

Part I—Sections of Act of 1936 applied to this Act other than Part III.

Part II—Sections of Act of 1936 applied to Part IV of this Act.

Part III—Sections of Act of 1959 applied to sections 14, 15, 16, 17 and 19 of this Act.