



CHAPTER 1

An Act to provide for the closing of the Oystermouth railway and the Mumbles railway the dissolution of the Swansea and Mumbles Railways Limited and the Mumbles Railway and Pier Company to confer further powers upon the South Wales Transport Company Limited and for other purposes.

[29th July 1959.]

WHEREAS the Oystermouth railway the Mumbles railway and the Mumbles pier pier-head and works were constructed and are operated under the authority of the Acts set out in the First Schedule to this Act:

And whereas the Oystermouth railway and the Mumbles railway Mumbles pier pier-head and works as at present existing are subject as hereinafter mentioned now owned by the Swansea and Mumbles Railways Limited (hereinafter called "the Swansea Company") and the Mumbles Railway and Pier Company (hereinafter called "the Mumbles Company") respectively:

And whereas by an agreement dated the thirtieth day of June eighteen hundred and ninety-nine made between the Swansea Company the Mumbles Company and the Swansea Improvement and Tramways Company (hereinafter called "the tramways company") provision was made for the grant to the tramways company of a lease of—

- (1) the Oystermouth railway and certain property belonging to the Swansea Company; and
- (2) the Mumbles railway and the Mumbles pier pier-head and works and the stations refreshment rooms buildings lands and works of the Mumbles Company belonging to or connected with the undertaking of such railway pier pier-head and works; and

- (3) all rights powers privileges and authorities exercisable by the Swansea Company and the Mumbles Company or either of them in relation to their respective undertakings;

from the first day of July eighteen hundred and ninety-nine for the respective terms therein specified:

And whereas the said agreement was confirmed by the Oystermouth Railway and Tramway Act 1899 and in pursuance of the agreement a lease was duly granted to the tramways company on the sixteenth day of December eighteen hundred and ninety-nine (hereinafter referred to as "the railways lease"):

And whereas under and by virtue of—

- (1) the railways lease;
- (2) an assignment made on the seventeenth day of September nineteen hundred and twenty-nine between the tramways company and the South Wales Transport Company Limited (hereinafter referred to as "the Transport Company") whereby the hereditaments and premises comprised in and demised by the railways lease were with the consent of the Swansea Company and the Mumbles Company assigned to the Transport Company by the tramways company for the respective residues then unexpired of the terms granted by the railways lease; and
- (3) section 44 of the Swansea and District Transport Act 1936 which ratified and confirmed the said assignment;

the Oystermouth railway undertaking and the Mumbles railway and pier undertaking became and are now vested in the Transport Company for the unexpired residues of the said terms:

And whereas the issued share capital of the Swansea Company consists of five thousand ordinary shares of eight pounds each seven thousand five hundred and fifty preference shares of ten pounds each and the Swansea Company has issued thirty thousand pounds of debenture stock now outstanding and entitled to interest at the rate of four per centum per annum and the issued share capital of the Mumbles Company consists of five thousand two hundred and forty-two ordinary shares of ten pounds each and two thousand four hundred and ninety preference shares of ten pounds each:

And whereas not less than eighty-five per centum of each class of the issued shares and of the debenture stock of the Swansea Company and of each class of the issued shares of the Mumbles Company are held by or on behalf of the Transport Company:

And whereas it is expedient that the Swansea Company and the Mumbles Company should be dissolved:

And whereas the requirements for passenger transport within the area at present served by the Oystermouth railway and the

Mumbles railway would be met more efficiently and economically by services of public service vehicles co-ordinated with other services of the Transport Company:

And whereas it is expedient that the Transport Company should be authorised to discontinue the operation of the Oystermouth railway and the Mumbles railway and to remove the railways and the materials thereof and the works relating to the railways as in this Act provided:

And whereas it is expedient to make such other provision as in this Act contained:

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

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:—

1.—(1) This Act may be cited as the South Wales Transport Act 1959. Short and collective titles.

(2) The Act of 1889 and the Mumbles Pier Act 1939 and this Act may be cited together as the South Wales Transport Acts 1889 to 1959.

2. In this Act unless the subject or context otherwise requires— Definitions.

“ the Act of 1804 ” means an Act of the forty-fourth year of the reign of King George the Third intituled “ An Act for making and maintaining a Railway or Tramroad from the Town of Swansea into the Parish of Oystermouth in the County of Glamorgan ”;

“ the Act of 1889 ” “ the Act of 1892 ” “ the Act of 1897 ” and “ the Act of 1898 ” mean the Mumbles Railway and Pier Acts of those respective years;

“ the Act of 1939 ” means the Mumbles Pier Act 1939;

“ the commission ” means the British Transport Commission;

“ the corporation ” means the mayor altermen and burgesses of the county borough of Swansea;

“ the day of discontinuance ” means the day upon which the Transport Company cease to operate the railways in pursuance of the provisions of section 12 (Power to cease operation of the railways) of this Act;

“ the day of dissolution ” means such day not later than six calendar months after the passing of this Act as the Transport Company shall by resolution of the directors determine;

“ enactment ” means any Act of Parliament whether public general local or private any order made under an Act

of Parliament or any provision in an Act of Parliament or any such order;

“highway” includes any road lane footway or passage whether a thoroughfare or not;

“highway authority” means in relation to any highway the authority or person by whom the highway is maintained;

“the Minister” means the Minister of Transport and Civil Aviation;

“the Mumbles Company” means the Mumbles Railway and Pier Company;

“the pier” means the pier pier-head and works connected therewith constructed in pursuance of the powers conferred by the Act of 1889 the Act of 1892 the Act of 1897 and the Act of 1939;

“the railways” means—

(a) the Mumbles railways constructed in pursuance of the powers conferred by the Act of 1889 the Act of 1892 the Act of 1897 and the Act of 1898; and

(b) the Oystermouth railway or tramroad and the branch railway or tramroad (known as “the Clyne Valley Branch Railway”) purported to have been constructed in pursuance of the powers conferred by the Act of 1804;

including all stations land buildings works and conveniences belonging to the said railways tramroad and branch railway as they exist on the day of dissolution;

“shares” includes shares in the capital of the Swansea Company and shares in the capital of the Mumbles Company;

“the Somerset Trustees” means The Most Honourable George Francis Hugh Marquess of Cambridge Sir Peter Walter Farquhar Bart. and Gerald Arthur Whately or other the trustees for the time being of a compound settlement consisting of the will of the ninth Duke of Beaufort and a transaction referred to in an Order dated the twenty-eighth day of November nineteen hundred and fifty-six by Mr. Justice Upjohn in the Chancery Division of the High Court of Justice;

“stock” means debenture stock issued by the Swansea Company;

“the Swansea Company” means the Swansea and Mumbles Railways Limited;

“the traffic commissioners” means the traffic commissioners appointed pursuant to Part IV of the Road Traffic Act 1930;

“the Transport Company” means the South Wales Transport Company Limited;

“ the undertakings ” means the whole of the undertaking of the Swansea Company and the whole of the undertaking of the Mumbles Company including the railways the pier and all real and personal property choses in action rights powers easements and privileges belonging to or enjoyed by the Swansea Company and the Mumbles Company immediately before the day of dissolution.

3.—(1) On the day of dissolution the Swansea Company and the Mumbles Company shall by virtue of this Act be dissolved and the undertakings as then existing shall be transferred to and shall vest in the Transport Company by virtue of this Act without payment therefor.

Dissolution of Swansea Company and Mumbles Company and vesting of undertakings in Transport Company.

(2) (a) The Transport Company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the day of dissolution the Transport Company shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds for every day after the expiration of the said three months during which the default continues.

(b) Where an offence under paragraph (a) of this subsection is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of a director or the manager of the Transport Company he as well as the Transport Company shall be guilty of an offence and shall be liable on summary conviction to a like fine.

(3) There shall be paid to the registrar by the Transport Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1948 on registration of any document other than a memorandum of association or the abstract required to be delivered to the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up in England.

4.—(1) Within three months after the day of dissolution the Transport Company shall pay to every person (other than themselves and any person holding shares or stock for or in trust for them) who on the day of dissolution was the holder of shares or stock such sum of cash as shall be certified by an auditor appointed by the President of the Institute of Chartered Accountants in England and Wales to be the fair value of such shares or stock on that day after allowing for any dividend or interest which shall have accrued thereon up to that day.

Payments to certain shareholders and stockholders.

(2) If any sum of cash required to be paid by the Transport Company to any person under subsection (1) of this section shall not be paid within the said period of three months it shall carry interest at the rate of five per centum per annum from the expiration of that period until the date of payment.

(3) The several persons whose respective names on the day of dissolution appear in the respective registers kept by the Swansea Company and the Mumbles Company as holders of shares or stock or the respective executors or administrators of those persons shall for the purposes of subsection (1) of this section be deemed on the day of dissolution to be the holders of shares of the respective numbers and classes or of stock of the amount stated in those registers and on and after the day of dissolution the registers of transfers kept by the Swansea Company and the Mumbles Company shall be permanently closed and no transfer of any such shares or stock made on or after that day shall as between the Transport Company and the party claiming thereunder be of any effect.

(4) The receipt of any person who appears by the said registers to have been on the day of dissolution the holder of any shares or stock or of the executors or administrators of any such person or where such person is a minor idiot or lunatic the receipt of his guardian or receiver or the committee of his estate (as the case may be) for any sum of cash and interest thereon due to such holder under subsections (1) and (2) of this section and for any dividends or interest due on the day of dissolution on the shares or stock to which such person was then entitled shall be a sufficient and full discharge to the Transport Company in respect thereof.

Shareholders
and
stockholders
who cannot
be found.

5.—(1) Within one month after the day of dissolution the Transport Company shall give to every person who under subsection (1) of section 4 (Payments to certain shareholders and stockholders) of this Act shall be entitled to a sum of cash from the Transport Company notice in writing setting out the provisions of that subsection and stating the sum of cash to which he is entitled and such notice shall be given either by delivering the notice to the person entitled to receive it or by sending it by post in a registered letter addressed to the address of such person as appearing in the shareholders' address book or register kept by the Swansea Company or the Mumbles Company as the case may be on the day of dissolution.

(2) If any person to whom notice shall have been given by the Transport Company in accordance with the provisions of subsection (1) of this section shall not within the period of two months from the giving of the notice have claimed payment of the sum of cash and any interest due to him under subsections (1) and (2) of the said section 4 or of the amount of any dividends or interest due on the day of dissolution on the shares or stock to which such person was then entitled or if any person entitled to such sum of cash or interest thereon or any such dividends or interest cannot give an effectual receipt therefor the Transport Company may lodge the same in the Supreme Court in accordance with the rules made under section 146 (Power to make rules) of the Supreme Court of Judicature (Consolidation)

Act 1925 and a certificate given in accordance with those rules stating that such money has been so lodged shall be a sufficient and full discharge to the Transport Company in respect thereof.

6. Any action arbitration or proceeding or any cause of action arbitration or proceeding pending or existing on the day of dissolution by or against or in favour of the Swansea Company or the Mumbles Company shall not abate or be discontinued or be in any wise prejudicially affected by the vesting of the undertakings in the Transport Company but may be continued prosecuted and enforced by against or in favour of the Transport Company as and when it might have been continued prosecuted and enforced by against or in favour of the Swansea Company or the Mumbles Company (as the case may be) if this Act had not been passed but not further or otherwise.

Pending actions not to abate.

7.—(1) Subject to the provisions of this Act all agreements conveyances contracts deeds leases and other instruments in force on the day of dissolution shall as from that day be as binding and of as full force and effect in every respect and may be enforced as fully and effectually as if instead of the Swansea Company or the Mumbles Company (as the case may be) the Transport Company had been a party thereto or bound thereby or entitled to the benefit thereof or referred to therein.

Contracts to be binding.

(2) The terms granted by the lease dated the sixteenth day of December eighteen hundred and ninety-nine and made between the Swansea Company of the first part the Mumbles Company of the second part and the Swansea Improvements and Tramways Company of the third part shall so far as the same are subsisting on the day of dissolution be merged on that day with and be extinguished in the reversions expectant thereon.

8. All sums which on the day of dissolution are due or payable or accruing due or payable to the Swansea Company and the Mumbles Company shall continue to be due and payable and may be collected and recovered by the Transport Company in the same manner and with and by the same benefits and processes as those with and by which the Swansea Company or the Mumbles Company (as the case may be) might have collected and recovered the same and shall belong to the Transport Company for their own benefit.

Recovery of sums due to Swansea Company and Mumbles Company.

9. The Transport Company shall on the day of dissolution become liable to pay or discharge and observe or perform all debts liabilities and obligations of the Swansea Company and the Mumbles Company outstanding on the day of dissolution at the like times in the like manner and subject to the like conditions on or subject to which the Swansea Company or the Mumbles Company (as the case may be) was immediately before the day of dissolution liable to pay discharge observe or perform such debts liabilities or obligations.

Transfer of liabilities.

Books etc. to remain evidence.

10. All books records and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Swansea Company or the Mumbles Company shall after the day of dissolution be admitted in evidence in respect of the same or the like matter for or against the Transport Company.

Abandonment of part of the railways.

11.—(1) After the day of dissolution the Corporation shall acquire compulsorily that part of the railways which lies to the east and north of a point opposite to the north-western end of Victoria Station at the junction of Rutland Street with Oystermouth Road and for this purpose shall be deemed to have served a notice to treat on the Transport Company in respect thereof on the day of dissolution.

(2) The Lands Clauses Acts except sections 127 to 132 and 150 and 151 of the Lands Clauses Consolidation Act 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

(3) All powers obligations and liabilities conferred or imposed on the Swansea Company or the Transport Company by the enactments set out in the First Schedule to this Act or by any other enactment agreement or instrument whatsoever in relation to that part of the railways referred to in subsection (1) of this section or the site thereof shall so far as such powers obligations and liabilities are then in force cease to have effect.

Power to cease operation of the railways.

12.—(1) Subject to the provisions of subsections (2) and (3) of this section the Transport Company may at any time after the day of dissolution cease to operate the railways.

(2) The Transport Company shall not cease to operate the railways unless and until they shall have satisfied the traffic commissioners that on and after the day of discontinuance the needs of the public for passenger road transport in substitution for the services afforded by the railways will be met by services of public service vehicles operated by the Transport Company.

(3) During the period of twenty-eight days ending on the day of discontinuance the Transport Company shall exhibit a notice of the impending discontinuance of the railways in a prominent position at each of the stations on the railways.

Removal of railways.

13.—(1) The Transport Company may at any time after the day of discontinuance remove the railways and the materials thereof or any part thereof and any bridge subway culvert or other work building or erection of any kind whatsoever at that time belonging to the Transport Company and provided in connection with or in consequence of the construction of the railways in pursuance of any statutory requirement or any agreement or other instrument.

(2) Subject to the provisions of sections 11 (Abandonment of part of the railways) and 14 (Power to sell or use lands) of this Act the Transport Company shall within a period not exceeding two years after the day of discontinuance remove the railways and materials thereof from any highway along or across which the railways run.

(3) For the purpose of removing the railways from any highway in pursuance of subsection (2) of this section the Transport Company may after giving not less than six weeks' notice to the highway authority break up and for any reasonable time interfere with any part or parts of the highway and may divert the traffic therefrom and may prevent persons from using such part or parts of the highway:

Provided—

(a) that the Transport Company shall so exercise the powers of this section—

(i) that foot-passengers bona fide going to or from any building or land abutting on the highway are not deprived of reasonable access to the building or land and that there is no unreasonable obstruction or interference with the access to any apparatus of statutory undertakers or the corporation or to any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General; and

(ii) that no greater width of the highway is broken up than is reasonably necessary at any one time; and

(iii) that there is no greater obstruction to traffic on the highway than is reasonably necessary; and

(b) that so long as any part of the highway is open or broken up the Transport Company shall secure that such part is adequately fenced and guarded and is lighted in such manner as to give proper warning to the public during hours of darkness; and

(c) that the Transport Company shall make good any part of the highway so broken up as soon as is practicable to the reasonable satisfaction of the highway authority.

(4) (a) The powers of subsection (3) of this section shall be exercised in such manner and subject to such conditions as may be agreed between the highway authority and the Transport Company or in the case of dispute determined by arbitration.

(b) If the Transport Company fail to carry out the obligations to which they are subject by virtue of paragraph (b) of the proviso to subsection (3) of this section or fail within a reasonable time to carry out the obligations to which they are subject by virtue of paragraph (c) of the said proviso the highway authority may themselves fence guard and light the part of the highway which is open or broken up or (as the case may be) make good the

said part of the highway and the Transport Company shall pay to the highway authority an amount equal to the cost reasonably incurred by the highway authority in so doing.

(5) Nothing in this section shall relieve the Transport Company from liability for damage caused by them in exercise of the powers of this section to any apparatus of the Corporation.

(6) Any materials of the railways or of any bridge subway culvert or other work building or erection removed by the Transport Company in pursuance of subsection (1) or subsection (2) of this section may be sold or otherwise disposed of as the Transport Company may think fit.

(7) The Transport Company may—

(a) with the consent in writing of the Somerset Trustees which consent shall not be unreasonably withheld stop up divert or alter any private right of way or other right or easement in use at the first day of December nineteen hundred and fifty-eight over or affecting any lands forming part of the railways comprised in the conveyance dated the twenty-first day of December eighteen hundred and ninety-seven or the conveyance dated the sixth day of November nineteen hundred and three particulars of which conveyances are set out in the Second Schedule to this Act;

(b) subject to paragraph (a) of this subsection stop up divert or alter any private right of way over the lands forming part of the railways provided that in the case of a private right of way in use at the first day of December nineteen hundred and fifty-eight the Transport Company shall first substitute an alternative and not less commodious right of way:

Provided that this subsection shall not apply to the following rights of way and other rights and easements over or affecting the lands comprised in the railways:—

- (i) a right of passage on foot through the wicket gate at Southend;
- (ii) a right of passage on foot and to transport boats across the railways at Village Lane;
- (iii) a right (as existing at the first day of December nineteen hundred and fifty-eight by virtue of the said conveyances) to lay up boats on the seawall and the embankment at Southend;
- (iv) a right (as existing at the first day of December nineteen hundred and fifty-eight by virtue of the said conveyances) to lay up boats on the seawall and the embankment at Village Lane.

(8) The powers conferred on the Transport Company by subsection (7) of this section shall in relation to any part of the

railways which may be acquired by the corporation be exercisable by the corporation as from the date of acquisition.

(9) Any dispute which may arise under subsections (3) (4) or (7) of this section (other in either case than a dispute as to the construction thereof) shall be referred to and determined by an arbitrator to be appointed in default of agreement on the application of either party to the dispute (after notice to the other) by the President of the Institution of Civil Engineers in the case of a dispute under subsection (3) or subsection (4) of this section and by the President of the Chartered Society of Land Agents in the case of a dispute under subsection (7) of this section.

14.—(1) Subject to the provisions of section 11 (Abandonment of part of the railways) of this Act the Transport Company may at any time after the day of discontinuance sell or lease the lands forming part of the railways or any part thereof (either with or without the railways and the materials thereof and any bridge culvert or other work building or erection provided in connection with or in consequence of the construction of the railways in pursuance of any statutory requirement or any agreement) to any person in such manner and for such consideration and on such terms as may be agreed between the Transport Company and such person or may use such lands or any part thereof for any purposes in connection with any business or undertaking of the Transport Company.

Power to sell
or use lands.

(2) Any part of the railways which may be sold to the commission in pursuance of subsection (1) of this section shall from the date of sale be deemed for all purposes to form part of any railway of the commission connecting therewith and without prejudice to the generality of this provision the commission may accordingly from that date operate and use the said part for the conveyance of any traffic.

15. (1) Subject to the provisions of subsection (2) of this section the Transport Company shall pay as compensation for loss of office consequent upon the discontinuance of the railways to—

Compensation
for loss of
office.

(a) every person who on the first day of January nineteen hundred and fifty-nine was in the service of the Transport Company on the railways and who is employed by the Transport Company in conciliation or workshop grades on the day of discontinuance and who on the day of discontinuance—

(i) has been in the service of the Transport Company for a total period of not less than fifteen years; or

(ii) is then not less than fifty-five years of age;

a sum equal to two weeks' wages for every year of the person's service with the Swansea Improvement and

Tramways Company (hereinafter called "the tramways company") or the Transport Company as the case may be with a minimum sum equal to four weeks' wages; and

- (b) every other person who on the first day of January nineteen hundred and fifty-nine was in the service of the Transport Company on the railways and who is employed by the Transport Company in conciliation or workshop grades on the day of discontinuance a sum equal to one week's wages for every year of the person's service with the Transport Company with a minimum sum equal to four weeks' wages.

(2) The provisions of subsection (1) of this section shall not apply to any person who is employed by the Transport Company after the day of discontinuance on duties other than in connection with the railways at a rate of wages not less favourable than the rate of wages at which he was employed immediately before the day of discontinuance and otherwise on terms and conditions not less favourable than the terms and conditions on which persons employed by the Transport Company on the like or comparable duties are employed.

(3) In this section—

(a) the expression "service" includes—

(i) in respect of persons in the service of the tramways company or the Transport Company as the case may be on the third day of August nineteen hundred and fourteen service during the war which began on the fourth day of August nineteen hundred and fourteen; and

(ii) in respect of persons in the service of the Transport Company on the second day of September nineteen hundred and thirty-nine service during the war which began on the third day of September nineteen hundred and thirty-nine;

in any of the naval military or air forces of the Crown any employment during those wars which the Minister considers may properly be treated as service in those forces and any employment during those wars in civil defence service; and

(b) the expression "wages" means the basic wages payable to each of the persons therein mentioned on the day of discontinuance.

Amendment of
section 27 of
Act of 1939.

16. From and after the day of dissolution section 27 (Powers and obligations of lessee or purchaser) of the Act of 1939 shall be read and have effect as if the words "the Act of 1889" were substituted for the words "the Scheduled Acts the Act of 1936" in paragraph (i) of subsection (1) of that section.

17. On the day of discontinuance the enactments set out in the Third Schedule to this Act so far as the same are still in force on that day shall be repealed to the extent specified in that schedule. Repeals.

18. For the protection of the commission the following provisions shall unless otherwise agreed between the Transport company and the commission apply and have effect:— For protection of British Transport Commission.

(1) Notwithstanding anything in section 13 (Removal of railways) of this Act the Transport Company—

(a) shall as soon as practicable after the day of discontinuance (after giving twenty-eight days' notice thereof to the commission) at its own expense remove all apparatus belonging to them and attached to any bridge or other structure of the commission to the reasonable satisfaction of the commission and in such a way as to cause as little damage to the property of the commission and as little interference with or delay or interruption to the traffic on the railways of the commission as may be and if any damage to the commission's property or any such interference delay or interruption shall be caused or take place the Transport Company shall forthwith make good such damage and pay to the commission the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage interference delay or interruption;

(b) shall not exercise the powers of subsection (3) of section 13 so as to obstruct or interfere with the access to or exit from any station dock yard or depot of the commission:

(2) Notwithstanding the repeal by this Act of section 21 (Power to Trustees to use part of the Oystermouth Railway) of the Swansea Harbour Act 1866 the commission shall until the date of acquisition by the Corporation in accordance with the provisions of section 11 (Abandonment of part of the railways) of this Act be entitled to work and use so much of the Oystermouth railway as lies between the entrance to their Victoria Station near York Street bridge and the intersection of the said portion of railway with their low level lines leading to the Prince of Wales Dock upon the like terms and conditions as apply at the passing of this Act and thereafter for such period and upon such terms and conditions as may be agreed between the commission and the corporation or failing agreement as may be determined by an arbitrator to be appointed failing

agreement between the parties by the President of the Institution of Civil Engineers.

For protection
of corporation.

19. Notwithstanding any repeal effected by this Act unless otherwise agreed in writing between the corporation and the Transport Company or their successors in title the corporation shall continue to enjoy the like rights and the Transport Company or their successors in title shall continue to be under the like obligations in relation to any storm outlet drainage outfall pipe or surface water outlets passing in or under the lands forming part of the railways as they shall respectively enjoy and be subject to at the passing of this Act.

For protection
of Wales
Gas Board.

20. For the protection of the Wales Gas Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Transport Company and the board apply and have effect:—

- (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:
- (2) Section 26 of the Public Utilities Street Works Act 1950 shall apply in relation to any apparatus which is affected by the removal of the railways and the materials thereof or any part thereof and any bridge subway culvert or other work building or erection under the powers of section 13 (Removal of railways) of this Act as if such removal were undertakers' works to which the said section 26 applies and as if the land in which the railways are situate were a street.

Saving for
town and
country
planning.

21. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

22. 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 Transport Company.

SCHEDULES

FIRST SCHEDULE

Section 11.

ACTS AUTHORISING THE CONSTRUCTION AND OPERATION OF THE
OYSTERMOUTH RAILWAY THE MUMBLES RAILWAY AND THE
MUMBLES PIER PIER-HEAD AND WORKS

- The Act of 1804.
- The Act of 1889.
- The Act of 1892.
- The Act of 1897.
- The Act of 1898.
- Oystermouth Railway or Tramroad Act 1899.
- Swansea and District Transport Act 1936.
- The Act of 1939.

SECOND SCHEDULE

Section 13.

Date	Description	Parties
21st December 1897.	Conveyance	The most Noble Henry Charles Fitzroy Duke of Beaufort K.G. (1) Charles Hoare and Algernon Augustine De Lille Strickland (2) The Honourable Thomas Horatio Arthur Cochran and Henry Juckes Lloyd Bruce (3)
6th November 1903.	Conveyance	The Mumbles Company (4) The most Noble Henry Adelbert Wellington Fitzroy Duke of Beaufort (1) The Mumbles Company (2)

THIRD SCHEDULE

Section 17.

REPEALS

Act	Extent of repeal
The Act of 1804. The Swansea Harbour Act 1866. The Act of 1889.	The whole Act. Section 21. In section 2 the words from the commencement of the section to and including the words "Part I (relating to the construction of a railway) and". In section 3 the words "the expression 'the railway' means the railway by this Act authorised." Section 4. In section 5— (1) the words "railway and" in the two places where they occur. (2) after the word "proper" the words "stations sidings". (3) the whole of paragraph (1). (4) the whole of the proviso.

3RD SCH.
—cont.

Act	Extent of repeal
The Act of 1889— <i>cont.</i>	In section 6 the words “ railway and ”. Sections 7 to 11. Sections 13 to 24. Sections 28 and 29. Sections 32 to 45. Sections 54 to 63. Sections 67 and 68. Sections 70 and 71.
The Act of 1892.	The whole Act.
The Act of 1897.	The whole Act.
The Act of 1898.	The whole Act.
The Oystermouth Railway or Tramroad Act 1899.	The whole Act.
Oystermouth Railway or Tramroad and Mumbles Railway (Electrical Power) Order 1925.	The whole Order.
Swansea and District Transport Act 1936.	The whole Act.
The Act of 1939.	Section 13. Sections 16 and 17. In section 24 the proviso. In section 25 in subsection (1) the words “ not extending beyond the term granted by the Railways Lease ” and the proviso in sub- section (3) from and including the words “ and all moneys received ” to the end of the subsection. In section 26 in subsection (1) the words from and including “ for the residue then un- expired of the term granted by the Railways Lease ” to the end of the subsection. In section 27 in subsection (1) the words from and including “ including such of the covenants ” to the end of the subsection in subsection (2) the words “ notwithstanding anything in section 56 (Separate accounts of railway undertaking) of the Act of 1936 ” and subsection (3).

Table of Statutes referred to in this Act

Title	Session and chapter
An Act for making and maintaining a Railway or Tramroad from the Town of Swansea into the Parish of Oystermouth in the County of Glamorgan.	44 Geo. 3. c. 55.
Lands Clauses Consolidation Act 1845.	8 & 9 Vict. c. 18.
Swansea Harbour Act 1866.	29 & 30 Vict. c. cclviii.
Telegraph Act 1878.	41 & 42 Vict. c. 76.
Mumbles Railway and Pier Act 1889.	52 & 53 Vict. c. cxciv.
Mumbles Railway and Pier Act 1892.	55 & 56 Vict. c. cix.
Mumbles Railway and Pier Act 1897.	60 Vict. c. xxi.
Mumbles Railway and Pier Act 1898.	61 & 62 Vict. c. cxliv.
Oystermouth Railway or Tramroad Act 1899.	62 & 63 Vict. c. ccxxxiv.
Supreme Court of Judicature (Consolidation) Act 1925.	15 & 16 Geo. 5. c. 49.
Road Traffic Act 1930.	20 & 21 Geo. 5. c. 43.
Swansea and District Transport Act 1936.	26 Geo. 5 & 1 Edw. 8. c. xxxix.
Mumbles Pier Act 1939.	2 & 3 Geo. 6. c. xx.
Town and Country Planning Act 1947.	10 & 11 Geo. 6. c. 51.
Companies Act 1948.	11 & 12 Geo. 6. c. 38.
Public Utilities Street Works Act 1950.	14 Geo. 6. c. 39.

Ch. 1

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