



CHAPTER xvii.

An Act to provide for the closing of part of Winkfield Road in the rural district of Windsor in the county of Berks during the Ascot races and for diverting a footpath and for other purposes.

[30th June 1948.]

WHEREAS the Ascot Race Course is vested in the Ascot Trustees who are appointed under the Ascot Authority Act 1913 for the term of a lease expiring in the year two thousand and forty-five: 3 & 4 Geo. 5.
c. lxxxiv.

And whereas part of the course crosses Winkfield Road (A330) in the rural district of Windsor in the county of Berks and for very many years it has been the practice on the occasion of race meetings to close to the public that part of the road which is crossed by the course:

And whereas it is proposed to make some alterations in the course which will have the effect of its crossing Winkfield Road at a different site and it is expedient to make provision for the closing of the road where crossed at that site on the days on which races are held at Ascot and for the diversion of the footpath referred to in this Act and to enact in reference to the matters aforesaid the other provisions contained in this Act:

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 King's most Excellent Majesty by and with the advice and consent of the Lords

Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same, as follows:—

Short and
collective titles
and com-
mencement.

1.—(1) This Act may be cited as the Ascot Race Course Act 1948 and the Ascot Authority Act 1913 and this Act may be jointly cited as the Ascot Race Course Acts 1913 and 1948.

(2) This Act shall come into force on the first day of July nineteen hundred and forty-eight.

Interpretation.

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

“ The Act of 1913 ” means the Ascot Authority Act 1913;

“ The Ascot Authority ” means the persons who are for the time being trustees for the purposes of the Act of 1913;

“ The course alterations ” means the alterations in the course referred to in the preamble to this Act;

“ Race day ” means a day on which racing takes place on the Ascot Race Course being a day which occurs after the course alterations have been made;

“ The authorised portion of Winkfield Road ” means a part of Winkfield Road—

(a) which is not more than one hundred and ten feet in length; and

(b) which is situate between points respectively one hundred and twenty-five feet and two hundred and ninety-five feet measured in a northerly direction along the centre line of Winkfield Road from the point at which the centre line (if projected) of Cheapside Road would meet the centre line of Winkfield Road;

“ Specified race ” means any race in the course of which the horses cross the authorised portion of Winkfield Road;

“ The county council ” means the council of the administrative county of Berks;

“ Pedestrian ” includes a person in charge of a bicycle tricycle perambulator or handcart (not being mechanically propelled).

3.—(1) Subject to the provisions of this section the Ascot Authority may on any race day close to the public the authorised portion of Winkfield Road during a period which except with the consent of the county council shall not exceed—

Temporary closing and adaptation of Winkfield Road.

(a) in the case of vehicular traffic a period beginning not earlier than thirty minutes before the advertised time of the first specified race on that race day and ending immediately after the horses have recrossed the authorised portion of Winkfield Road on their way to the winning post during the last specified race on that day;

(b) in the case of pedestrian traffic a period beginning shortly before the horses are due to cross the authorised portion of Winkfield Road on their way to the starting post for a specified race and ending immediately after the horses have recrossed the same on their way to the winning post during that specified race.

(2) For the purposes of the races the Ascot Authority may adapt the authorised portion of Winkfield Road in accordance with such method as may be approved by the county council or in case of difference settled by arbitration.

(3) After the last specified race on each race day the Ascot Authority shall with all convenient speed remove any material placed by them on the authorised portion of Winkfield Road under the last preceding subsection and restore the same to the reasonable satisfaction of the county council.

(4) The powers conferred on the Ascot Authority by the foregoing provisions of this section to close the authorised portion of Winkfield Road and adapt the same shall not be exercised on more than twenty race days in any one year.

(5) All public rights of way and other rights over and along the authorised portion of Winkfield Road shall be suspended during any part of any race day in the course of which the same is closed by the Ascot Authority under the foregoing provisions of this section:

Provided that nothing in this section shall prejudice or affect the right of a pedestrian to pass and repass along the authorised portion of Winkfield Road during any period in which the same is open to pedestrian but not to vehicular traffic.

(6) As from the date on which the course alterations have been completed it shall not be lawful for the Ascot Authority to close any part of Winkfield Road other than the authorised portion of Winkfield Road except with the consent of the county council.

Diversion of
footpath.

4.—(1) In this section—

“ The new footpath ” means a footpath parallel to the course alterations and forming a junction with the existing footpath and commencing at a point on the western boundary of Winkfield Road which is not more than three hundred and fifty feet measured in a northerly direction along the said western boundary from the point on that boundary at which it would be intersected by the centre line (if projected) of Cheapside Road;

“ The existing footpath ” means so much of the footpath running in a north-westerly direction from a point on Winkfield Road at or near to the junction of that road with Cheapside Road as lies between that point and the termination of the new footpath.

(2) At any time after the new footpath has been provided by the Ascot Authority and after two justices have certified that the new footpath has been completed to their satisfaction and is open to the public the Ascot Authority may close the existing footpath and thereupon it shall cease to be a footpath and all rights (if any) whether public or otherwise over and along the same shall cease.

(3) The Ascot Authority shall make compensation to all parties (if any) interested in respect of any private rights extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Saving for
Berks County
Council.

5.—(1) Nothing in this Act shall prejudice or affect the powers of the county council as the highway authority in relation to Winkfield Road and if in exercise of those powers the authorised portion of Winkfield Road is widened improved diverted or otherwise altered the powers conferred on the Ascot Authority by this Act shall be exerciseable in relation to the authorised portion of Winkfield Road as so widened improved diverted or otherwise altered.

(2) The Ascot Authority shall indemnify and save harmless the county council against any claim loss damages costs or expenses which may arise out of or be incurred by the county council as a result of any failure by the Ascot Authority (whether by way of misfeasance or non-feasance) in the exercise of the powers conferred on them by this Act or in the discharge of the duties or obligations imposed upon them as aforesaid:

Provided that in the event of any such claim being preferred against the county council notification to that effect

shall forthwith be given to the Ascot Authority who shall be entitled to give instructions to the county council as to the conduct of all subsequent proceedings including negotiations for a settlement of such claim.

6. Any dispute or difference which may arise between the Ascot Authority and the county council with reference to the provisions of this Act or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an arbitrator to be agreed upon between the Ascot Authority and the county council or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory re-enactment or modification thereof shall apply to any such arbitration. Arbitration.

7. 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. Saving for town and country planning.
10 & 11 Geo. 6.
c. 51.

8. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Ascot Authority to take use or in any manner interfere with any land or hereditaments or any rights of whatever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose. Crown rights.

9. The costs charges and expenses of and incidental to the preparing obtaining and passing of this Act shall be paid by the Ascot Authority. Costs of Act.

Ch. xvii.

*Ascot Race Course
Act, 1948.*

II & 12 GEO. 6.

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