



CHAPTER xx.

An Act to confer further powers on the South Wales Transport Company Limited with respect to their Mumbles pier undertaking and for other purposes. [25th May 1939.]

WHEREAS under powers conferred by the Acts mentioned in the schedule to this Act the Mumbles Railway and Pier Company (hereinafter referred to as "the Mumbles Company") who were incorporated by the first of those Acts have constructed and are the owners subject to a lease thereof for nine hundred and ninety-nine years as hereinafter mentioned of—

- (1) A railway or railways (hereinafter referred to as "the Mumbles railway") in the county borough of Swansea extending from the Mumbles Head to Black Pill; and
- (2) A pier pierhead and other works (known as "the Mumbles pier") at the Mumbles Head in the said county borough :

And whereas the Mumbles railway is connected at Black Pill with a railway or tramroad (known as "the Oystermouth railway") extending from Black Pill to the town of Swansea and purporting to have been constructed under the powers of the local and personal Act 44 Geo. 3 c. lv 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” which Act is hereinafter referred to as “the Act of 1804”:

62 & 63 Vict.
c. ccxxxiv.

And whereas by an indenture of lease (hereinafter referred to as “the railways lease”) made on the sixteenth day of December eighteen hundred and ninety-nine pursuant to an agreement made on the thirtieth day of June eighteen hundred and ninety-nine between the Swansea and Mumbles Railways Limited (hereinafter referred to as “the Swansea Company”) as owners of the Oystermouth railway the Mumbles Company and the Swansea Improvements and Tramways Company (hereinafter referred to as “the tramways company”) (which agreement was scheduled to and confirmed by the Oystermouth Railway or Tramroad Act 1899) the Oystermouth railway and the Mumbles railway and the pier pierhead and works of the Mumbles Company and all stations refreshment rooms buildings lands and works of the Mumbles Company belonging to or connected with the undertaking of the Mumbles railway pier pierhead and works and all rights powers privileges and authorities exercisable by the Swansea Company and the Mumbles Company or either of them for the purposes of or in relation to their respective undertakings (hereinafter respectively referred to as “the Oystermouth railway undertaking” and “the Mumbles railway and pier undertaking”) were demised to the tramways company for a term of nine hundred and ninety-nine years from the first day of July eighteen hundred and ninety-nine at the rent mentioned in the lease with other property so demised for various terms as stated in the lease and at the respective rents mentioned in the lease:

And whereas under or 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 (hereinafter referred to as "the Act of 1936") which ratified and confirmed the said assignment;

26 Geo. 5. &
1 Edw. 8.
c. xxxix.

the Oystermouth railway undertaking and the Mumbles railway and pier undertaking became and are now vested in the Transport Company for the unexpired residue of the said term of nine hundred and ninety-nine years granted by the railways lease :

And whereas by the said section 44 it was enacted in effect that—

- (a) the Transport Company as representing the respective owners of the Oystermouth railway undertaking and the Mumbles railway and pier undertaking may maintain regulate work and carry on those undertakings in accordance with the provisions of the Acts mentioned in the schedule to this Act the Act of 1804 the said Act of 1899 and the Oystermouth Railway or Tramroad and Mumbles Railway (Electrical Power) Order 1925 (S.R. & O. 1925 No. 550) as amended by any subsequent Act and by the Act of 1936 other than certain provisions of those Acts mentioned in section 45 of the Act of 1936 ;
- (b) all rights powers privileges and authorities conferred by the said Acts and Order as so amended (other than as aforesaid) shall belong to and be vested in the Transport Company and may lawfully be used exercised and enjoyed by the Transport Company and the directors thereof and their officers agents and servants ; and
- (c) the Transport Company shall observe and perform the covenants on the part of the tramways company contained in the railways

lease so far as such covenants were immediately before the passing of the Act of 1936 subsisting and capable of taking effect and were not varied by or inconsistent with any of the provisions of the Act of 1936 :

And whereas it is expedient that the Mumbles Pier be widened and extended as by this Act authorised and that for the purpose of such extension a portion of the Mumbles railway at the Mumbles Head be abandoned :

And whereas it is expedient to confer on the Transport Company further powers as contained in this Act with respect to the Mumbles pier undertaking as defined in this Act including power to grant leases of or to sell and dispose of their estate and interest in the Mumbles pier undertaking or any part or parts thereof and to empower any such lessee during the term of his lease or any such purchaser during the unexpired residue of the said term granted by the railways lease to exercise the powers vested in the Transport Company in relation to the Mumbles pier undertaking or the part or parts thereof so leased or purchased except as by this Act otherwise provided and subject to the provisions of this Act :

And whereas it is expedient to enact the other provisions of this Act :

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

And whereas a plan and sections showing the lines or situations and the levels of the works authorised by this Act the plan showing also the lands in on or over which those works will be situate and in which interests may be acquired under the powers of this Act and a book of reference to the plan containing the names of the owners and lessees or reputed owners and lessees and the occupiers of those lands were duly deposited with the town clerk of the county borough of Swansea which plan sections and book of reference are in this Act referred to as the deposited plan sections and book of reference :

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:—

1.—(1) This Act may be cited as the Mumbles Pier Act 1939. Short and collective titles.

(2) The Acts mentioned in the schedule to this Act and this Act may be cited together as the Mumbles Railway and Pier Acts 1889 to 1939.

2. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 so far as applicable to and not inconsistent with the provisions of this Act are hereby incorporated with this Act. Incorporation of Lands Clauses Acts. 8 & 9 Vict. c. 18.

3.—(1) In this Act unless the subject or context otherwise requires the following words and expressions have the respective meanings hereinafter mentioned:— Definitions.

“the Transport Company” “the Mumbles Company” “the Mumbles pier” “the Mumbles railway” “the railways lease” and “the Act of 1936” have the respective meanings given to these expressions in the preamble to this Act;

“the scheduled Acts” means the Acts mentioned in the schedule to this Act;

“the Act of 1889” means the Mumbles Railway and Pier Act 1889; 52 & 53 Vict. c. cxciv.

“the Harbours Clauses Act 1847” means the Harbours Docks and Piers Clauses Act 1847; 10 & 11 Vict. c. 27.

“the Minister” means the Minister of Transport;

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

“the Mumbles pier undertaking” means (subject as hereinafter provided) the pier pierhead and works connected therewith constructed under the powers of the scheduled Acts and includes any hotel refreshment rooms and other buildings and any lands and works used or convenient to be used with such pier pierhead and works and now vested in the Transport Company under or by virtue of the railways lease and the Act of 1936 and all

rights powers privileges and authorities conferred by the scheduled Acts in relation to such pier pierhead works buildings and lands and exerciseable by or vested in the Transport Company under or by virtue of the railways lease and the Act of 1936 ;

“ the pier ” means (subject as hereinafter provided) the said pier pierhead and works connected therewith ;

“ the new pier works ” means the widenings and extension of the Mumbles pier authorised by the next succeeding section of this Act ;

“ the pier rates ” means the rates sums and charges which the Transport Company are for the time being authorised to demand receive or take under sections 46 47 48 and 49 of the Act of 1889 and the First Schedule to that Act as respectively extended by this Act or under this Act or under any order made by the Minister pursuant to section 49 (Revision of rates &c. on Oystermouth and Mumbles railways) of the Act of 1936 as extended by this Act revising any of such rates sums and charges ;

“ seaplane ” includes a flying-boat and any other aircraft designed to manœuvre on the water :

Provided that as from the completion of the new pier works or any part thereof—

the expression “ the pier ” wherever used in this Act shall include the new pier works or the part thereof so completed and the works connected therewith ; and

the expression “ the Mumbles pier undertaking ” wherever used in this Act shall include the new pier works or the part thereof so completed and the works machinery and apparatus connected therewith and the lands in on or over which the same are situate.

(2) In the Act of 1889 and this Act and in the provisions of the Harbours Clauses Act 1847 as incorporated with the Act of 1889 the word “ vessel ” shall include a seaplane on the surface of the water :

Provided that nothing in the Harbours Clauses Act 1847 as incorporated with the Act of 1889 shall in any circumstances require or authorise the pier master or other officer of the Transport Company to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

4. The Transport Company may in the lines and situations and in on and over the lands shown on the deposited plan and according to the levels shown on the deposited sections make and maintain the works hereinafter described together with all necessary or convenient works machinery and apparatus and may take and acquire such outstanding interests in those lands as may be required for that purpose but nothing in this section shall authorise the Transport Company to take or acquire the freehold estate in any lands held by them as lessees under the railways lease.

Power to
make new
pier works.

The works hereinbefore referred to will be situate in the county borough of Swansea and on the bed shore and foreshore of Swansea Bay and be constructed by means of decking on piles in openwork construction and are—

Work No. 1 A widening of the Mumbles pier on its north-western side between the archway near the shore end of the pier and a point sixty-five feet north-eastwards therefrom and extending in a westerly direction along the shore for a distance of ninety-five feet from the archway;

Work No. 2 A widening of the Mumbles pier on its south-eastern side between the said archway and a point twenty-five feet north-eastwards therefrom and extending in a south-easterly direction along the shore for a distance of twenty-five feet from the archway;

Work No. 3 An extension of the Mumbles pier from its south-western end in a westerly direction along the shore for a distance of one hundred and twenty-seven yards.

5. In the construction of the new pier works the Transport Company may deviate laterally to any extent within the limits of deviation shown on the deposited

Power to
deviate.

plan and vertically from the levels shown on the deposited sections to any extent not exceeding one foot upwards or downwards. Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Period for completion of new pier works.

6. If the new pier works be not completed within seven years from the passing of this Act or such longer period as may be allowed by the Minister then on the expiry of that period or longer period the powers granted by this Act for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Works below high-water mark not to be constructed without consent of Board of Trade.

7. The Transport Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay or arm of the sea below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Transport Company shall not at any time alter or extend the work without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the work and restore the site thereof to its former condition at the cost and charge of the Transport Company and the amount of such costs and charges shall be a debt due from the Transport Company to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Survey of works by Board of Trade.

8. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Transport Company under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work

the Transport Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Transport Company to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

9.—(1) Where any work constructed by the Transport Company under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay or arm of the sea below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Transport Company at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

Abatement
of work
abandoned
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Transport Company they have failed to comply with the notice the Board of Trade may at the expense of the Transport Company execute the works required to be done by the notice and the amount of such expense shall be a debt due from the Transport Company to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

10. The powers granted by this Act for the compulsory purchase of interests in lands shall cease on the first day of October nineteen hundred and forty-two.

Period for
compulsory
purchase of
interests in
lands.

Correction
of errors in
deposited
plan and
book of
reference.

11. If there be any omission, misstatement or wrong description of any lands or of the owners, lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Transport Company after giving ten days' notice to the owners, lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the county borough of Swansea for the correction of such plan or book of reference and if it appear to the justices that the omission, misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the town clerk of the county borough of Swansea and kept by him with the other documents to which the certificate relates and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Transport Company to take the lands and execute the works in accordance with such certificate.

Certain
provisions
of Act of
1889 to
apply to
new pier
works.

12. After the completion of the new pier works or any part thereof—

(a) The provisions of the under-mentioned sections of the Act of 1889 shall have effect as if the expression "the pier" in those sections included the new pier works or the part thereof so completed and the works connected therewith authorised by this Act:—

Section 26 (Incidental works);

Section 27 (Prescribed limits for pier master);

Section 46 (Rates for use of pier);

Section 47 (Rates payable on vessels using the pier);

Section 48 (Further tonnage rates for vessels remaining at the pier longer than twenty-four hours);

Section 49 (Cranes, weighing machines &c.);

Section 53 (Provision against danger to navigation);

First Schedule :

- (b) The provisions of the Harbours Clauses Act 1847 as incorporated with the Act of 1889 shall have effect as if the new pier works or the part thereof so completed and the said works connected therewith were part of the pier authorised by the Act of 1889.

13.—(1) At any time after the commencement of Work No. 3 authorised by this Act the Transport Company may abandon and discontinue the maintenance and use of so much of the Mumbles railway as is situate between its present termination at the Mumbles Head and a point one hundred and ten yards therefrom and may remove the rails and other works forming part of the portion of railway so abandoned. Provided that if the Transport Company after commencing to construct Work No. 3 do not complete the whole of the work nothing in this subsection shall authorise them to abandon any part of the Mumbles railway which is not included in or co-extensive with the part of Work No. 3 which has been constructed.

Abandonment of portion of Mumbles railway.

(2) After the abandonment of any portion of the Mumbles railway pursuant to this section the portion so abandoned shall cease for the purposes of Part IV of the Act of 1936 to be part of "the Mumbles railway" as defined in that Part.

14.—(1) On the completion of the new pier works or any part thereof the new pier works or the part thereof so completed and the works connected therewith authorised by this Act and the lands in on or over which the same are situate shall be deemed to vest in the Transport Company as lessees under the railways lease for the remainder of the term of nine hundred and ninety-nine years created by the railways lease and shall become vested in the Mumbles Company in fee simple but subject to the railways lease in like manner in all respects as if the premises had originally formed part of the premises described in the Second Schedule to the railways lease and thereby demised and the railways lease and such of the provisions of the Act

Modification of railways lease.

of 1936 as apply to the railways lease shall have effect accordingly.

(2) After the abandonment of any portion of the Mumbles railway pursuant to the last preceding section of this Act the railways lease shall have effect as if (a) the abandoned portion of railway and the rails and works forming part thereof had ceased to be part of any of the premises demised by the railways lease and (b) the site of the abandoned portion of railway were held by the Transport Company as lessees under the railways lease in connection with the pier pierhead and works demised thereby.

Subsidiary
pier works.

15.—(1) Subject to the provisions of any enactment relating to the matters specified in this subsection the Transport Company may construct and maintain on the pier or elsewhere on any part of any land forming part of the Mumbles pier undertaking and may furnish stock and equip and make such reasonable charges as they may think fit for the use of or admission to fishing platforms bathing stages bathing pools pavilions theatres cinemas skating rinks buildings galleries saloons restaurants assembly concert lecture waiting refreshment reading and other rooms automatic machines switchback railways rides amusement devices parking places bicycle stands bandstands arcades shops bazaars kiosks aquaria lavatories and sanitary and other conveniences.

(2) Any charges made under this section shall be in addition to and not in lieu of any other pier rates.

Purchase
rights of
Swansea
Corporation.

16. The new pier works or the part thereof constructed under the powers of this Act and the works connected therewith authorised by this Act and the lands in on or over which the same are situate and any building or structure or erection constructed under the powers of the last preceding section of this Act and being the property of the Transport Company and existing on the thirty-first day of December nineteen hundred and fifty-seven shall for the purposes of section 59 (Power to Corporation to purchase parts of Transport Company's undertakings) of the Act of 1936 be deemed to be included in the parts of the undertakings of the Transport Company described in subsection (2) of that section and to form part of the

Mumbles railway undertaking referred to in that section.

17. Notwithstanding anything in this Act the following provisions for the protection of the lessors shall unless otherwise agreed in writing between the Transport Company and the lessors apply and have effect:—

For protection of Mumbles Company and Swansea and Mumbles Railways Limited.

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

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

“authorised work” means any work authorised by section 4 (Power to make new pier works) of this Act:

- (2) The Transport Company before commencing to execute or construct any authorised work shall submit to the lessors plans sections and elevations and (when reasonably required by the lessors) working drawings thereof for their reasonable approval. If the lessors do not within twenty-one days after the submission to them of any such plans sections elevations and drawings signify in writing their approval or disapproval thereof they shall be deemed to have approved thereof:
- (3) Such authorised work shall not be executed or constructed otherwise than in accordance with such plans sections elevations and drawings (if any) as may be approved by the lessors or if such approval be withheld as may be settled by arbitration as hereinafter provided and shall be executed or constructed to the reasonable satisfaction of the lessors:
- (4) Any matter or thing by this section referred to or required to be settled by arbitration and any dispute or difference which may arise under this section between the lessors and the Transport Company shall be referred to and determined by an engineer to be agreed between the lessors and the Transport Company or (failing agreement) to be appointed on the application of either party (after

notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference and determination.

Power to set apart part of the pier &c. for special purposes.

18. The Transport Company may set apart any part of the pier or any building or erection thereon or any other building or erection or any land forming part of the Mumbles pier undertaking for exclusive use for the purposes of bathing fishing concerts lectures entertainments amusements or parking of vehicles or any other special purposes.

Power to confer exemptions and compound for rates.

19. The Transport Company may confer vary or extinguish exemptions from and compound with any person with respect to the payment of any pier rates but so that no preference be in any case given to any person over any other person using the pier under the like circumstances.

Pass family and day tickets.

20.—(1) The Transport Company may grant to passengers and promenaders or others for the use of the pier or any part or parts thereof or any building or erection thereon or any other building or erection or any land forming part of the Mumbles pier undertaking—

- (a) pass tickets or family tickets at such rates on such terms and conditions and for such periods not exceeding one year as the Transport Company may think fit and issue books containing any number of pass tickets at a reduced rate ; and
- (b) day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate :

Provided that no preference be given to any person under this subsection.

(2) The Transport Company shall have power to prescribe the terms and conditions on which pass tickets family tickets and day tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket or a day ticket shall not be transferable and shall not be used by any person except the

person to whom it is granted. A pass ticket a family ticket or a day ticket shall not be used otherwise than in accordance with the terms and conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket family ticket and day ticket the terms and conditions on and subject to which the ticket is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of any of the terms and conditions on and subject to which any ticket may have been issued or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

(6) If by arrangement with the proprietors or masters of any passenger vessels engaged in transporting passengers to or from the pier any pass tickets or family tickets for the use of the pier be granted to passengers landing or embarking at the pier from or upon any such passenger vessels any such arrangement shall be deemed to be an agreement between the Transport Company and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Clauses Act 1847 incorporated with the Act of 1889 shall apply thereto accordingly.

21.—(1) Notwithstanding anything in the scheduled Acts or the Act of 1936 or this Act the Transport Company may charge for every person entering upon and using the pier between the hours of six p.m. and ten p.m. on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of six p.m. and ten p.m.) is held on the pier or in any building or erection thereon any sum not exceeding sixpence.

Power to charge higher rates at certain times.

(2) Any person who having already paid the ordinary charge for using the pier for any purpose except embarking or disembarking remains on the pier after six p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge under that subsection and the sum already paid by him as aforesaid.

(3) Notwithstanding the progress of any concert or other public entertainment the Transport Company shall reserve a sufficient passage along the pier from the landing steps to the shore for all persons landing or embarking at the pier which reserved passage shall be open for use by those persons at the charge for persons landing at or embarking from the pier and without payment of the special charge authorised by this section so long as they use the pier as a passage only and do not remain upon it longer than is necessary for that purpose.

(4) A copy of this section shall be exhibited in print at the entrance to the pier and in some conspicuous place or places on the pier.

(5) Section 49 (Revision of rates &c. on Oystermouth and Mumbles railways) of the Act of 1936 shall extend and apply to the sum which the Transport Company are by subsection (1) of this section authorised to charge as though that sum were an authorised rate within the meaning of that section 49.

Payment of rates not to confer right to use buildings &c.

22. The payment of any pier rate and the grant of any pass ticket family ticket or day ticket shall not entitle the person paying the rate or the holder of the ticket or any other person to the use of any part of the pier or any building or erection on the pier or any other building or erection or any land forming part of the Mumbles pier undertaking which is set apart for a special purpose under section 18 (Power to set apart part of the pier &c. for special purposes) of this Act unless the Transport Company otherwise determine.

Rates on seaplanes and passengers thereby.
10 & 11 Geo. 5. c. 80.
26 Geo. 5. & 1 Edw. 8. c. 44.

23.—(1) Subject to the provisions of the Air Navigation Acts 1920 and 1936 or of any order made in pursuance thereof the Transport Company may demand collect and receive on and in respect of seaplanes coming to lying at using or departing from the pier such reasonable rates as may from time to time be approved by the Minister which rates shall as respects seaplanes be in lieu of the rates which the Transport Company may demand take or receive under section 47 (Rates payable on vessels using the pier) and section 48 (Further tonnage rates for vessels remaining at the pier longer than twenty-four hours)

of the Act of 1889 for or in respect of any vessel or steam vessel.

(2) The Transport Company may demand and receive for every person who shall land at the pier from or embark from the pier to any seaplane the like sum as they may from time to time demand and receive for any person who shall land at the pier from or embark from the pier to any sea-going vessel.

24. The Transport Company shall have power and be deemed always to have had power to let for hire or lease to any person for any term not exceeding seven years any buildings or erections or any part of the land forming part of the Mumbles pier undertaking separately from any other part of that undertaking upon or subject to such terms pecuniary or otherwise conditions and restrictions as they may think fit. Provided that the Transport Company shall not prior to the thirty-first day of December nineteen hundred and fifty-seven let for hire or lease to any person under this section any such building erection or land for any term extending beyond that date without the consent of the corporation but such consent shall not be unreasonably withheld. Any dispute between the Transport Company and the corporation as to whether any consent under this section has been unreasonably withheld shall be referred to and determined by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the Minister and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference and determination.

Power to
lease
buildings
&c.

25.—(1) In addition to the powers conferred by the last preceding section the Transport Company may with the previous consent in writing of and upon or subject to such terms pecuniary or otherwise conditions and restrictions and for such period not extending beyond the term granted by the railways lease as may be approved by the Minister lease to any person the Mumbles pier undertaking or any part or parts thereof. Provided that the Transport Company shall not prior to the thirty-first day of December nineteen hundred and fifty-seven grant any lease under the powers of this

Power to
lease
Mumbles
pier under-
taking.

section of the Mumbles pier undertaking or any part or parts thereof for any term extending beyond that date without the consent of the corporation.

(2) The Transport Company shall within one month after the date of any lease made under this section deposit a certified copy with the Minister and shall upon failure so to do be liable to a penalty not exceeding twenty pounds.

(3) As from the date of any lease made under this section sections 49 and 50 of the Harbours Clauses Act 1847 incorporated with the Act of 1889 shall apply to and be binding upon the lessee as well as the Transport Company and all moneys received by the Transport Company under or in respect of any such lease shall be deemed for the purposes of section 56 (Separate accounts of railways undertaking) of the Act of 1936 to be moneys received in respect of the Mumbles railway undertaking as defined in Part IV (Oystermouth and Mumbles railways) of the Act of 1936.

(4) Any person to whom a lease is granted under this section may subject to the terms of the lease and with the consent in writing of the Minister assign the lease to any other person and after any such assignment the provisions of the last preceding subsection and of section 27 (Powers and obligations of lessee or purchaser) of this Act shall have effect as if all references therein to the lessee were references to the assignee.

Power
to sell
Mumbles
pier under-
taking.

26.—(1) The Transport Company may with the previous consent in writing of and upon such terms and conditions as may be approved by the Minister sell and assign the Mumbles pier undertaking or any part thereof to any person for the residue then unexpired of the term granted by the railways lease Provided that the Transport Company shall not prior to the thirty-first day of December nineteen hundred and fifty-seven exercise the powers of this section without the consent of the corporation.

(2) The Transport Company shall within one month after the date of any assignment made under this section deposit a certified copy thereof with the

Minister and shall as from the expiry of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

27.—(1) If pursuant to either of the last two preceding sections of this Act the Transport Company grant a lease of or sell the Mumbles pier undertaking or any part thereof then in relation to the Mumbles pier undertaking or the part thereof so leased or sold but only to the extent and subject to any terms conditions and restrictions specified in his lease or assignment—

Powers and obligations of lessee or purchaser.

(a) the lessee during the continuance of his lease;
or

(b) the purchaser as from the date of purchase;
shall have and may exercise all or any of the rights powers privileges and authorities and shall perform observe or discharge all of the liabilities duties and obligations which the Transport Company have and may exercise or to which the Transport Company are subject under—

- (i) the scheduled Acts the Act of 1936 and this Act so far as they relate to the premises so leased or sold; and
- (ii) the Harbours Clauses Act 1847 (as incorporated with the Act of 1889) so far as it applies to the premises so leased or sold and as if the expression “the undertakers” in that Act meant such lessee or purchaser; and
- (iii) sections 13 18 and 19 of the Railways Clauses Act 1863 (as incorporated with the Act of 1889) so far as those sections apply to the premises so leased or sold and as if the expression “the company” in those sections meant such lessee or purchaser;

including such of the covenants contained in the railways lease as relate to the premises so leased or sold and being covenants which the Transport Company are required to observe and perform under paragraph (c) of section 44 (Confirmation of assignment of railways lease) of the Act of 1936 Provided that—

- (a) the powers conferred by section 58 (Power to enter into traffic arrangements) of the Act of

1889 shall not be exerciseable by such lessee or purchaser; and

(b) section 49 (Revision of rates &c. on Oyster-mouth and Mumbles railways) of the Act of 1936 as extended by this Act shall in relation to the pier rates or such of them as may be demanded taken or received in respect of the portion of the Mumbles pier undertaking so leased or sold be construed and have effect as if the words "the Transport Company" included the lessee during the continuance of his lease or (as the case may be) the purchaser after the date of his purchase.

(2) If pursuant to either of the last two preceding sections of this Act the Transport Company grant a lease of or sell the pier then—

(a) the lessee during the continuance of his lease ; or

(b) the purchaser as from the date of purchase ;

shall notwithstanding anything in section 56 (Separate accounts of railway undertaking) of the Act of 1936 keep a separate set of accounts of the pier pursuant to section 50 of the Harbours Clauses Act 1847 as applied to the lessee or purchaser by subsection (1) of this section and shall in every year send a copy of the said separate set of accounts to the Minister.

(3) Nothing in this section shall relieve the Transport Company from liability under any covenant on the part of the lessees contained in the railways lease.

Byelaws.

28.—(1) In addition to any other powers for making byelaws conferred on the Transport Company by the scheduled Acts or the Harbours Clauses Act 1847 in relation to the pier the Transport Company may make byelaws in relation to the pier for all or any of the following matters:—

For regulating the collection and levying of the pier rates ;

For regulating the user of any portion of the pier and buildings and other property thereon or attached thereto ;

- For regulating the conduct of persons frequenting the pier and preserving order thereon ;
- For preventing injury to and protecting the pier and buildings and other property thereon or attached thereto ;
- For preventing nuisance or annoyance by smoke and noise caused by vessels within the limits prescribed by section 27 (Prescribed limits for pier master) of the Act of 1889 as extended by this Act and the machinery and appliances of such vessels ;
- For preventing refuse of any kind being thrown or suffered to fall into the sea within the said prescribed limits ;
- For regulating the removal and disposal of ballast brought by vessels to the pier and for preventing ballast being thrown overboard from vessels within the said prescribed limits or so as to obstruct access to the pier.

(2) The byelaws which may from time to time be made by the Transport Company in exercise of the power in that behalf conferred on them by this section may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3) Notwithstanding the provisions of any Act relating to the procedure for the making of byelaws by the Transport Company the provisions of subsections (3) to (6) of section 250 and section 252 of the Local Government Act 1933 shall apply to all byelaws to be made by the Transport Company (whether under this Act or otherwise) in respect of the Mumbles pier undertaking except such as relate solely to the Transport Company and their officers or servants and in the application of those provisions the Minister shall be the confirming authority and the Transport Company shall be deemed to be a local authority and the secretary to the Transport Company shall be deemed to be their clerk Provided that—

23 & 24
Geo. 5. c. 51.

- (a) in the case of any code or series of byelaws which the Minister and the Board of Trade shall deem primarily to concern the interests

of navigation the provisions of this subsection shall apply as if the Board of Trade were substituted for the Minister;

- (b) no byelaw affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained;
- (c) the allowance of any such byelaws by the Minister or the Board of Trade shall be sufficient evidence of compliance with the provisions of this subsection.

(4) At least one month before applying to the confirming authority for confirmation of any byelaws made under this section the Transport Company shall give notice to the corporation of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the corporation shall be entitled to make representations to the confirming authority with regard thereto.

(5) Sections 85 to 90 of the Harbours Clauses Act 1847 shall cease to be incorporated with the Act of 1889 or to apply to the Transport Company.

(6) Section 51 (Byelaws as to disposal of ballast) of the Act of 1889 is hereby repealed.

Savings.

29.—(1) (a) The Transport Company shall not under the powers conferred by section 25 (Power to lease Mumbles pier undertaking) or section 26 (Power to sell Mumbles pier undertaking) of this Act lease or sell and assign the Mumbles pier undertaking or any part thereof to any person except with the consent in writing of the lessors within the meaning of the railways lease.

(b) Such consent may be given subject to such reasonable terms and conditions (pecuniary or otherwise) as the said lessors may think fit to impose but shall not be unreasonably withheld. Any dispute between the Transport Company and the lessors under this subsection shall be determined in manner provided by paragraph (5) of the Eighth Schedule to the railways lease.

(2) Nothing in this Act shall prejudice or affect the rights of the owners of the free passes issued under

the railways lease or limit the extent of the user of those passes.

30. Officers of the Ministry of Transport the Board of Trade and the Corporation of Trinity House of Deptford Strond British sea fishery officers and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment.

Officers
exempt
from rates.

31. The pier shall be deemed to be for all purposes within the parish of Oystermouth and the county borough of Swansea.

Pier to be
within parish
of Oyster-
mouth.

32. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him under this Act and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Transport Company were a local authority.

Inquiries by
Minister.

33.—(1) The Transport Company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register it. If such copy is not so delivered within three months from the passing of this Act the Transport Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Transport Company who knowingly and wilfully authorises such default shall incur a like penalty.

Copy of
Act to be
registered.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the registrar by the Transport Company on such copy being registered the fee of five shillings.

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

Costs of
Act.

The SCHEDULE referred to in the
foregoing Act.

MUMBLES PIER AND RAILWAY ACTS.

Session and chapter.	Short title.
52 & 53 Vict. c. exciv.	Mumbles Railway and Pier Act 1889.
55 & 56 Vict. c. cix.	Mumbles Railway and Pier Act 1892.
60 & 61 Vict. c. xxi.	Mumbles Railway and Pier Act 1897.
61 & 62 Vict. c. cxliv.	Mumbles Railway and Pier Act 1898.

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