



## CHAPTER clxxi.

An Act for conferring further powers upon the Burry Port and Gwendreath Valley Railway Company.

A.D. 1891.

[28th July 1891.]

WHEREAS the railways of the Burry Port and Gwendreath Valley Railway Company (herein referred to as "the Company") include certain railways all in the county of Carmarthen authorised by the Kidwelly and Burry Port Railway Act 1865 and a railway from Burry Port in the parish of Pembrey in the said county to Pwll in the parish of Llanelly in the said county authorised by an Act of the fifty-second year of the reign of King George the Third chapter 173 (local) and the Company are empowered by the last-mentioned Act to make a railway from Pwll to Sandy Gate in the parish of Llanelly in the said county and have acquired the land which would be required for the making of such a railway :

28 & 29 Vict.  
c. cexviii.

52 Geo. III.  
c. 173.  
(local).

And whereas in order to connect the Llanelly and Mynydd-Mawr Railway with the railways of the Company and Burry Port the Company desire to make the said railway from Pwll to Sandy Gate and a railway (herein referred to as "the railway") two chains or thereabouts in length from Sandy Gate to connect the said railway from Pwll to Sandy Gate with the Llanelly and Mynydd-Mawr Railway in the said parish of Llanelly :

And whereas it would be of public and local advantage if the said railway from Pwll to Sandy Gate and the railway were made but the Company are not at present authorised to make the railway which it is expedient that they should be authorised to make as herein provided :

And whereas it is expedient that the Company and the Llanelly and Mynydd-Mawr Railway Company be authorised to enter into agreements as herein provided :

And whereas plans and sections showing the line and levels of the railway authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners

[Ch. clxxi.] *Burry Port and Gwendreath Valley* [54 & 55 VICT.]  
*Railway Act, 1891.*

A.D. 1891. and lessees and of the occupiers of the lands required or which may  
be taken for the purposes or under the powers of this Act were duly  
deposited with the clerk of the peace for the county of Carmarthen  
and are hereinafter respectively referred to as the deposited plans  
sections and book of reference :

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 :—

Short title. 1. This Act may be cited as the *Burry Port and Gwendreath  
Valley Railway Act 1891.*

Incorporation of Acts. 2. The Lands Clauses Acts the Railways Clauses Consolidation  
Act 1845 and Parts I. and III. of the Railways Clauses Act 1863  
(relating to the construction of a railway and to working agreements)  
are (except where expressly varied by this Act) incorporated with  
and form part of this Act.

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

For the purposes of this Act the expression "superior courts" or  
"court of competent jurisdiction" or any other like expression in  
this Act or any Act wholly or partially incorporated herewith shall  
be read and have effect as if the debt or demand with respect to  
which the expression is used were a simple contract debt and not a  
debt or demand created by statute.

Power to make railway. 4. Subject to the provisions of this Act the Company may make  
and maintain in the line and according to the levels shown on the  
deposited plans and sections the railway hereinafter described with all  
proper stations sidings junctions approaches works and conveniences  
connected therewith and may enter upon take and use such of the  
lands delineated on the said plans and described in the deposited book  
of reference as may be required for that purpose The railway  
hereinbefore referred to and authorised by this Act is—

A railway two chains in length wholly situate in the parish of  
Llanelly commencing by a junction with the authorised railway of  
the Company from Pwll to Sandy Gate at the termination thereof at  
or near Sandy Gate at a point distant four chains and seventy-five  
links or thereabouts measured in a south-westerly direction along the



western boundary of the bank carrying the private railway or tram road belonging or reputed to belong to Charles William Mansel Lewis from the centre of the bridge which carries the turnpike road from Llanelly to Pembrey over the Llanelly and Mynydd-Mawr Railway and the said private railway or tram road usually called or known as Sandy Gate bridge and terminating by a junction with the railway of the Llanelly and Mynydd-Mawr Railway Company at a point distant five chains or thereabouts measured along the said Llanelly and Mynydd-Mawr Railway in a southerly direction from the centre of the said bridge.

A.D. 1891.

5. For the protection of Charles William Mansel Lewis of Stradey Castle Llanelly in the county of Carmarthen or other the owner for the time being of the Stradey estate (all of whom are in this section referred to as "the owner") the following provisions shall unless otherwise agreed between the owner and the Company be observed and have effect (that is to say) :—

For the  
protection  
of Charles  
William  
Mansel  
Lewis.

1. The Company shall provide four level crossings over their railway between Sandy Gate and Pwll at places to be agreed upon between the engineer of the Company and the owner.
2. The Company shall construct and use so much of their railway as crosses the private railway of the owner in such a manner as to cause the least possible interference with the user of such private railway by the owner between Cille and the Great Western Railway and shall comply with all reasonable requirements of the owner.
3. The Company shall upon the request in writing of the owner provide a suitable and convenient junction between the railway of the Company and the private railway of the owner at the expense of the Company and shall at the like expense provide and maintain all necessary points and conveniences for working the same.
4. The Company shall at the request of the owner and free of all charges to him construct a siding capable of standing fifteen trucks upon land contiguous to the crossing of the railway over the owner's private railway such land to be provided free of cost by the owner.
5. The Company shall protect the private railway of the owner by erecting proper gates across the said line at points to be agreed on between the Company and the owner.
6. If any difference arise between the Company and the owner touching anything that is to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon)



[Ch. clxxi.] *Burry Port and Gwendreath Valley* [54 & 55 VICT.]  
*Railway Act, 1891.*

A.D. 1891.

on the application of either of the parties in difference by the Board of Trade and the costs of the reference shall be borne as the arbitrator shall direct.

Lands for  
extra-  
ordinary  
purposes.

6. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding one acre but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for  
compulsory  
purchase  
of lands.

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

Power to  
take ease-  
ments &c. by  
agreement.

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

Restrictions  
on displacing  
persons of  
labouring  
class.

9—(1). The Company shall not under the powers of this Act purchase or acquire ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(a.) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b.) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

[54 & 55 VICT.] *Burry Port and Gwendreath Valley* [Ch. clxxi.]  
*Railway Act, 1891.*

A.D. 1891.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys



[Ch. clxxi.] *Burry Port and Gwendreath Valley* [54 & 55 VICT.]  
*Railway Act, 1891.*

A.D. 1891. which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment. Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of the two last preceding sections of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to

the labouring class as were occupying the said houses at the date of their acquisition : A.D. 1891.

Provided that if the Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

10. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of eighteen pounds five shillings being five per cent. upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of traffic Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce

Deposit money not to be repaid except so far as railway is opened.



[Ch. cxxi.] *Burry Port and Gwendreath Valley* [54 & 55 VICT.]  
*Railway Act, 1891.*

A.D. 1891. — any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit.

**11.** If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of traffic then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for  
completion  
of works.

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

Company  
not to carry  
passengers  
on the  
railway.

**13.** The Company shall not carry passengers on the railway Provided always that the Company may permit any person in charge of any goods carriage or animal to travel on the railway or upon the said railways from Sandy Gate to Pwll and from Pwll to Burry Port in the same carriage or train as that by which such goods



[54 & 55 VICT.] *Burry Port and Gwendreath Valley* [Ch. clxxi.]  
*Railway Act, 1891.*

carriage or animal are conveyed on the said railways respectively but the permitting of such persons so to travel shall not be deemed to be the carrying of passengers. A.D. 1891.

**14.** For the purposes of tolls rates and charges and for all other purposes the railway and the said railways from Sandy Gate to Pwll and from Pwll to Burry Port shall be deemed part of the railways of the Company authorised by the recited Kidwelly and Burry Port Railway Act 1865 and the Company shall not be entitled in respect of traffic upon the said railways from Sandy Gate to Pwll and from Pwll to Burry Port respectively to the tolls rates or charges prescribed by the recited Act of the fifty-second year of the reign of King George the Third chapter 173 (local) or by an Act of the fifty-eighth year of the reign of King George the Third chapter lxxv. Tolls &c.  
28 & 29 Vict.  
c. ccxviii.  
52 Geo. III.  
c. 173.  
(local).  
58 Geo. III.  
c. lxxv.

**15.** The Company on the one hand and the Llanely and Mynydd-Mawr Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):— Power to enter into working agreements with the Llanely and Mynydd-Mawr Railway Company.

The maintenance and management of the railways of the Companies respectively or any one or more of them or any part thereof respectively and of the works connected therewith respectively or any of them ;

The use or working of such railways or railway or of any part thereof respectively and the conveyance of traffic thereon ;

The supply and maintenance under any agreement for the respective railways of the Company and the Llanely and Mynydd-Mawr Railway Company being worked and used by the other of them of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants for the conduct of the traffic ;

The fixing collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic.

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

[Ch. clxxi.] *Burry Port and Gwendreath Valley* [54 & 55 VICT.]  
*Railway Act, 1891.*

A.D. 1891.

Interest not  
to be paid  
on calls  
paid up.

**17.** No interest or dividend shall be paid out of any share or loan capital which the Company are by any Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Provision as  
to general  
Railway  
Acts.

**18.** Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of  
Act.

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

---

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET, GLASGOW; or  
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.