CHAPTER xxxix.

An Act to confer further powers on the Barry Dock and Railways Company. [4th June 1886.]

A.D. 1886.

WHEREAS the Barry Dock and Railways Company (who are in this Act referred to as "the Company") were incorporated by the Barry Dock and Railways Act 1884 (herein-after referred to as "the Act of 1884") and were by that Act authorised to construct a dock at Barry and railways and works connected therewith:

And by section twenty-five of the said Act it is (among other things) provided that the Company shall construct and maintain a culvert of sufficient capacity to carry into the western portion of Barry Harbour certain land waters defined in the said section and the Company are desirous of being authorised and it is expedient that they should be authorised to construct in substitution for the said culvert a cut or channel as described in this Act:

And whereas there are certain tidal and other lands adjoining the dock works of the Company and shown on the deposited plans and it is expedient that the Company should be empowered to acquire the same and use them for the purposes of their undertaking:

And whereas plans and sections showing the line and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners 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 Glamorgan and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas it has been found that the number of directors to form a quorum under the said Act of 1884 is too large to be convenient and it is expedient that it should be reduced:

And it is also expedient that provision should be made as to lighting in connexion with the Company's undertaking and that such further powers be granted as are herein-after mentioned:

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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 (that is to say):

Short title.

1. This Act may be cited as the Barry Dock and Railways Act 1886.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (so far as they are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby 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:—

The expression "the Company" means the Barry Dock and Railways Company;

The expression "the Act of 1884" means the Barry Dock and Railways Act 1884;

And 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 for the purposes of this Act 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 works.

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 cut or channel for carrying the water from the Cadoxton Brook into the sea shown on the deposited plans and sections as commencing between Castle Land Point and Warren Tump and terminating to the eastward of the work authorised by the Act of 1884 shown on the deposited plans referred to in that Act and distinguished thereon as the "proposed dam b" and such sluices gates or other works as may be required in connexion with the said cut or channel and so much of section twenty-five of the Act of 1884 as requires the Company to construct and maintain the culvert mentioned in paragraph one of that section is hereby repealed.

Restriction on taking houses of labouring class.

5. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district 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.

For the purpose of this section the expression "labouring class" means and 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 of such persons who may be residing with them.

Lateral and vertical deviation.

6. In making the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet Provided that no deviation from the lines and levels shown on the deposited plans shall be made below high-water mark without the consent in writing of the Board of Trade.

Compulsory purchase of lands.

7. Subject to the provisions of this Act the Company may purchase and take compulsorily or by agreement all such lands as may be necessary for the works authorised by this Act and also certain tidal slob lands foreshore and other land in or adjoining the parishes of Cadoxton-juxta-Barry and Sully or one of them situate to the southward and eastward of the dock works which the Company were authorised to make under the Act of 1884 so far as such lands are shown on the deposited plans and described in the deposited book of reference and may use the said lands for the purposes of their undertaking including the works or any of the works which the Company are empowered to make and maintain by the Barry Dock and Railways Acts 1884 and 1885.

Company not to construct any work on shore of the sea &c. without consent of the Board of Trade.

8. The Company shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the 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 such approval being signified as last afore-

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said and where any such work may have been constructedthe Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Survey of works by Board of Trade.

9. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work or of Barry Harbour the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

10. If a work constructed by the Company on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Saving rights of the Crown in the foreshore.

11. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Period for compulsory purchase of lands.

12. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Protecting rights of Lord Wimborne.

13. Except as in this Act expressly provided nothing in this Act shall be construed to prejudice or affect any title right or claim of Ivor Bertie Lord Wimborne of what nature or kind soever to in or

in respect of any lands or foreshore or shall prejudice or affect any right of the said Lord Wimborne to purchase money or compensation under the Lands Clauses Consolidation Acts 1845 1860 and 1869 in respect of any lands which may be taken or injuriously affected under the powers of this Act.

As to Cadoxton Brook.

14. In executing any works on the lands to be acquired under the powers of this Act the Company shall to the satisfaction of the Board of Trade also execute such works as will so carry the land waters from the Cadoxton Brook to the sea that no greater impediment may exist to the passage of such waters to the sea than existed prior to the commencement of the works authorised by the Act of 1884.

Powers as to lighting.

15. The Company may do all things necessary for generating electricity and using the same and any other illuminating agent in connexion with their undertaking and they may light their undertaking and works and also (on such terms and conditions as may be agreed between the Company and the owners or occupiers thereof) any houses warehouses and buildings erected on any land which shall have been acquired by the Company and for that purpose may use any lands for the time belonging to or held by them and may upon such lands erect and maintain any such works and buildings as they may find convenient and they may manufacture buy or hire all such machinery steam engines gas engines or other apparatus and may acquire such patented or protected processes or inventions (but not so as to acquire an exclusive right) as they may find convenient for the purpose of enabling them to light by electricity or otherwise their undertaking and works and any houses or buildings erected as aforesaid Provided that the Company shall not generate electricity or use the same for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869 The expression "telegram" in this section has the same meaning as in the Telegraph Act 1869.

For protection of the Postmaster General.

16.—(1.) It shall not be lawful for the Company to lay down any electric line or to do any other work for generating electricity or for the supply of electricity whereby any telegraphic line of the Postmaster General is or may be injuriously affected and before any such electric line is laid down or work is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of connexions with mains where the direction of the electric lines so laid down crosses the line of the Postmaster General at right angles at the point of shortest distance and continues the same for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than

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seven clear days before commencing such work shall give written notice to the Postmaster General specifying the course and nature of the work including the gauge of any electric lines and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work.

(2.) Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by arbitration in manner provided by section twenty-eight of the Electric Lighting Act 1882.

(3.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(4.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof stating the reason for executing the same without previous notice.

(5.) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such work or by any use made of such work.

(6.) For the purposes of this section and subject as therein provided sections two seven eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Restricting connexions with earth.

17. The Company shall not under any system by means of which electricity may be supplied permit any part of any circuit for lighting or motor purposes to be connected with earth without the concurrence of the Postmaster General.

Company to furnish Postmaster

18. Whenever after the Company shall have commenced to supply electricity under this Act the Postmaster General requires to place

any telegraphic line in under upon over or across the Company's dock property the Company shall furnish the Postmaster General with a map of the area of supply on a suitable scale showing thereon the lines of all their then existing mains service lines and other underground works and distributing boxes.

General with map of area of supply if required.

19. If the Company fail to comply with any of the requirements of the last preceding section with respect to the said map they shall for every such offence be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding two pounds for every day after the first day during which such offence continues.

Penalty if map not supplied.

20. Nothing in this Act shall affect any right or remedy of the Postmaster General under the Telegraph Acts 1863 to 1885 and all provisions contained in this Act in favour of the Postmaster General shall be construed to be in addition to and not in modification of the provisions of that Act.

Saving rights of Postmaster General.

21. The Company may apply towards the construction of the works by this Act authorised and other purposes of this Act being purposes to which capital is properly applicable any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Company may apply their funds towards purposes of Act.

22. The quorum of meeting of directors shall be five and section forty-nine of the Act of 1884 is hereby repealed.

Quorum of meeting of directors.

23. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act 1866.

24. Nothing in this Act contained shall exempt the Company or the railway of the Company 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.

Provisions as to general Railway Acts.

25. All the 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.

Costs of Act.

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