CHAPTER li.

An Act to authorise the lord mayor aldermen and citizens of the city of Cardiff to execute works and acquire lands to authorise the Corporation to run trolley vehicles on an additional route to confer further powers upon the Corporation and for other purposes. [1st August 1946.]

WHEREAS the city of Cardiff (hereinafter referred to as "the city") is a county borough under the management and local government of the lord mayor aldermen and citizens of the city (hereinafter referred to as "the Corporation"):

And whereas it is expedient that the Corporation should be empowered to execute the works in the city authorised by this Act and to acquire lands for the purposes thereof or in connection therewith:

And whereas the Corporation carry on a trolley vehicle undertaking and it is expedient that they should be empowered to run trolley vehicles along the route in the city described in this Act:

And whereas the Corporation were empowered by the Cardiff Corporation Act 1930 to acquire the undertaking consisting of a toll road from Cardiff to Penarth and such powers have from time to time been revived and extended by subsequent Acts but the period for their exercise has now expired and it is expedient that the said powers should be revived and extended: 20 & 21 Geo. 5. c. clxxiv.

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of

which they are by this Act authorised to borrow money and such estimates are as follows:—

For the execution of the works by this Act authorised and the purchase of lands and easements therefor	£387,590

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years as by this Act provided:

And whereas it is expedient that the other powers and provisions contained in this Act should be conferred and enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines situations and levels of the works by this Act authorised and plans of the lands authorised by this Act to be acquired or used and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the town clerk of the city and are in this Act respectively referred to as the deposited plans sections and book of reference:

23 & 24 Geo. 5. c. 51.

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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 (that is to say):—

Part I.
Preliminary.

Short title.

1. This Act may be cited as the Cardiff Corporation Act 1946.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Works and lands.
Part III.—Trolley vehicles.
Part IV.—Financial.
Part V.—Miscellaneous.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the

provisions of this Act) are hereby incorporated with this Act with the following exceptions and modifications:— PART I. —*cont.*

(*a*) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860 are not incorporated with this Act; 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106.

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Lands Clauses Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

"The city" means the city and county borough of Cardiff;

"The Corporation" means the lord mayor aldermen and citizens of the city acting by the council of the city;

"The town clerk" means the town clerk of the city;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by Part II of the Town and Country Planning Act 1944; 9 & 10 Geo. 5. c. 57. 7 & 8 Geo. 6. c. 47.

"The Act of 1934" means the Cardiff Corporation Act 1934; 24 & 25 Geo. 5. c. xcv.

"The feeder" means the watercourse and tunnel or covered aqueduct constructed under powers conferred by the Bute Docks Act 1834 for supplying water from the river Taff to the Bute Docks; 4 & 5 Will. 4. c. xix.

"Street" includes any highway (including a highway over any bridge) and any road lane footway square court alley or passage whether a thoroughfare or not;

"The new road" means the road between Queen Street and Bute Terrace authorised by this Act and so much of any existing street as under the provisions of this Act for the time being forms part thereof;

"The tribunal" means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

PART I. —*cont.*

"Trolley vehicle" has the meaning assigned to that expression by section 4 (Interpretation) of the Act of 1934.

PART II.

WORKS AND LANDS.

Power to construct works.

5. Subject to the provisions of this Act the Corporation may construct and maintain in the city in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the works hereinafter described:—

Work No. 1. The culverting of so much of the feeder as is situate between the southern side of Queen Street and the northern side of Bute Terrace;

Work No. 2. A road commencing by a junction with Queen Street and terminating by a junction with Bute Terrace.

Limits of deviation.

6. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines or situations thereof as shown on the deposited plans relating thereto respectively to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Subsidiary works.

7.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the works authorised by this Part of this Act and for the purposes thereof—

(*a*) make junctions and communications with any existing street which may be intersected or interfered with by or be contiguous to the new road;

(*b*) divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with or so as to form part of the new road;

(*c*) construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;

(*d*) stop up and appropriate the site and soil of so much of any street as will be rendered unnecessary by the exercise of the powers of this Part of this Act;

(*e*) execute any works for the protection of any adjoining land or buildings;

(*f*) construct any embankments or retaining walls for supporting the works authorised by this Part of this Act;

PART II. —*cont.*

(*g*) remove alter divert or stop up any drain sewer channel or watercourse or any mains pipes wires or other works conveying water gas or electricity the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or the passage of water gas or electricity in or through any channel watercourse main pipe wire or other work;

(*h*) raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and remove all other obstructions.

(2) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of such powers.

(3) Any disputed compensation payable under the foregoing provisions of this section shall be determined in accordance with the provisions of the Lands Clauses Acts.

Underpinning of houses near street works.

8. And whereas in order to avoid in the execution and maintenance of the works authorised by this Part of this Act injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least ten days' notice shall except in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice if given by the Corporation shall be served in manner provided by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk:

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an arbitrator (in this section referred to as "the referee"):

PART II. —*cont.*

(4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:

(5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section:

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

(8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts:

(9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Temporary stoppage of streets.

9.—(1) The Corporation may during and for the purpose of the execution of the works authorised by this Part of this Act break up and also temporarily stop up interfere with alter or divert all or any part of the carriageway or footway of any street or part of a street within the limits of deviation shown on the deposited plans and may for any reasonable time prevent

PART II. —*cont.*

all persons other than those bona fide going to or from any land house or building in any such street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land house or building.

Carriageways footways and other works.

10.—(1) Subject to the provisions of this Part of this Act the Corporation may cause such part or parts of the lands acquired by the Corporation under the powers of this Act to be laid out for carriageways and such part or parts for footway and such part or parts for a reserved area as they may think proper.

(2) Where the Corporation under the powers of subsection (1) of this section lay out any part of such lands as a reserved area and indicate by notices conspicuously placed on such reserved area or in proximity thereto or by the erection of fences that such reserved area or any part thereof is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or lead ride or drive any horse or cattle or vehicle on over or across any such reserved area or part thereof shall be liable to a penalty not exceeding twenty shillings for each offence.

(3) Any part of any such lands laid out as a reserved area shall be deemed for the purposes of section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925 to be lands which may be lawfully appropriated for the purpose of providing a parking place or parking places for vehicles and any part of a reserved area utilised as a parking place and not forming part of an existing street shall for the purposes of subsection (6) of that section be deemed not to be part of a street. 15 & 16 Geo. 5. c. 71.

(4) Nothing in this section contained shall empower the Corporation to prevent any person residing in any premises abutting on any part of the new road having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of the new road.

Period for completion of works.

11. If the works authorised by this Part of this Act are not completed on or before the first day of October one thousand nine hundred and fifty-three then as from that date the powers by this Part of this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed Provided that the Corporation may alter reconstruct renew or remove the said works or either of them as and when occasion may require.

PART II. —*cont.*

Power to acquire lands.

12. Subject to the provisions of this Act the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference or any estate or interest therein which they may require for the purposes of the works authorised by this Part of this Act or either of them and for the provision of space for the erection of buildings adjoining or near to the new road.

Correction of errors in deposited plans and book of reference.

13. 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 plans or specified in the deposited book of reference the Corporation 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 place in which the lands are situate for the correction thereof and if it appear to the justices that the omission or 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 or a copy thereof shall be deposited with the town clerk and such certificate or copy shall be kept by the town clerk with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to execute the works and take the lands in accordance with the certificate.

Owners may be required to sell parts only of certain premises.

14.—(1) Whereas in the construction of the works authorised by this Part of this Act or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of the properties shown or partly shown on the deposited plans and thereon respectively numbered 9 44 and 80 in the city will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto therefore the following provisions shall have effect:—

(*a*) The owner of and persons interested in any of the said properties whereof a portion only is required for the purposes of the Corporation or each or any of them are or is hereinafter in this section included in the term " the owner ";

(*b*) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the

PART II. —*cont.*

property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(*c*) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;

(*d*) If the tribunal determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

(*e*) If the tribunal determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

(*f*) If the tribunal determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

PART II.—*cont.*

(g) If the tribunal determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that the said properties or any of them or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the said properties.

Power to enter upon property for survey and valuation.

15. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings which may be taken or used under the powers conferred by this Part of this Act or any of them or any premises in respect of which a claim for compensation under this Part of this Act is received for the purpose of surveying and valuing the said lands houses and buildings and of inspecting the said premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses buildings or premises.

Persons under disability may grant easements &c.

16. 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 Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Part of this Act in over or affecting any such lands and the provisions of the said Acts with respect to the 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.

PART II. —*cont.*

Further powers of entry.

17. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Benefits to be set off against compensation.

18. In determining the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous to such adjoining lands arising out of the exercise of the powers of this Act shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensation in case of recently acquired interest &c.

19. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November one thousand nine hundred and forty-five if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Agreements with owners of property &c.

20. The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the new road or of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property (including any part of a street appropriated by the Corporation under the powers of this Act and not required for the purposes thereof) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

Purchase of lands for exchange.

21. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the

PART II. —*cont.*

purchase by the Corporation by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

Extinction of private rights of way.

22.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished except to the extent to which the Corporation may by resolution otherwise determine.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights 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.

Limit of time for compulsory purchase of lands.

23. The powers of the Corporation for the compulsory purchase or taking of lands under the provisions of this Part of this Act shall cease on the first day of October one thousand nine hundred and forty-nine.

Powers with reference to leases of surplus lands.

24.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any other Act or any Order made under or confirmed by any enactment and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such times and on such terms and conditions as may be determined by the Corporation in their discretion.

Proceeds of sale of surplus lands.

25. The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers of this Act and such applica-

PART II. —*cont.*

tion shall be in addition to and not in substitution for any other mode of extinguishment of such loans except to such extent and upon such terms as may be approved by the Minister of Health; or

(*b*) in such other manner as may be approved by the said Minister.

For protection of Postmaster-General.

26.—(1) If in relation to the works authorised by the sections of this Act the marginal notes whereof are respectively "Power to construct works" and "Subsidiary works" (hereinafter referred to as "the specified sections") the Corporation require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration.

41 & 42 Vict. c. 76.

(2) If in consequence of the exercise or intended exercise by the Corporation of any of the powers conferred on them by the specified sections the Postmaster-General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any street affected by the exercise or intended exercise by the Corporation of any of the said powers the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Corporation shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof Provided that—

(*a*) before making such alteration the Postmaster-General shall give a notice to the Corporation containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;

(*b*) the Corporation may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration if any to be made in the telegraphic line and as to the manner in which the proposed work of the Corporation is to be carried out.

(3) Expressions in this section have the same meaning as in the Telegraph Act 1878.

PART II. —*cont.*
For protection of Great Western Railway Company.

27. For the protection of the Great Western Railway Company (hereinafter referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect:—

(1) In executing Work No. 1 by this Act authorised the Corporation shall construct the culvert in such manner and of such dimensions as not to diminish the present maximum discharging capacity of the feeder or hold back and thereby raise the level of the water in the portion of the feeder not to be culverted:

(2) Subject to the provision of the last preceding subsection of this section Work No. 1 shall be constructed by and at the expense of the Corporation under the superintendence (if the same be given) and to the reasonable satisfaction of the chief engineer of the company (hereinafter referred to as "the engineer") The work shall be carried out in accordance with plans and sections and particulars to be submitted to and reasonably approved by the engineer before the Corporation begin to execute the work:

(3) The Corporation shall forever maintain Work No. 1 and any other works by this Act authorised (hereinafter collectively referred to as "the works") so that the level of the water in the Bute Docks of the company shall not in consequence of the works be lowered below twenty-six decimal five feet above Ordnance datum (Newlyn):

(4) (*a*) If any such lowering of the water level as is referred to in subsection (3) of this section shall arise from the acts or operations of the Corporation under the powers of this Act or by reason of the failure of the Corporation to maintain the works or by any failure of the works the company shall as soon as is reasonably practicable after the occurrence of such lowering give notice thereof in writing to the Corporation and the Corporation shall as soon as reasonably practicable after the receipt of any such notice carry out all necessary work to remedy such lowering;

(*b*) If it be agreed between the Corporation and the company or (in case of difference between them) determined by arbitration that such lowering was not attributable to any such cause as aforesaid the company shall repay to the Corporation the amount of the expense reasonably incurred by them in

PART II. —*cont.*

carrying out such work but otherwise the Corporation shall themselves bear the said expense:

(5) In the event of the Corporation failing at any time to carry out their obligations under subsections (3) and (4) of this section to the reasonable satisfaction of the engineer the company may at any time and from time to time carry out all such works and make and do all such repairs as may be necessary and recover the expense thereof from the Corporation:

(6) The Corporation shall save harmless and indemnify the company from and against all claims and liability in respect of any interruption to or interference with the traffic at their said Bute Docks or any damage to property which may arise in consequence of or be attributable to the construction or maintenance of the works or by reason of the failure of the works or of the failure of the Corporation to discharge any of the obligations imposed on them by this section:

(7) The Corporation shall pay to the company compensation in respect of all losses costs and expenses reasonably incurred by the company as a result of any such lowering of the water level as is referred to in subsection (4) of this section or any interruption to or interference with traffic at their said docks consequent upon such lowering including the cost of any pumping carried out by the company to maintain the level of water in such docks and any additional cost of dredging of the said docks necessitated by such pumping and compensation for the loss of user of their dry dock adjoining their Roath basin consequent upon such pumping:

(8) The Corporation shall repay to the company all expenses reasonably incurred by them in any way arising out of or in connection with the works including the cost (if any) of supervising the works:

(9) Whenever at any time during the construction or after the completion of the works the Company propose for their own purposes to interrupt the flow of the water in the feeder or to execute any work which would result in any lowering of the level of the water in the feeder they shall give to the Corporation not less than seven days' previous notice in writing (except in the case of emergency when they shall give such notice as is reasonably practicable in the circumstances) of their intention so to do with a statement as to the dates and times when such interruption or the execution of such work will begin

PART II. —*cont.*

and as to the periods during which such interruption or any lowering of level resulting from the execution of such work will probably be continued and the extent to which it is anticipated that the level of the water in the feeder will be lowered and notwithstanding anything in the foregoing provisions of this section if the Corporation execute any works or carry out any repairs while such interruption or lowering of level continues they shall not thereby be liable to pay any compensation to the company or to indemnify the company against losses costs or expenses incurred by them in respect of any matter or thing arising out of or consequent upon such interruption or lowering of level:

(10) The company shall permit the Corporation their officers servants and workmen (at the sole risk of the Corporation) at all reasonable times to enter upon the works and lands of the company so far as may be necessary to enable the Corporation to construct and maintain any of the works and to carry out any duties or obligations under or in pursuance of this section or for the purpose of ascertaining whether there is or has been any such lowering of the water level as is referred to in this section:

(11) Any difference arising between the company and the Corporation respecting any of the matters referred to in this section shall be referred to and determined by a single arbitrator to be appointed (failing agreement) at the request 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 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

For protection of Cardiff Gas Light and Coke Company.

28. For the protection of the Cardiff Gas Light and Coke Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas company apply and have effect in respect of the exercise of the powers of this Act (that is to say):—

(1) In this section the expression "gas apparatus" means mains pipes meters and other works belonging to the gas company but (if the Corporation serve on the gas company any such notice as is referred to in subsection (1) of the section of this Act of which

PART II. —*cont.*

the marginal note is " As to diversion of gas main ") does not include the twenty-four inch main of the gas company referred to in that section:

(2) Not less than twenty-eight days before commencing any works in or so as to affect any street or road or the feeder in under or over which any gas apparatus is situate the Corporation shall deliver to the gas company a plan section and description of such works describing the proposed manner of executing them and showing the whole of the works proposed to be executed in connection therewith:

(3) The gas company at any time within twenty-one days after the receipt of such plan section and description may by notice in writing intimate to the Corporation their disapproval of the proposed manner of executing the said intended works (so far as they involve interference with or might endanger any gas apparatus) or make reasonable requirements with respect to such plan section and description and in particular they may require the Corporation to provide and lay down such works and gas apparatus as may be reasonably necessary and if it is reasonably necessary so to do they may require the Corporation to remove raise lower or otherwise alter the position of any gas apparatus and support the same and where reasonably necessary to substitute temporarily or otherwise other gas apparatus in such manner as may be reasonably specified by the gas company and to lay or place under any gas apparatus cement concrete or other protective substance Provided that if the gas company shall not within the said period of twenty-one days give any such notice in writing to the Corporation or make any such requirement as aforesaid they shall be deemed to have approved the plan section and description as submitted to them:

(4) The Corporation shall not execute any of the said works except in accordance with the said plan section and description as approved by the gas company or if not so approved as may be settled by arbitration as hereinafter provided:

(5) No gas apparatus shall be removed raised sunk or otherwise altered in position nor shall anything be done which may impede the passage of gas into or through any gas apparatus or interfere with the access thereto without the consent of the gas company or in any manner other than the gas company

PART II. —*cont.*

shall approve unless and until such good and sufficient gas apparatus (hereinafter referred to as "substituted apparatus") as the gas company may reasonably consider necessary for continuing the supply of gas shall have been first provided laid down and made ready for use Provided that the consent or approval of the gas company under this subsection shall not be unreasonably withheld:

(6) All works to be executed or provided in connection with any gas apparatus shall except as herein otherwise provided be so executed or provided by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Corporation such superintendence be given) of the engineer of the gas company:

(7) Not less than twenty-one days before commencing the execution of any of the said works the Corporation shall give to the gas company notice of their intention to commence such execution and shall state in the notice the place and time at which they so propose to commence If within fourteen days after the receipt of any such notice the gas company shall give notice to the Corporation of their intention themselves to lay down any substituted apparatus or to execute any other works in connection with any of the gas apparatus as provided by this section it shall be lawful for the gas company instead of the Corporation to lay down such substituted apparatus or execute such works and the gas company shall thereupon lay down or execute the same with all reasonable dispatch and the cost reasonably incurred by the gas company in so doing shall on demand be repaid to them by the Corporation:

(8) If in the execution by the Corporation of any of the said works any damage to any gas apparatus or any interruption in the supply of gas shall be caused the Corporation shall bear and pay the cost reasonably incurred by the gas company in making good such damage and shall make full compensation to the gas company for any loss sustained by them by reason of such interruption of supply and shall indemnify the gas company against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the gas company by reason or in consequence of any such damage or interruption The Corporation shall also pay to the gas company any reasonable

expenses which the gas company may reasonably and properly incur in connection with any alteration of private communication pipes rendered necessary by the execution of any of the said works:

(9) (*a*) The Corporation shall not lower the level of any street or alter the position of any gas apparatus situate below the surface of any street or land so as to leave over such gas apparatus in any part a covering of less than three feet where the existing covering is not less than three feet or less than the existing covering where the same is less than three feet unless the Corporation shall in such case protect such gas apparatus from frost or injury by artificial covering to the satisfaction of the engineer of the gas company:

(*b*) The Corporation shall bear and on demand pay to the gas company any additional cost which the gas company may from time to time reasonably incur in connection with the excavation of any soil or other material above any such gas apparatus as last aforesaid so far as such additional cost is caused by any increase by reason of any of the said works of the covering over such gas apparatus beyond—

(i) the existing covering; or

(ii) five feet;

whichever is the greater:

(10) If any loss of gas shall be sustained by the gas company by reason of any act or omission of the Corporation or of any of their contractors agents workmen or servants or any person in the employ of them or any of them the Corporation shall pay to the gas company the value of any gas so lost as aforesaid:

(11) The Corporation shall bear and pay the cost reasonably incurred by the gas company in the employment of watchmen and inspectors with reference to and during the execution of any of the said works affecting or likely to affect any gas apparatus:

(12) The expense of all repairs or renewals of any gas apparatus which may be rendered necessary by or in consequence of the acts or defaults of the Corporation their contractors agents workmen or servants or any person in the employ of them or any of them or rendered necessary by reason of any subsidence resulting from any of the said works whether during the execution thereof or within twelve months after the completion thereof shall be borne by the

PART II. —*cont.*

Corporation and paid by them on demand to the gas company:

(13) If in the execution of any of the said works the Corporation alter the carriageway of any street so as to extend over any gas apparatus which before such alteration was situate under the footway of such street or otherwise in such execution cause any gas apparatus which is situate under the footway of any street to be placed under the carriageway thereof the gas company where it is reasonably necessary may either—

(*a*) relay such gas apparatus under the altered footway; or

(*b*) lower such gas apparatus so as to provide adequate protection therefor against injury;

as may be agreed between the gas company and the Corporation or settled by arbitration as hereinafter provided and the Corporation shall repay to the gas company the expense reasonably incurred by them in so doing:

(14) Whenever by reason or in consequence of the stopping up under the powers of this Act of any street or road or part of a street or road or of the development of any lands to be acquired by the Corporation under the powers of this Act any gas apparatus is rendered derelict useless or unnecessary the Corporation shall forthwith after such stopping up or the commencement of such development as the case may be pay to the gas company such a sum as may be agreed between the Corporation and the gas company or as failing such agreement may be determined by arbitration as hereinafter provided to be the value of the gas apparatus so rendered derelict useless or unnecessary and such gas apparatus shall thereupon become the property of the Corporation:

(15) The Corporation shall pay to the gas company their reasonable charges of and incidental to the cutting off of any gas apparatus from any other gas apparatus so far as such cutting off is rendered necessary by the execution of any of the said works:

(16) If any question shall arise between the Corporation and the gas company under this section (other than a question as to the construction or meaning of this section) such question shall be referred to arbitration.

As to diversion of gas main.

29. The following provisions shall unless otherwise agreed in writing between the Corporation and the Cardiff Gas Light

and Coke Company (in this section referred to as " the gas company ") apply and have effect (that is to say): — PART II. —*cont.*

(1) If the Corporation require the gas company to divert their twenty-four inch main situate across the feeder northward of the bridge carrying the highway known as Bute Terrace over the feeder the Corporation shall give notice in writing to the gas company and the gas company shall divert the said main so as to be situate on the southern side of the said bridge:

Provided that the Corporation shall not make any such requirement unless and until the consent of Western Ground Rents Limited to the proposed diversion has been obtained and any easements rights or facilities necessary therefor have been granted to the reasonable satisfaction of the gas company:

(2) The diversion of the said main shall be carried out by the gas company—

(*a*) in accordance with plans sections and particulars to be previously agreed between the gas company and the Corporation or in default of agreement settled by arbitration Provided that the gas company shall not be required to carry the said main across the feeder otherwise than above the level of the banks of the feeder; and

(*b*) under the supervision (if given) of the Corporation;

and shall be commenced as soon as reasonably practicable after the receipt of the notice referred to in subsection (1) of this section and thereafter completed with all reasonable dispatch:

(3) The Corporation shall repay to the gas company as part of the cost of the execution of Work No. 1 by this Act authorised the cost reasonably incurred by the gas company in or in connection with the diversion of the said main pursuant to this section:

(4) If any question shall arise between the Corporation and the gas company under this section (other than a question as to the construction or meaning of this section) such question shall be referred to arbitration.

PART III.

TROLLEY VEHICLES.

Power to use trolley vehicles.

30.—(1) Subject to the provisions of this Part of this Act the Corporation may provide maintain and equip (but shall

PART III. —*cont.*

not manufacture) trolley vehicles and may use the same along the whole or any part of the following route:—

A route (two furlongs five decimal seventy-two chains or thereabouts in length) wholly in the city commencing in Queen Street at a point eighteen yards or thereabouts south-westward of the junction therewith of Park Lane passing thence into and along the new road into and terminating in Bute Terrace at the junction therewith of Love Lane;

and with the consent of the Minister of Transport along any other street or road in the city which the Corporation think it necessary or convenient to use for the purpose of—

(*a*) providing a turning point; or

(*b*) connecting trolley vehicle routes; or

(*c*) obtaining access to any depot garage building or work of the Corporation.

(2) Provided that before equipping the said trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

Incorporation of provisions of Act of 1934 relating to trolley vehicles.

31. The following provisions of the Act of 1934 so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as fully and effectually as if such provisions had been re-enacted in this Part of this Act with any necessary modifications (that is to say):—

Section 21 (As to electrical works);

Section 22 (Corporation to have exclusive right of using apparatus for working trolley vehicles);

Section 23 (Trolley vehicles not to be deemed omnibuses);

Section 24 (Licence duties on trolley vehicles);

Section 25 (Approval of trolley vehicles by Minister of Transport);

Section 26 (Certification by Minister of Transport);

Section 27 (Application of certain provisions of Tramways Act 1870 to trolley vehicles);

Section 28 (Application to trolley vehicles of enactments relating to Corporation tramways);

Section 30 (For protection of the Postmaster-General);

Section 35 (Application of tramway byelaws and regulations).

PART III. —*cont.*

Trolley vehicles to form part of trolley vehicle undertaking.

32. The trolley vehicles authorised by this Part of this Act to be provided maintained and used by the Corporation and the working and using of such trolley vehicles and all apparatus and equipment provided or erected for working and using the same or otherwise in connection therewith shall for all purposes be deemed to form part of the trolley vehicle undertaking authorised by the Act of 1934.

PART IV.

FINANCIAL.

Power to borrow.

33.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1. Purpose.	2. Amount.	3. Period for repayment.
(*a*) For the acquisition of lands and easements for the purposes of Part II of this Act.	£ 289,990	Sixty years from the date or respective dates of borrowing.
(*b*) For or in connection with the construction of the works authorised by Part II of this Act.	97,600	Fifty years from the date or respective dates of borrowing.
(*c*) For the provision of electrical equipment and construction of other works necessary for working the trolley vehicle route authorised by this Act.	2,000	Twenty years from the date or respective dates of borrowing.
(*d*) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

(2) (*a*) The Corporation may also with the consent of the Minister of Transport borrow such further sums as they may from time to time require for any of the purposes of Part III of this Act.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the said Minister.

(3) The provisions of Part IX (Borrowing) of the Local Government Act 1933 so far as they are not inconsistent with

PART IV. —*cont.*

the provisions of this Act shall extend and apply to the borrowing of money under this section and to money so borrowed as if it were borrowed under the said Part IX and the period fixed by subsection (1) of this section for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Restriction on borrowing.

2 & 3 Geo. 6. c. 62.

9 Geo. 6. c. 10.

9 & 10 Geo. 6. c. 58.

34. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order made under section 1 of the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful otherwise than by the use of the Corporation's internal funds to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Saving for Local Authorities Loans Act 1945. 9 & 10 Geo. 6. c. 18.

35. Notwithstanding anything in this Act contained the Corporation shall not exercise the powers of borrowing conferred by this Part of this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

PART V.

MISCELLANEOUS.

Revival of powers of acquisition of Cardiff and Penarth road undertaking. 6 & 7 Geo. 6. c. xvi.

36.—(1) The powers conferred upon the Corporation by Part VII (Cardiff and Penarth road) of the Cardiff Corporation Act 1930 of purchasing the undertaking as revived and continued by section 64 (Revival of powers of acquisition of Cardiff and Penarth road undertaking) of the Act of 1934 and by section 69 (Revival of powers of acquisition of Cardiff and Penarth road undertaking) of the Cardiff Corporation Act 1943 are hereby again revived and continued and may be exercised by the Corporation provided that such notice as is referred to in section 49 (Acquisition of undertaking) of the said Act of 1930 is addressed by the Corporation to the owners on or at any time before the first day of October one thousand nine hundred and forty-nine and the provisions of the said Part VII shall apply and have effect accordingly.

(2) Terms to which meanings are assigned by the said Part VII have in this section the same respective meanings subject to the modification referred to in subsection (2) of the said section 69.

PART V. —*cont.*

Extension of powers for provision of entertainments.

37.—(1) Notwithstanding anything contained in the Cardiff Corporation Act 1930 the powers of the Corporation of providing or arranging for the provision of concerts entertainments and amusements under section 153 (Provision of concerts entertainments &c.) of that Act shall include a power to provide or arrange for the provision of stage plays in any park or recreation ground for the time being vested in them or under their control or upon any land belonging or leased to them or in any building for the time being in or upon any such park recreation ground or land.

(2) Any stage plays provided under this section shall be deemed to have been provided under the powers or in pursuance of the said section 153 and the provisions of that section (except so much of the second proviso to subsection (1) of that section as follows the words "with or without appropriate scenery") shall so far as not inconsistent with this section extend and apply accordingly to such stage plays and to the Corporation in respect of the provision thereof:

Provided that—

(*a*) the net amount of the expenses incurred by the Corporation under the said section 153 as extended by this section when added to the net amount of the expenses incurred by them in the provision of entertainments under section 56 of the Public Health Act 1925 shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister of Health under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny and a halfpenny in the pound but the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the said Minister under the provisions of subsection (3) of the said section 56 of the Public Health Act 1925; and

15 & 16 Geo. 5. c. 90.

(*b*) the proviso to subsection (6) of the said section 153 is hereby repealed.

(3) No power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Corporation without an Order of the High Court or of the Charity Commissioners or the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays.

PART V. —*cont.*

Application of Arbitration Acts.

38. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be appointed 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 any such arbitration.

Application of provisions of Public Health Act 1936. 26 Geo. 5. & 1 Edw. 8. c. 49.

39. The provisions of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 283 (Notices to be in writing: forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 293 (Recovery of expenses &c.);

Section 296 (Summary proceedings for offences);

Section 297 (Continuing offences and penalties);

Section 299 (Inclusion of several sums in one complaint &c.);

Section 304 (Judges and justices not to be disqualified by liability to rates).

Saving for indictments &c.

40. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for town and country planning.

41. The provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under the section of this Act of which the marginal note is "Revival of powers of acquisition of Cardiff and Penarth road undertaking" shall apply to that development.

PART V. —*cont.*

Inquiries by Minister of Transport.

42. The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Crown rights.

43. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

44. All costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the general rate of the city or out of moneys to be borrowed under this Act for that purpose.

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