CHAPTER xxi

An Act to provide for the transfer to the Dee and Clwyd River Board of certain sluices controlling the outfall from Bala Lake in the county of Merioneth and to repeal certain obligations of the British Transport Commission in connection with the use thereof to confer financial powers on the Mid and South East Cheshire Water Board the West Cheshire Water Board and the Wrexham and East Denbighshire Water Company and for other purposes.

[3rd July 1951.]

WHEREAS—

(1) Under the authority of an Act 44. Geo. 3. c. liv. (1804) entitled "An Act to enable the Company of Proprietors of the Ellesmere Canal to make a railway from Ruabon Brook to the Ellesmere Canal at or near the aqueduct at Pontcysyllte in the parish of Llangollen in the county of Denbigh and also to make several cuts or feeders for better supplying the said canal with water" a weir sluices and other works were constructed at Bala Pool otherwise Pimble Mere in the county of Merioneth: **44 Geo. 3. c. liv.**

(2) By sections CLXXIX and CLXXX of the Ellesmere and Chester Canal Act 1827 the said works were authorised to be maintained and further works were authorised and by section CLXXXI of the said Act the Ellesmere and Chester Canal Company were required to draw down and convey into the river Dee from and out of the said pool or mere (now commonly referred to as "Bala Lake") an equal or greater quantity of water than shall have been taken from the said river by means of weirs sluices and other works at Llantysilio: **7 & 8 Geo. 4. c. cii.**

7 & 8 Geo. 6. c. i.

(3) By section 6 of the London Midland and Scottish Railway Act 1944 the London Midland and Scottish Railway Company were placed under statutory obligation to maintain the sluices controlling the outfall at Bala Lake and a gauge to measure the quantity of water discharged:

10 & 11 Geo. 6. c. 49.

(4) By virtue of the Transport Act 1947 the powers and obligations of the said Act of 1944 are now vested in the Docks and Inland Waterways Executive of the British Transport Commission:

(5) The Dee and Clwyd River Board (hereinafter referred to as " the River Board ") were constituted by the Dee and Clwyd River Board Constitution Order 1950 in pursuance of the River

11 & 12 Geo. 6. c. 32.

Boards Act 1948 and are charged with the duties prescribed by that Act with respect to the catchment areas of the rivers Dee and Clwyd:

(6) The Mid and South East Cheshire Water Board the West Cheshire Water Board and the Wrexham and East Denbighshire Water Company are desirous of abstracting water from the river Dee for the purposes of their respective water undertakings:

(7) The River Board have under consideration a scheme of works which would enable the flow of the river Dee to be regulated so as to mitigate flooding and to permit of the discharge of an increased flow in dry weather thereby reducing the deposit of silt and improving the facilities for the passage of fish:

(8) The present flow of the river Dee is inadequate to meet the anticipated needs of public water supplies during periods when the flow of the river is affected by dry weather conditions and the construction of the said works would permit further abstraction to be made without injury to the river:

(9) In consideration of the River Board refraining from opposing applications made or to be made in pursuance of the agreement scheduled to this Act by the said water undertakers for powers to abstract water from the river Dee and of the construction of such works and the obligations assumed by the River Board under this Act the said water undertakers have agreed with the River Board to make a contribution to the capital expenditure involved and to the cost of maintaining and operating those works thereafter:

(10) It is expedient that the existing weir and sluices at Bala Lake should be transferred by the British Transport Commission to the River Board and that the obligations of the said commission to maintain the said weir and sluices should cease:

(11) It is expedient that the other provisions of this Act should be enacted:

(12) The purposes of this Act cannot be effected without the authority of Parliament:

(13) The Minister of Local Government and Planning and the Minister of Agriculture and Fisheries have consented under section 21 of the River Boards Act 1948 to the promotion of the Bill for this Act:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Dee and Clwyd River Board Act 1951.

Interpretation.

2. In this Act—

"the appointed day" means the first day of October nineteen hundred and fifty-one;

"the Bala Lake works" means the scheme of works to be carried out by the River Board in pursuance of the scheduled agreement;

"the Bala sluices" means the existing weir sluices and other works controlling the outfall from Bala Lake situate partly in the urban district of Bala and partly in the parish of Dyffryn Penllyn in the rural district of Penllyn in the county of Merioneth in the enclosures numbered in the said urban district 73 and in the said parish 26 and 27 on the 1/2500 ordnance map (Merionethshire sheet XXII.7 second edition 1901);

"the commission" means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;

"the Ministers" has the meaning assigned to that expression by the River Boards Act 1948;

"the River Board" means the Dee and Clwyd River Board constituted under the River Boards Act 1948;

"the scheduled agreement" means the agreement set forth in the schedule to this Act;

"the water undertakers" means the Mid and South East Cheshire Water Board the West Cheshire Water Board and the Wrexham and East Denbighshire Water Company.

Vesting of transferred works.

3. On the appointed day the Bala sluices shall by virtue of this Act become and be vested in the River Board without further assurance and thereupon the commission shall be released from all obligations and liabilities imposed on them in relation to the Bala sluices.

Confirmation of scheduled agreement.

4. The scheduled agreement is hereby confirmed and made binding upon the River Board and the water undertakers and effect may and shall be given thereto accordingly subject to such modifications (if any) as may from time to time be agreed between the River Board and the water undertakers under their respective common seals:

Provided that—

(*a*) Clause 3 of the said agreement shall take effect subject to section 6 (Operation of Bala sluices and Bala Lake works) of this Act;

(*b*) In paragraph (*a*) of clause 7 of the said agreement there shall be deemed to be inserted after the word " points " the words " (not being above the canal intake of the British Transport Commission at Llantysilio in the county of Denbigh) ";

(*c*) The quantity of twenty-four million gallons referred to in paragraph (*b*) of clause 7 of the said agreement shall be reduced by the quantity of five million gallons authorised to be abstracted from the river Dee by the West Cheshire Water Board Order 1950 and the quantity of six million gallons referred to in paragraph (*c*) of the said clause shall be deemed to be the quantity authorised to be abstracted from the river Dee by the Wrexham and East Denbighshire Water Order 1951.

As to construction of Bala Lake works.

5.—(1) The Board shall submit plans and sections of the Bala Lake works to the water undertakers and the commission for their reasonable approval and the said works shall be commenced as soon as reasonably practicable after any necessary approvals or consents of government departments have been obtained and the conditions mentioned in clause 8 of the scheduled agreement have been fulfilled and shall be completed with all reasonable dispatch in accordance with the said plans and sections as so approved or settled by arbitration.

(2) Any question which may arise under this section shall be referred to and determined by the Ministers.

(3) Nothing in this section shall prejudice or affect any rights to which the commission may be entitled in respect of the Bala Lake works under the Land Drainage Act 1930 and the River Boards Act 1948.

20 & 21 Geo. 5. c. 44.

Operation of Bala sluices and Bala Lake works.

6.—(1) The control sluices or appliances in connection with the Bala sluices after the appointed day and the Bala Lake works during and after their construction shall be operated by the River Board in accordance with general directions to be issued from time to time by the River Board for the purpose and with the object of mitigating flooding augmenting in dry weather the flow of the river Dee securing that there will be a sufficient quantity of water in the river Dee to enable the commission to take from the said river into their Shropshire Union Canal by means of the sluices and other works in the parish of Llantysilio in the county of Denbigh a quantity of water not in excess of the limitation imposed by section 4 (Limitation on abstraction of water from river Dee) of the London Midland and Scottish Railway Act 1944 enabling such authorities bodies and persons as may for the time being be authorised to take water from the river Dee for the purposes of their undertakings to abstract such a quantity of water as they may be authorised to abstract safeguarding the fisheries and securing that there will be in dry weather a sufficient flow of water in the river Dee at Llangollen to protect the interests of the owners of the Llangollen Mill the Mile End Mill and the Dee Flannel Mills.

(2) (*a*) For the purpose of assisting the River Board in the making of the general directions referred to in the preceding subsection a consultative committee shall be established consisting of the following:—

Body represented	Number of representatives
River Board	3
Each of the water undertakers who may for the time being be authorised to take water from the river Dee ...	1
Chester Waterworks Company	1
The commission	1

(*b*) The meetings of the said committee shall be convened by the River Board and shall be held at such intervals as the committee may decide and shall be convened upon the request in writing to the River Board of any of the said bodies.

(3) The general directions referred to in subsection (1) of this section shall be subject to the reasonable approval of each of the bodies represented on the consultative committee and any general directions for the time being in force shall be reconsidered and revised whenever reasonably so required by any of the said bodies.

(4) Any difference or dispute in regard to the said general directions or the revision thereof shall be referred to and determined by a single arbitrator to be agreed upon between the

parties to the difference or dispute or in default of such agreement appointed on the application of any of such parties by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such reference.

14 Geo. 6. c. 27.

Saving of rights to oppose abstraction of water from river Dee.

7. Except as provided by clause 7 of the scheduled agreement nothing in this Act shall prejudice or affect the right of any person to oppose any application made to the Minister of Local Government and Planning to authorise the abstraction of water from the river Dee.

As to variation of Act and scheduled agreement. 8 & 9 Geo. 6. c. 42.

8. Any order made by the Minister of Local Government and Planning under the Water Act 1945 authorising the abstraction of water from the river Dee whether by the water undertakers or by any other authority body or person may vary alter or amend the provisions of this Act and of the scheduled agreement in regard to the constitution and proceedings of the consultative committee referred to in section 6 (Operation of Bala sluices and Bala Lake works) of this Act and the contributions to be made under clauses 4 and 5 of the scheduled agreement and may empower and require any such other authority body or person to make such contributions.

Power to River Board to borrow.

9.—(1) The River Board shall have power in addition and without prejudice to their powers of borrowing under section 11 of the River Boards Act 1948 from time to time to borrow without the consent of any sanctioning authority such sums as may be necessary for paying the costs charges and expenses of this Act and the River Board shall pay off all moneys so borrowed within such period as the River Board may determine not exceeding five years from the passing of this Act.

(2) The provisions of subsection (4) of section 11 of the River Boards Act 1948 shall extend and apply to money borrowed under this section as if it were borrowed under the said section 11 and the period fixed 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 subsection (4).

Power to water undertakers to make payments to River Board.

10.—(1) The Mid and South East Cheshire Water Board and the West Cheshire Water Board may respectively make such payments to the River Board as are provided for in paragraph (1) of clause 4 of the scheduled agreement and such payments shall be deemed to be purposes for which the said boards are authorised to borrow money.

(2) The Wrexham and East Denbighshire Water Company may make such payments to the River Board as are provided for in the scheduled agreement.

Crown rights.

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

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

12. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Repeal.

13. On the appointed day the following enactments are hereby repealed:—

Ellesmere and Chester Canal Act 1827—

Section CLXXX (Company may erect works at Bala Pool &c. for restoring the water of the river Dee);

Section CLXXXI (Company required to restore to the river Dee the same quantity of water as shall have been taken therefrom);

London Midland and Scottish Railway Act 1944—

Section 6 (As to works at Bala Lake);

Section 7 (For protection of Board of Conservators for the River Dee Fishery District);

Section 8 (Company to inspect gauges at Llantysilio);

So much of section 10 (Penalties) as relates to the maintenance of a gauge at Bala Lake and to the discharge of water from Bala Lake.

Costs of Act.

14. 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 River Board.

SCHEDULE

THIS AGREEMENT is made the twelfth day of December one thousand nine hundred and fifty between the DEE AND CLWYD RIVER BOARD of 45 Nicholas Street Chester (hereinafter referred to as "the River Board") of the first part the MID AND SOUTH EAST CHESHIRE WATER BOARD of Weaverham Grange Hartford near Northwich in the county palatine of Chester (hereinafter referred to as "the Mid Cheshire Board") of the second part the WEST CHESHIRE WATER BOARD of Water Board Buildings 11 to 15 Cross Street Birkenhead (hereinafter referred to as "the West Cheshire Board") of the third part and the WREXHAM AND EAST DENBIGHSHIRE WATER COMPANY of 21 Egerton Street Wrexham (hereinafter referred to as "the Wrexham Company") of the fourth part:

WHEREAS—

(1) The River Board are charged with the duties prescribed by the River Boards Act 1948 with respect to the catchment areas of the rivers Dee and Clwyd and in order that such duties may be effectively exercised it is expedient so to regulate the flow of the said rivers as to ameliorate flooding and to permit of the discharge of an increased flow in dry weather thereby reducing the deposit of silt and improving the facilities for the passage of fish.

(2) The remaining parties hereto are desirous of abstracting water from the river Dee.

(3) The construction by the River Board of works at or near Bala in the county of Merioneth at an estimated cost of two hundred and seventy-three thousand pounds would enable the flow of the river Dee to be regulated and would thereby permit the said abstraction to be made without injury to the river.

(4) The requisite powers for the abstraction of water from the river Dee by the Mid Cheshire Board the West Cheshire Board and the Wrexham Company are obtainable by order of the Minister of Health under the Water Act 1945 and in consideration of the River Board refraining from opposing the application for such powers and the construction by the River Board of works which will enable the flow of the river Dee to be regulated so as to permit of the further abstraction of water from the river the Mid Cheshire Board the West Cheshire Board and the Wrexham Company have agreed to make a financial contribution towards the cost of such works.

Now it is hereby agreed as follows:—

1. The River Board will use their best endeavours to obtain any statutory powers which may be required to transfer to them the control of the sluices at Bala Lake in the county of Merioneth and to construct the works necessary to enable Bala Lake to be utilised for the two-fold purposes of flood water detention and dry weather flow augmentation at a cost estimated at the date hereof of £273,000.

2. Upon such powers being granted and the said works being carried out the River Board shall undertake the responsibility for the operation of the control sluices or appliances at Bala and for the maintenance of such sluices or appliances and the channels and banks included in the scheme of works.

3. It shall be the policy of the River Board to operate the said control sluices or appliances so that so far as reasonably practicable the Mid Cheshire Board the West Cheshire Board and the Wrexham Company will be able at all times to take from the river Dee a quantity of water which they are authorised to abstract.

4.—(1) The cost of constructing the said works shall be borne by the parties hereto in the following proportions (namely):—

	Per cent.
(*a*) River Board	18·3
(*b*) Mid Cheshire Board	25·4
(*c*) West Cheshire Board	52·0
(*d*) Wrexham Company	4·3
	100·0

(2) If the River Board shall borrow money for the construction of the whole of the said works the Mid Cheshire Board the West Cheshire Board and the Wrexham Company shall contribute an amount representing the proportions respectively referred to in paragraph (1) of this clause of the annual charge on the said loan for the full period fixed for the repayment of the money borrowed.

5. The cost of maintaining the said works and operating the control sluices or appliances by the River Board shall be borne by the parties hereto in proportion to the quantity of water abstracted as recorded by measuring gauges as follows:—

	Per million gallons s. d.
(*a*) Mid Cheshire Board—	
Up to 5,875,000 gallons a day	15 0
5,875,000 to 11,750,000 gallons a day	5 0
(*b*) West Cheshire Board—	
Up to 12,000,000 gallons a day	15 0
12,000,000 to 24,000,000 gallons a day	5 0
(*c*) Wrexham Company—	
Up to 3,000,000 gallons a day	7 6
3,000,000 to 6,000,000 gallons a day	2 6

6. The Mid Cheshire Board the West Cheshire Board and the Wrexham Company will use their best endeavours to obtain any statutory powers which may be requisite to enable them to make the payments provided for by this agreement.

7. The River Board will not oppose applications made to the Minister of Health for orders under the Water Act 1945—

(*a*) By the Mid Cheshire Board for authority to abstract a quantity of water not exceeding 11,750,000 gallons a day from the

river Dee by means of an intake or intakes at such point or points as may be specified in the order authorising such abstraction;

(*b*) By the West Cheshire Board for authority to abstract a quantity of water not exceeding 24,000,000 gallons a day from the river Dee by means of an intake at or below Chester Weir;

(*c*) By the Wrexham Company for authority to abstract a quantity of water not exceeding 6,000,000 gallons a day from the river Dee by means of an intake at Sesswick in the county of Denbigh.

8. This agreement is conditional upon the following events:—

(*a*) the granting to the River Board of the statutory powers referred to in clause 1 hereof;

(*b*) the granting to the Mid Cheshire Board the West Cheshire Board and the Wrexham Company of the statutory powers referred to in clause 6 hereof;

(*c*) the granting of the applications referred to in clause 7 hereof.

9. The River Board shall promote and use its best endeavours to procure the passing of a Bill in the session of Parliament of 1950–51 and this agreement shall be scheduled to the Bill and is subject to the approval of Parliament and to such alterations as may be made therein In the event of Parliament making any material alteration in this agreement or in the Bill which is not acceptable to the parties hereto it shall be in the option of either party to withdraw from this agreement in which case this agreement shall become void.

In witness whereof the parties hereto have caused their respective common seals to be hereunto affixed the day and year first above written.

The common seal of the DEE AND CLWYD RIVER BOARD was hereunto affixed in the presence of }

GEOFFREY SUMMERS
Chairman

GERALD A. WRIGHT
Executive Officer

The common seal of the MID AND SOUTH EAST CHESHIRE WATER BOARD was hereunto affixed in the presence of }

T. CLAYTON
Chairman of the Board

C. J. WALKER
Clerk of the Board

The common seal of the WEST CHESHIRE WATER BOARD was hereunto affixed in the presence of

ALFRED PUGH
Chairman of the Board

PETER COPPENHALL
Clerk of the Board

The common seal of the WREXHAM AND EAST DENBIGHSHIRE WATER COMPANY was hereunto affixed in the presence of

G. EDMUND FITZHUGH
D. M. BATESON
} Directors

S. LOWNDES
Secretary

PRINTED BY HENRY GEORGE GORDON WELCH, C.B.E.
Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament

LONDON: PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

Price 9*d*. net

PRINTED IN GREAT BRITAIN

(76343)

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Vesting of transferred works.
4. Confirmation of scheduled agreement.
5. As to construction of Bala Lake works.
6. Operation of Bala sluices and Bala Lake works.
7. Saving of rights to oppose abstraction of water from river Dee.
8. As to variation of Act and scheduled agreement.
9. Power to River Board to borrow.
10. Power to water undertakers to make payments to River Board.
11. Crown rights.
12. Saving for town and country planning.
13. Repeal.
14. Costs of Act.

SCHEDULE.