CHAPTER xcix.

An Act to authorise the Port Talbot Railway and Docks Company to extend the piers at Port Talbot to construct a new entrance lock and for other purposes. [31st July 1914.]

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WHEREAS by the Port Talbot Railway and Docks Act 1894 the Port Talbot Company were dissolved and re-incorporated under the name of the Port Talbot Railway and Docks Company (hereinafter referred to as "the Company") for the purpose of improving the port and harbour of Port Talbot and the accesses thereto and for the development of traffic in connection therewith: 57 & 58 Vict. c. cxli.

And whereas under the said Act and the Port Talbot Railway and Docks (Ogmore Valleys Extension) Act 1896 the Port Talbot Railway and Docks (South Wales Mineral Railway Junction) Act 1896 the Port Talbot Railway and Docks Act 1899 and the Port Talbot Railway and Docks Act 1903 the Company have constructed railways and docks at and in connection with Port Talbot such railways extending so as to connect at various points with the railways of the Great Western Railway Company and with the railways of the Rhondda and Swansea Bay Railway Company: 59 & 60 Vict. c. cxlv. 59 & 60 Vict. c. ccxii. 62 & 63 Vict. c. cxcix. 3 Edw. 7. c. cxiii.

And whereas by the Port Talbot Railway and Docks Act 1907 and the Port Talbot Railway and Docks Act 1913 the Company were authorised to raise additional capital as provided by those Acts respectively: 7 Edw. 7. c. xxix. 3 & 4 Geo. 5. c. xli.

And whereas the Company have expended in making and forming their undertaking and for purposes in connection therewith upwards of 1,900,000*l.*:

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And whereas it is expedient that the Company should be authorised to extend the existing piers forming the entrance to Port Talbot and to construct a new lock for the purpose of affording entrance into the existing docks of the Company:

And whereas it is expedient that the other provisions hereinafter contained should be made:

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and the lands in or through which the same are intended to be made and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the clerk of the peace for the county of Glamorgan and those plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference respectively:

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 cited as the Port Talbot Railway and Docks Act 1914.

Incorporation of Acts.

2. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts;
The Harbours Docks and Piers Clauses Act 1847;
The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway;

so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act:

Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in

force for the purposes of this Act except so far as may from time to time be required by the Board of Trade:

Provided also that in the said Act of 1847 the expressions "packet boat" and "post office packet" shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "post office bag of letters" shall mean a mail bag as defined by the same Act but nothing in the said Act of 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers live stock or goods for hire.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

Terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression "the railway" (where used in the provisions of the Railways Clauses Consolidation Act 1845 incorporated in this Act) includes the piers or breakwaters and lock by this Act authorised to be constructed;

The expression "the Company" means the Port Talbot Railway and Docks Company.

Power to make works.

4. Subject to the provisions of this Act the Company may in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain in the parish and borough of Aberavon in the county of Glamorgan or in the bed of the sea adjacent thereto the piers or breakwaters and lock hereinafter described and may enter upon and take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes.

The works hereinbefore referred to and authorised by this Act are as follows:—

Work No. 1 A pier or breakwater commencing at the seaward end of the existing south pier of Port Talbot and continuing thence seaward in the same line as that pier and terminating at a point about six hundred yards

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measured in a westerly direction from the said point of commencement:

Work No. 2 A pier or breakwater commencing at the seaward end of the existing north pier of Port Talbot and curving to the westward and continuing seaward in a westerly direction parallel to the existing south pier and terminating at a point about three hundred and thirty yards from the point of commencement:

Work No. 3 An entrance lock parallel to the existing lock entrance and on the south side thereof commencing in and out of the west end of the existing dock and terminating in the River Avon at a point about three hundred and fifty yards west of the point of commencement of the said lock.

Subsidiary works.

5. The Company may within the limits of the harbour upon the lands shown on the deposited plans and any lands either already owned by the Company or acquired by them under the powers of this Act construct and maintain all cuts channels locks weirs dams basins reservoirs ponds trenches pounds wave traps catch pits graving docks lay-byes gates sluices culverts by-passes arches bridges (fixed or opening) sewers drains culverts embankments towing-paths walls jetties landing places dolphins moorings buoys beacons lights groynes quays wharves warehouses sheds buildings engines pumps machinery cranes lifts staithes drops railways tramways rails junctions sidings turntables signals stations roads approaches works and appliances which may be necessary or convenient for or incidental to the works by this Act authorised or any of them or for the general purposes of their undertaking.

Dredging &c.

6. The Company may for the purposes of and in connection with the construction and maintenance of the works by this Act authorised or in connection with the existing works of the Company deepen dredge scour cleanse widen and improve the harbour and the entrances thereto and remove and appropriate any soil shingle rocks and shoals which may interfere with the construction and maintenance of the works by this Act authorised or the adequate and proper use of the harbour:

Provided that no materials excavated or dredged under the provisions of this section shall be deposited below high-water

mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

Limits of deviation.

7. In constructing the works by this Act authorised the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding seven feet upwards and ten feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Board of Trade.

Works below high-water mark to be subject to approval of Board of Trade.

8. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

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 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 as a Crown debt or summarily.

Abatement of work abandoned or decayed.

10. If a work constructed by the Company on in over through or across tidal lands or 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

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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 as a Crown debt or summarily.

Lights on works during construction.

11. The Company shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve · If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

12. The Company shall at the outer extremity of their works below high-water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

13. In case of injury to or destruction or decay of the piers or breakwaters by this Act authorised or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Lifebuoys to be kept.

14. The Company shall at all times keep at the outer extremity of the said piers or breakwaters and at reasonable distances along such piers or breakwaters and in accordance with any requirements which may be made by the Board of Trade a sufficient number of lifebuoys and lines in good order and fit and ready for use.

Works to form part of undertaking of Company.

15. The works by this Act authorised shall for all purposes (including tolls rates charges and dues) form part of the undertaking of the Company.

Certain works to be deemed within parish and borough of Aberavon.

16. The Pier or Breakwater Work No. 1 by this Act authorised and so much of the Pier or Breakwater Work No. 2 by this Act authorised as will be situate beyond the limits of the parish and borough of Aberavon shall (when respectively constructed) for all purposes be deemed to be situate within that parish and borough.

Period for completion of works.

17. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for compulsory purchase of lands.

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

Power to take easements &c. by agreement.

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

Power to acquire additional lands by agreement.

20. The Company may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land or foreshore not exceeding in the whole twenty acres and any right easement or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but nothing in this Act shall exempt the Company from any indictment action or proceeding for

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nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

For better prevention of trespass on railway.

21. Any person who shall trespass upon any of the lines of railway now or hereafter belonging or leased to or worked by the Company solely or in conjunction with any other company or companies shall on conviction be liable to a penalty not exceeding forty shillings and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matters referred to justices shall apply to this enactment:

Provided that no person shall be subject to any penalty under this enactment unless it shall be proved to the satisfaction of the justices before whom complaint is laid that by notices painted on boards or printed on paper and pasted on boards or enamelled on metal or otherwise as the Company may think fit and clearly exhibited public warning has been given to persons not to trespass upon the railway and that one or more of such notices has been affixed at the station on that railway and at the public road level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and such warning shall be renewed as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed:

Provided also that no person lawfully crossing any such railway at any level crossing thereof shall be liable to any such penalty as aforesaid And provided lastly that this enactment shall not interfere with but shall be subject to any future general enactment on the subject of trespassing on railways.

Power to apply corporate funds to purposes of Act.

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

Crown rights.

23. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises 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 land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Provision as to general Railway Acts.

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

Costs of Act.

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

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