# CHAPTER cx.

An Act to authorise the Swansea Harbour Trustees to make a New Opening or Swing Bridge over the New Cut to construct a Lock or half-tide Basin and certain Railways Roads and Works to borrow further money and for other purposes. [6th July 1895.]

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WHEREAS it is expedient in order to give increased accommodation to the public and to the trade of the port of Swansea that the Swansea Harbour Trustees (in this Act called the Trustees) should be empowered to construct the new opening or swing bridge the lock or half-tide basin deviations or alterations of railways roads and footpaths and other works and exercise the powers in this Act mentioned and to borrow further money for the purposes aforesaid:

And whereas by the Swansea Harbour Act 1857 (in this Act called the Act of 1857) the undertaking docks and works of the Swansea Dock Company were transferred to and vested in the Trustees and the Trustees were thereby empowered to make and complete the docks which the Swansea Dock Company were by the Swansea Dock Act 1847 authorised to make:

And whereas by the Act of 1857 it was provided that the Trustees should keep distinct and separate accounts of their receipts payments credits and liabilities with respect to the docks and works and with respect to the railway by that Act authorised to be made respectively and for the several other purposes of that Act respectively:

And whereas the necessity for distinguishing the application of the moneys from time to time received in respect of the several matters or purposes mentioned or referred to in the Act of 1857 no longer exists and it is expedient that the Trustees should be relieved of the obligation to keep such distinct and separate accounts as aforesaid and that the provisions of the Act of 1857 having reference to the keeping of such distinct and separate accounts should be repealed and that all moneys received by the Trustees under the

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Act of 1857 should in future be carried and paid to the credit of the Swansea Harbour Fund:

And whereas by the Swansea Harbour Act 1854 and subsequent Acts the Trustees have power to levy harbour rates but have no power to levy dock rates in respect of vessels entering the Town Float and half-tide basins at the north and south ends thereof or in respect of goods shipped or unshipped received or delivered into or from vessels entering the said Town Float and half-tide basins And whereas it is expedient that the Trustees should have power to levy dock rates on vessels entering the said Town Float and half-tide basins and on goods shipped or unshipped received or delivered into or from vessels entering the said Town Float and half-tide basins:

And whereas it is expedient that the Trustees should have power to levy the rates authorised by this Act in respect of vessels and goods in the New Lock:

And whereas plans and sections of the works by this Act authorised and a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans sections and book of reference:

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

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

Short title.

**1.** This Act may be cited for all purposes as the Swansea Harbour Act 1895.

Interpretation.

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

The expression "the Act of 1874" shall mean the Swansea Harbour Act 1874;

The expression "the Act of 1886" shall mean the Swansea Harbour Act 1886;

The expression "the Act of 1894" shall mean the Swansea Harbour Act 1894;

The expression "New Lock" shall mean the lock or half-tide basin and entrance by this Act authorised;

The expression "Town Float" shall mean the Town Float or north dock and the basins thereof in Swansea Harbour;

The expression "Swansea Harbour" shall mean the harbour of Swansea as defined by the Swansea Harbour Act 1854 the Swansea Harbour Act 1864 the Act of 1874 and the Act of 1894;

The expression "Swansea Harbour Fund" shall mean the Swansea Harbour Fund as provided by the Swansea Harbour Act 1854;

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

Incorporation of Acts.

**3.** The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 (except sections sixteen to nineteen which shall not be in force except and until the Board of Trade in writing so require) are (except where expressly varied by this Act) incorporated with and form part of this Act And the expression "the railway" in the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall for the purposes of this Act mean and include the several works by this Act authorised to be made and maintained by the Trustees and the expression "the centre of the railway" shall mean any part of such works.

Power to make works.

**4.** Subject to the provisions in this Act the Trustees may make construct and maintain in the line and according to the levels shown on the deposited plans and sections the opening or swing bridge lock or half-tide basin railways roads and works herein-after described together with all cuts locks basins graving docks entrances gates approaches quays piers jetties shipping places staiths stairs stages wharves wharf walls embankments tramways railways sheds warehouses cranes drops dolphins machinery roads approaches and other buildings and conveniences connected with or necessary for the said works or any of them and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for all or any of such purposes

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and may exercise the other powers herein-after mentioned The works herein-before referred to and authorised by this Act are—

(*a.*) An opening or swing bridge of forty-five feet in width over all over the New Cut situated to the northwards of and immediately adjacent to the existing drawbridge of the Trustees across the New Cut together with all necessary and convenient piers pillars supports and works and the Trustees may on the completion of the said new opening or swing bridge remove the said existing drawbridge and the piers supporting the same:

(*b.*) A lock or half-tide basin and entrance at the southern entrance of the existing half-tide basin situate at the south end of the Town Float:

(*c.*) Railway No. 1 nine chains thirty-nine links in length being a deviation of the Swansea Harbour Trust Low-Level Railway commencing by a junction with the existing low-level railway opposite the Cuba Hotel at a point two yards or thereabouts measured in a northerly direction from the north-east abutment of the Great Western Railway Company's viaduct and terminating by a junction with the existing low-level railway at a point underneath and near the centre of the bridge carrying the Great Western Railway Company's high-level railway over the entrance to the Prince of Wales' Dock immediately adjacent to the Bridge Inn:

(*d.*) Railway No. 2 two chains seventy-two links in length being a deviation of the Swansea Harbour Trust Low-Level Railway commencing by a junction with the existing low-level railway at a point opposite the north side of the entrance into the Harbour Trust Stores and terminating by a junction with the said deviation Railway No. 1 at a point seven yards or thereabouts measured in a westerly direction from the wall forming the eastern boundary of the repairing yard of the Trustees:

(*e.*) A road diversion No. 1 of the road passing over the existing drawbridge of the Trustees commencing at a point seventeen yards or thereabouts measured in a southerly direction from the south-west corner of the Cuba Hotel and terminating at a point five yards or thereabouts measured in a southerly direction from the south-west corner of the Red House Inn:

(*f.*) A road diversion No. 2 of the road known as Pottery Road commencing at a point about twenty yards northwards of the entrance to the Swansea Harbour Trust Stores and terminating by a junction with road diversion No. 1 at a point situate about the centre of the Swansea Harbour Trustees repairing yard:

(*g.*) A diversion of the footpath along the quay on the west side of the New Cut to connect the same with the last-mentioned road diversion:

(*h.*) The construction on the banks shores and bed of the New Cut of such temporary staging coffer dams and other works as may be necessary for the construction of the said opening or swing bridge:

And the Trustees may during the construction of any of the works by this Act authorised temporarily stop or divert the traffic passing along or through the New Cut or along or into the Town Float or along any roads belonging to the Trustees.

Power to cross and divert sewers &c.

**5.** The Trustees may within the limits of deviation shown on the deposited plans divert alter stop up remove or otherwise interfere with either temporarily or permanently any sewers drains gas and water mains and pipes telegraphic telephonic electric and other wires pipes and apparatus and other works so far as may be necessary or desirable for the purposes of the works in connexion with the opening or swing bridge over the New Cut by this Act authorised the Trustees providing or causing to be provided a proper substitute before interrupting the flow of water or sewage in any of the premises and in the exercise of any of such powers the Trustees shall do as little damage as may be and shall make full compensation to all parties entitled thereto for any damage by them sustained by reason of the exercise of such powers the amount thereof to be determined in the manner provided by the Lands Clauses Acts for settling cases of disputed compensation Provided that the Trustees shall not remove alter or in any way interfere with any telegraphic apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of the former Act apply.

For the protection of the Corporation of Swansea.

**6.** The following provision for the protection and benefit of the mayor aldermen and burgesses of the borough of Swansea (in this section called the Corporation) shall apply (namely) The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the alteration of water pipes belonging to the Corporation and whenever in those sections the expression "society" or "company" is used in relation to a water company the same shall for the purposes of this section be deemed to include the Corporation and the expression "railway" shall include the works by this Act authorised.

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For protection of the Swansea Gas Light Company.

**7.** For the protection of the Swansea Gas Light Company (hereinafter referred to as the gas company) the following provisions shall have effect (that is to say) :—

(1.) If in the construction of any of the works by this Act authorised the Trustees shall have occasion in any way to alter the position of or otherwise interfere with any gas mains pipes or other apparatus belonging to or connected with the undertaking of the gas company such alteration shall be made by the gas company at the cost of the Trustees :

(2.) The Trustees shall make good all damage done to the property of the gas company by the disturbance thereof and shall make full compensation to the gas company for any loss or damage which they may sustain by reason of such interference as aforesaid :

(3.) Before commencing any of the works by this Act authorised which would in any way interfere with the gas company's mains pipes or other apparatus the Trustees shall give fourteen days notice in writing to the gas company of their intention to commence such works :

(4.) If the Trustees take any of the gas company's mains pipes or other apparatus or render any of the same useless the Trustees shall pay to the gas company the value thereof and the same shall thereupon become the property of the Trustees and the Trustees shall pay to the gas company their reasonable charges of removing or altering any of the mains pipes or other apparatus in immediate communication therewith which the works of the Trustees shall by reason of such works render useless or which shall be required to be altered :

(5.) If any difference arises between the Trustees and the gas company with reference to any of the matters provided for by this section such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of the Trustees or the gas company and the cost of the reference shall be borne as such arbitrator shall direct.

Power to deviate.

**8.** Subject to the provisions of this Act the Trustees may within the limits of deviation defined on the deposited plans deviate from the line or situation of the works authorised by this Act as marked on the deposited plans but so that no part of such works shall be constructed beyond those limits and may also deviate from the levels shown on the deposited sections to an extent not exceeding seven feet but not so as to increase the rate of inclination of any new or diverted road as shown on the said sections. Provided that no deviation either lateral or vertical below high water mark shall be made without the consent in writing of the Board of Trade.

As to stopping up portions of diverted roads &c.

**9.** When and so soon as the new portion of any road or footpath by this Act authorised to be diverted is made and open for public use the Trustees may stop up and cause to be discontinued as a road or footpath so much of the existing road or footpath as will be rendered unnecessary by the diversion and when and so soon as such portion of each such road or footpath is so stopped up all rights of way over the same shall cease and the Trustees may subject to the provisions of the Railways Clauses Consolidation Act with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the portion of road or footpath stopped up as far as the same is bounded on both sides by lands of the Trustees.

For the protection of the Central Graving Dock and Engineering Company Limited.

**10.** For the protection of the Central Graving Dock and Engineering Company Limited (in this section called the company) the following provisions shall have effect :—

(1.) Except as herein-after provided the Trustees shall not without the consent in writing of the company enter upon take or use the lands numbered on the deposited plans 44 in the parish of Swansea but they may at any time before the expiration of the period limited for the completion of the works by this Act authorised and so long as may be necessary for the construction of the works described in and authorised by section 4 subsection (*b*) of this Act temporarily occupy pass over and use the said lands :

Provided that nothing in this section shall be deemed or construed to confer on the Trustees any exclusive right of user of the said lands or to deprive the company of their right to occupy and use or to prevent or interfere with their occupying and using at all times the said lands for the purpose of docking and undocking ships and generally for carrying on their business in such manner as they think fit :

(2.) The Trustees shall make full compensation to the company for the exercise as regards the said lands of the rights and powers conferred on the Trustees by this section and the amount of such compensation shall if not agreed upon be ascertained and determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement.

Owners may be required to sell parts only of certain lands and buildings.

**11.** And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties

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without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the said properties described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Trustees the portions only of the premises so required without the Trustees being obliged or compellable to purchase the whole or any greater portion thereof the Trustees paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Power to take easements &c. by agreement.

**12.** 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 Trustees any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in his behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

**13.** The Trustees shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :

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

Limiting period for purchasing lands.

**14.** Subject to the provisions of this Act the powers of the Trustees 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.

Period for completion of works.

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

New Lock and works to be deemed within harbour limits and Trustees may levy rates in respect of New Lock.

**16.** The New Lock and all the works made and lands acquired by the Trustees under this Act shall be deemed within the limits of and part of Swansea Harbour and the Trustees may in respect of all vessels entering or using and in respect of all goods loaded into or discharged from all vessels entering or using the New Lock from time to time demand and take the several rates and charges which they are by the Act of 1874 authorised to demand and take in respect of vessels entering or using and goods loaded into or discharged from vessels entering or using the docks and works by that Act authorised Provided always that no rates or charges shall be demanded and taken under or by virtue of this section in respect of vessels which shall enter the New Lock for the purpose only of passing through the same to or from the Town Float and which vessels shall not load or discharge goods or undergo repairs in the New Lock.

Tolls for railways.

**17.** The Trustees from time to time may demand and take any rates and charges for the use of the railways by this Act authorised not exceeding the tolls and rates of charges which they are by the Act of 1857 authorised to take in respect of the Swansea Harbour Railway by that Act authorised.

Rates for New Lock payable though same not wholly completed.

**18.** So soon as the New Lock is certified by a certificate under the hand of the Chairman of the Quarter Sessions of the county of Glamorgan in the manner provided by the Harbours Docks and Piers Clauses Act 1847 to be fit for the reception loading or unloading of vessels the Trustees may from time to time demand and take the several rates and charges authorised by the Act of 1874 although the New Lock be not then wholly completed.

Rates for wharfage &c.

**19.** The Trustees from time to time may demand and take for the use of any of the wharves warehouses cranes and weighing machines at or adjoining the New Lock and the Town Float from the owner or person having the charge of any goods deposited or loaded unloaded or weighed therein or thereat any rates not exceeding the several rates specified in Schedule C. annexed to the Act of 1874.

Trustees may take dock rates on shipping and goods in Town Float.

**20.** When and as soon as the New Lock by this Act authorised is certified in manner by this Act provided to be fit for the reception loading or unloading of vessels the Trustees from time to time may demand and take in respect of all vessels entering or using and in

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respect of all goods shipped or unshipped received or delivered into or from all vessels entering or using the Town Float in addition to the rates authorised by the Swansea Harbour Act 1854 the several dock rates which by the Act of 1874 the Trustees may demand and take in respect of the docks and works by that Act authorised Provided always that the Trustees shall not demand or take in respect of any vessel entering or using or in respect of any goods shipped or unshipped received or delivered into or from any vessel entering or using the Town Float a larger amount for harbour and dock rates in the aggregate than would be payable for harbour and dock rates in the aggregate in respect of such vessel if entering or using the South Dock or Prince of Wales' Dock or in respect of such goods if shipped or unshipped received or delivered into or from a vessel entering or using the South Dock or Prince of Wales' Dock and not being entitled to exemption from payment of dock rates.

Power to borrow on mortgage.

21. Subject to the provisions of this Act the Trustees may in addition to any other sums which they are now authorised to raise from time to time borrow upon mortgage of the Swansea Harbour Fund any further sum or sums not exceeding in the whole one hundred and forty thousand pounds and the provisions of Part III. of the Act of 1886 shall apply to any mortgages granted under this Act as if the provisions as to mortgages contained in that part of that Act had been re-enacted in this Act with reference to the moneys to be borrowed under this Act.

Power to create Swansea Harbour Stock.

22. For the purpose of raising all or any of the moneys authorised to be borrowed under this Act the Trustees may from time to time create and issue Swansea Harbour Stock under and in accordance with the provisions of Part IV. of the Act of 1886 as if that part of that Act had been re-enacted in this Act with reference to Swansea Harbour Stock to be created and issued under this Act Provided that all stock created under the powers of this Act shall rank equally without any priority or preference with any stock created under the powers of the Act of 1894.

Trustees not to borrow under this Act from Public Works Loan Commissioners.

23. Nothing in this Act shall operate to empower the Trustees to borrow any money from the Public Works Loan Commissioners.

Power to apply funds and as to application of money borrowed under Act.

24. The Trustees may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they have power to borrow or raise under the provisions of any Act relating to the Trustees and all moneys borrowed or raised by the Trustees under this Act shall be applied by them for the purposes of this Act or for the general purposes of the undertaking being in all cases purposes to which capital is properly applicable and not otherwise.

Works below high water mark not to be commenced without consent of Board of Trade.

**25.** The Trustees shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Trustees shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Trustees and the amount of such costs and charges shall be a debt due from the Trustees to the Crown and shall be recoverable accordingly with costs.

Repeal of certain sections of the Act of 1857 as to keeping of accounts.

**26.** Sections 105 to 108 of the Act of 1857 relating to the accounts of the Trustees under that Act are hereby repealed and from and after the passing of this Act all moneys which immediately before the passing of this Act formed part of the Swansea Docks Fund or the Swansea Harbour Railway Fund and all rates tolls dues damages penalties and profits and other sums of money and income whatsoever received by the Trustees under the Act of 1857 shall be carried to the credit of the Swansea Harbour Fund.

Saving rights of the Duke of Beaufort.

**27.** Except as is by this Act expressly provided nothing herein contained shall affect prejudice alter diminish abridge or take away any royalty right or property of the Duke of Beaufort his heirs successors or assigns in or to the foreshore of the seigniories of Gower and Kilvey and the Port and Harbour of Swansea and the water channel and soil of the river Tawe and the fisheries therein and the said river itself but except as aforesaid the same respectively shall remain to him and them wholly and altogether as if this Act had not been passed.

Saving agreements between Susan Lambert and John Alexander Weir and Gertrude Barbara Rich Tennant and the Trustees.

**28.** Nothing in this Act contained shall prejudice alter or affect the provisions of the following agreements namely:—

(1.) An agreement between Susan Lambert and John Alexander Weir of the one part and the Trustees of the other part dated 27th April 1894 and scheduled to and confirmed by the Act of 1894:

(2.) An agreement between Gertrude Barbara Rich Tennant of the one part and the Trustees of the other part dated the said

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27th day of April 1894 and scheduled to and confirmed by the said Act of 1894.

Expenses of Act.

**29.** All the costs charges and expenses of applying for obtaining and passing this Act and incidental thereto shall be borne and paid by the Trustees out of the Swansea Harbour Fund.

## SCHEDULE referred to in the foregoing Act.

Describing properties of which portions only are required by the Trustees.

| Parish. | Numbers on deposited plans. |
|---|---|
| Swansea - - - | 26 29 30 49 56 57 58. |

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