



CHAPTER xc.

An Act to extend the time for the construction of the railway authorised by the Penllwyn Railway Act 1906 and for other purposes. A.D. 1911.
[18th August 1911.]

WHEREAS by the Penllwyn Railway Act 1906 the Penllwyn Railway Company (hereinafter called "the Company") were incorporated and authorised to construct in the urban district of Mynyddislwyn the railway and road works in that Act described :

And whereas the greater portion of the land required for the purposes of the railway has been acquired by the Company and it is expedient that the time for the completion of the railway be extended and that the powers for the compulsory purchase of the further lands required for the purposes aforesaid be revived and extended :

And whereas the railway will intersect three public roads at Gellygroes leading from Gellygroes Mill to Tylagwyn Heolddu Farm and Tredegar Junction Station respectively and the Company were by the said Act of 1906 authorised in connection with the construction of the railway to construct the road works in that Act described and to stop up a portion of the said road leading to Tredegar Junction Station and carry the other two said roads over the railway in the manner in that Act mentioned :

And whereas it has been agreed by and between the Company the Mynyddislwyn Urban District Council and the Monmouthshire County Council that in lieu of the provisions of the said Act of 1906 with reference to the said road works and existing roads the Company shall in connection with the construction of the railway make the road works and stopping up

A.D. 1911. of roads in this Act described and it is expedient that the Company be empowered to make the same accordingly:

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Company:

And whereas a plan and sections showing the lines and levels of the Road (No. 1) and the alteration of the line and level of the road leading from Gellygroes Mill to Heolddu Farm authorised by this Act and also a book of reference to that plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken under the powers of this Act for the purposes of the said works were in the month of November one thousand nine hundred and ten deposited with the clerk of the peace for the county of Monmouth and are hereinafter respectively referred to as "the originally deposited plan sections and book of reference":

And whereas plans and sections showing the lines and levels of the Road (No. 2) and the Road (No. 3) authorised by this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken under the powers of this Act for the purposes of the said Road (No. 2) and Road (No. 3) were in the month of April one thousand nine hundred and eleven deposited with the said clerk of the peace and are hereinafter respectively referred to as "the additional deposited plans sections and book of reference":

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 Penllwyn Railway Act 1911.

Incorporation of Acts.

2. The following Acts and part of an Act so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts; and

Part II. (Extension of time) of the Railways Clauses Act 1863.

3. In this Act—

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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;

Interpretation.

The expression "the Act of 1906" means the Penllwyn Railway Act 1906;

The expression "the deposited plans of 1906" means the plans referred to as the deposited plans in the Act of 1906;

The expression "the road works" means the roads and alteration of road by this Act authorised;

The respective expressions "the Company" "the railway" and "the district council" have the same respective meanings as in the Act of 1906;

The respective expressions "the Tredegar Junction Road" "the Heolddu Road" and "the Tylagwyn Road" mean the respective roads leading from Gellygroes Mill to Tredegar Junction Station Heolddu Farm and Tylagwyn respectively.

4. 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 originally deposited plan or the additional deposited plans or specified in the originally deposited book of reference or the additional deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Monmouth for the correction thereof and if it appears to the justices that the omission 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 shall be deposited with the clerk of the peace for the county of Monmouth and a duplicate thereof shall also be deposited with the clerk to the district council and such certificate and duplicate respectively shall be kept by the clerk of the peace and the clerk to the district council respectively with the other documents to which the same relate and thereupon the originally deposited plan and book of reference or the additional deposited plans

Correction of errors &c. in deposited plans and books of reference.

A.D. 1911. and book of reference as the case may be shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Extension of time for completion of railway.

5. The period limited by the Act of 1906 for the completion of the railway is hereby extended to three years from the twentieth day of July one thousand nine hundred and eleven and that period shall for all purposes be deemed to be the period originally limited for the completion of the railway and if the same be not then completed then upon the expiration of that period the powers granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Revival of powers for compulsory purchase of lands.

6. The powers conferred upon the Company by the Act of 1906 for and with respect to the compulsory purchase of lands for the purposes of the railway are hereby revived and extended in respect of the properties numbered 17 and 49 respectively on the deposited plans of 1906 and such powers may accordingly be exercised in respect of such properties at any time within but shall not be exercised after the expiration of two years from the twentieth day of July one thousand nine hundred and eleven.

Power to make road works.

7. Subject to the provisions of this Act the Company may in connection with the construction of the railway make and maintain in the lines and according to the levels shown on the originally deposited plan and sections or (as the case may be) the additional deposited plans and sections the road works hereinafter described together with all necessary and convenient approaches embankments cuttings bridges walls fences culverts drains works and conveniences connected therewith and may enter upon take and use such of the lands respectively delineated on the originally deposited plan and the additional deposited plans and respectively described in the originally deposited book of reference and the additional deposited book of reference as may be required for that purpose The works hereinbefore referred to and authorised by this Act will be wholly situate in the urban district of Mynyddislwyn in the county of Monmouth and are—

Works shown on the originally deposited plan:—

- (1) A Road (No. 1) commencing in the Heolddu Road and terminating in the Tredegar Junction Road;

(2) An alteration of the line and level of the Heolddu Road between the Tredegar Junction Road and a point sixty-six yards or thereabouts westward thereof (being the western portion only of such work as shown on the originally deposited plan):

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Works shown on the additional deposited plans:—

(3) A Road (No. 2) commencing by a junction with the Tylagwyn Road and terminating in the Heolddu Road at the point of commencement of Road (No. 1);

(4) A Road (No. 3) commencing by a junction with the Heolddu Road as altered under the powers of this Act and terminating at the western bank of the Sirhowy River at a point seventy feet or thereabouts northward from the northern parapet wall of the existing bridge over the said river near Gellygroes Mill.

8. In constructing the road works the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the originally deposited plan or (as the case may be) the additional deposited plans and vertically from the levels shown on the originally deposited sections or (as the case may be) the additional deposited sections to any extent not exceeding five feet and in the case of the Road (No. 2) by this Act authorised the westernmost limit of deviation shall for a distance of two hundred and sixty-eight yards from the commencement thereof be deemed to be the fence on the eastern side of the Sirhowy Branch Railway of the London and North Western Railway Company.

Limits of deviation.

9. If the road works are not completed within three years from the twentieth day of July one thousand nine hundred and eleven 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 is then completed.

Period for completion of works.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of two years from the twentieth day of July one thousand nine hundred and eleven.

Period for compulsory purchase of lands.

11. In altering the Heolddu Road under the powers of this Act or for the purpose of carrying the same over the railway

Inclination and width of altered road.

A.D. 1911. the Company may make the same of any inclination not steeper than one in twenty and the Company may make the roadway over the bridge by which the Heolddu Road will be carried over the railway of such width between the fences thereof as the Company think fit not being less than thirty feet.

Power to
stop up
roads.

12.—(1) Subject to the provisions of this section the Company may stop up and extinguish all rights of way over—

(a) So much of the Tredegar Junction Road as lies between the Heolddu Road and the termination of the Road (No. 1) by this Act authorised:

(b) So much of the Tylagwyn Road as lies between points ninety yards or thereabouts and two hundred and seventeen yards or thereabouts respectively northwards of the bridge carrying such road over the Sirhowy Branch Railway of the London and North Western Railway Company:

(c) So much of the Heolddu Road as lies between the commencement of Road (No. 3) by this Act authorised and the north-western corner of Gellygroes Mill.

(2) The stopping up of the aforesaid portions of existing roads shall not take place until two justices shall have certified (i) in the case of the Tredegar Junction Road that the Road (No. 1) by this Act authorised (ii) in the case of the Tylagwyn Road that the Road (No. 2) by this Act authorised and (iii) in the case of the Heolddu Road that the Road (No. 3) by this Act authorised has been completed to their satisfaction and is open for public use.

(3) Before applying to the justices for their certificate the Company shall give to the district council seven days' notice in writing of their intention to apply for the same.

(4) As from the date of such certificate all rights of way over or along the existing portion of road with reference to which such application is made shall be extinguished.

(5) The Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section 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.

13. For the protection of the district council the following provisions shall unless otherwise agreed between the Company and the district council have effect (that is to say):—

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For protection of district council.

(1) In the event of the Company constructing the railway northwards of the point marked one mile three furlongs on the deposited plans of 1906 they shall make the Road (No. 1) and the Road (No. 2) by this Act authorised in conformity with the following provisions (that is to say):—

(A) The Road (No. 1) shall be constructed of a width of not less than thirty-six feet between the fences and shall be so curved at its commencement as to provide a proper and easy connection with the Heolddu Road as altered under the powers of this Act and the Company shall kerb channel fence and drain the Road (No. 1);

(B) The Road (No. 2) shall be constructed of a width of not less than twenty feet between the fences and shall be properly fenced and macadamised with cross drains and gullies and the Company shall not interfere with the existing footpath alongside the said Sirhowy Branch Railway between the points of junction of such footpath with the Road (No. 2) and the Heolddu Road and shall afford proper means of access not less than fifteen feet in width from the Road (No. 1) to the existing footpath leading from the Tylagwyn Road through the Tylagwyn Estate;

(C) The Road (No. 1) and the Road (No. 2) shall be constructed to the reasonable satisfaction of the surveyor of the district council:

- (2) If and so long as the dwelling-houses known as "Travers houses" continue to be occupied after the stopping up of the portion of the Tredegar Junction Road leading to such houses the Company shall provide reasonable means of access to such houses for the use of the district council for scavenging purposes:
- (3) If any difference shall arise between the Company and the district council under this section such difference shall be determined by arbitration:

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- (4) Subsections (1) and (2) of section 10 (For protection of district council) of the Act of 1906 are hereby repealed except the portion of the said subsection (2) from the word "notwithstanding" to the end of the subsection.

For protec-
tion of
county and
district coun-
cils.

14. For the protection of the Monmouthshire County Council and the district council the following provisions shall in the event of the Company constructing the railway northward of the point marked one mile three furlongs on the deposited plans of 1906 (unless otherwise agreed between the Company the Monmouthshire County Council and the district council) have effect (that is to say):—

- (1) The Company shall make the Road (No. 3) and alter the Heolddu Road so as to afford approaches from the Road (No. 3) and the Heolddu Road to the bridge for carrying the Heolddu Road over the railway having inclinations not steeper than one in twenty and the Road (No. 3) shall be constructed of a width of not less than thirty-six feet between the fences and the width of the said bridge over the railway shall not be less than thirty feet between the fences. The district council shall afford the Company all reasonable facilities for the construction of such bridge and the approaches thereto:
- (2) The Company shall kerb channel pave fence and drain the Road (No. 3) and the altered portion of the Heolddu Road:
- (3) The Company shall before constructing the railway northward of the point aforesaid give to the district council four calendar months' notice in writing of their intention in that behalf and in the event of the district council constructing the new bridge over the Sirhowy River referred to in subsection (3) of section 10 of the Act of 1906 during the construction by the Company of the railway northward of the point aforesaid the Company shall make the Road (No. 3) simultaneously with the building of such bridge and so as to constitute the bridge an extension of the Road (No. 3) towards the public road leading from Ynysddu to Pontlanfraith and the sum of four hundred pounds required to be contributed by the

Company under the said subsection (3) shall be paid to the district council on the completion by the district council of such bridge: A.D. 1911.

(4) The Road (No. 3) and the alteration of the Heolddu Road by this Act authorised shall be carried out to the reasonable satisfaction of the respective surveyors of the Monmouthshire County Council and the district council:

(5) Notwithstanding anything shown on the originally deposited plan or the additional deposited plans or contained in the section of this Act of which the marginal note is "Limits of deviation" the Company in constructing the road works shall not deviate laterally without the consent in writing of the district council (such consent not to be unreasonably withheld) and any vertical deviation shall be subject to the provisions of the section of this Act of which the marginal note is "Inclination and width of altered road" and subsection (1) of this section:

(6) Any difference which may arise between the Company and the Monmouthshire County Council or the district council under this section shall be determined by arbitration.

15.—(1) The Road (No. 1) the Road (No. 2) and the Road (No. 3) by this Act authorised when constructed shall become and the Heolddu Road as altered under the powers of this Act shall continue vested in the district council. Provided that the bridge for carrying the Heolddu Road over the railway with the immediate approaches and all other necessary works connected with such bridge shall at all times after the construction thereof be maintained at the expense of the Company. Maintenance of new and altered roads.

(2) The district council shall at all times have full right and liberty (without making to the Company any payment or other consideration therefor) to construct and lay down any sewers drains pipes or water mains apparatus or works for their own purposes as they may find to be requisite or necessary upon or under the structure of the said bridge. Provided that any sewer drain pipe or water main apparatus or works aforesaid shall be constructed and laid down by the district council to the reasonable satisfaction of the principal engineer of the Company.

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(3) If any difference shall arise between the district council and the Company under this section the same shall be determined by arbitration.

Application
of provisions
of certain
sections of
Act of 1906.

16. The provisions of the following sections of the Act of 1906 are hereby incorporated with this Act and shall extend and apply with respect to the roads by this Act authorised to be stopped up and to the powers by this Act conferred upon the Company as fully and completely as if such sections had been expressly re-enacted in this Act (that is to say):—

Section 16 (Vesting site of road stopped up);

Section 40 (Owners may be required to sell parts only of certain lands and buildings);

Section 43 (Persons under disability may grant easements &c.):

Provided that the said section 40 shall for the purposes of this Act be construed as applying to and only to the property numbered 4 on the additional deposited plans.

Power to
divert sewers
pipes &c.

17.—(1) Subject to the provisions of this section the Company may break up divert alter or stop up any sewers drains pipes wires and apparatus situate in under or on the Tredegar Junction Road the Heolddu Road or the Tylagwyn Road which it may be necessary or convenient to break up divert alter or stop up for the purposes of the road works or which may be situate in under or on the portions of roads by this Act authorised to be stopped up.

(2) No existing sewer of the district council shall be broken up diverted altered or stopped up under the powers of this section until good and sufficient sewers and all other works necessary or proper for continuing the flow and passage of sewage as sufficiently as the same flowed and passed by the sewers proposed to be broken up diverted altered or stopped up shall at the expense of the Company have been first made laid down or constructed in lieu thereof in under or on the Heolddu Road as altered under the powers of this Act or the Road (No. 1) the Road (No. 2) or the Road (No. 3) by this Act authorised or elsewhere as the case may require and be ready for use to the reasonable satisfaction of the surveyor of the district council.

(3) Any diversion alteration or other interference with any sewer of the district council shall be carried out by the Company

with as little detriment and inconvenience to the district council as the circumstances will admit and under the superintendence of the district council or of their surveyor if they or he think fit to attend after receiving not less than forty-eight hours' notice for that purpose and the Company shall make good to the district council all damage done to the sewers of the district council by the disturbance thereof and shall make full compensation to the district council for any loss or damage which they may sustain by reason of any interference with their sewers. A.D. 1911.

(4) If any difference shall arise between the Company and the district council under this section such difference shall be determined by arbitration.

(5) The Company shall not under the powers of this section divert alter or otherwise interfere with any pipes wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

18. For the protection of the Western Valleys (Monmouthshire) Sewerage Board (hereinafter called "the board") the following provisions unless otherwise agreed between the Company and the board shall have effect:—

For protection of Western Valleys (Monmouthshire) Sewerage Board.

(1) Where any of the road works will pass over under or by the side of or so as to interfere with any sewer or work under the jurisdiction or control of the board the Company shall not commence such work until they shall have given to the board twenty-one days' previous notice with a plan and section of the said road work and other necessary particulars relating to the same and until either the board shall have signified their approval of the plan section and particulars or if they disapprove thereof until the plan section and particulars shall have been settled by an arbitrator Provided that if the board do not signify their approval or disapproval within twenty-one days after service of the said plan section and particulars as aforesaid they shall be deemed to have approved thereof:

(2) The Company shall construct the road works so far as the same affect any sewers or works of the board in accordance with the plans sections and particulars so

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approved by the board or settled by the arbitrator and in so doing the Company shall comply with and conform to all reasonable directions and regulations of the board and shall provide in such manner as may be necessary for the proper protection of and for preventing injury or impediment to such sewers and works by reason of the road works or any part thereof and shall save harmless the board against all and every expense to be occasioned to the board by the construction of the road works and the road works so far as aforesaid shall be made under the superintendence of the engineer or other officer of the board if he thinks fit to attend and at the cost in all respects of the Company and all reasonable costs charges and expenses which the board may be put to by reason of the works of the Company whether in the execution of the works the examination of plans or superintendence or otherwise shall be paid by the Company to the board:

- (3) Any difference which shall arise between the Company and the board under this section and any plans sections and particulars required to be settled by an arbitrator under this section shall be settled by arbitration.

For protec-
tion of Risca
Urban Dis-
trict Council.

19. For the protection of the Risca Urban District Council (in this section referred to as "the council") the following provisions shall have effect unless otherwise agreed between the Company and the council (that is to say):—

- (1) In this section "apparatus" means (as the case may be) all or any gas mains pipes and other appliances or all or any water mains pipes and other apparatus belonging to the council:
- (2) Before commencing to execute any work authorised by this Act affecting any road or footway in which any apparatus is laid the Company shall if they contemplate altering the position of any such apparatus or of so altering the surface of the road or footway as to reduce the depth of the apparatus below such surface give fourteen days' notice to the council of their intention to execute such work and

shall at the same time deliver a plan and section of the proposed work so far as it affects such apparatus. If it should appear to the council that the execution of such work as proposed would endanger any such apparatus or interfere with or impede the supply of gas or water the council may within fourteen days after the delivery of the said plan and section give notice to the Company to lower or otherwise alter the position of such apparatus in such manner as may be necessary and any difference as to the necessity of any such lowering or alteration shall be settled by arbitration and all alterations to be made under this section shall be made with as little detriment and inconvenience to the council as the circumstances will admit and under the superintendence of the engineer of the council if he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Company are hereby required to give. Provided that—

(A) If the council by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any such works so require the council may and shall with all reasonable expedition by their own engineer or workmen do and execute the necessary works of alteration or lowering of the apparatus of the council in the manner agreed between the council and the Company or determined by arbitration as aforesaid and the Company shall on completion thereof pay to the council the reasonable expenses actually incurred by them in the execution thereof;

(B) If having given such notice in writing the council fail to execute the works with all reasonable expedition the Company may notwithstanding such notice themselves execute the works;

(C) The Company in the execution of any work shall not remove or displace any apparatus or do anything to impede the passage of gas or water into or through any apparatus without the consent

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of the council or in any other manner than the council shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of gas or water as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Company have been first made and laid down in lieu thereof and be ready for use and to the reasonable satisfaction of the engineer of the council and any difference between the said engineer and the Company shall be settled by arbitration:

(3) Where the Company under the powers of this Act stop up temporarily any road they shall provide access for the officers and servants of the council for the purpose of enabling them to repair or renew any of the apparatus of the council:

(4) The Company shall make good to the council all damage done to the apparatus of the council by the disturbance thereof and shall make full compensation to the council for any loss or damage which they may sustain by reason of any interference with their apparatus:

(5) If any difference arises between the council and the Company under this section such difference shall be determined by arbitration.

Arbitration.

20. Where under this Act any difference is required to be determined by arbitration (other than questions to which the provisions of the Lands Clauses Acts apply) the difference shall be referred to a single engineer to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers and otherwise the reference shall be subject to the provisions of the Arbitration Act 1889.

Power to apply funds.

21. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are authorised to raise by the Act of 1906 and which are not required for the purposes of that Act.

Provision as to general Railway Acts.

22. Nothing in this Act shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the passing of this Act or from

any future revision or alteration under the authority of Parliament A.D. 1911.
of the maximum rates of fares and charges or of the rates for small
parcels authorised to be taken by the Company.

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

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