



CHAPTER xxii

An Act to repeal and re-enact with amendments the enactments as to the taking of water by the Prescelly Water Board from the Afon Syfynwy by means of reservoirs on that river and as to the discharge of compensation water from such reservoirs and for other purposes.
[12th July 1950.]

WHEREAS by the Prescelly Water Order 1948 (hereinafter referred to as "the Order of 1948") a board (hereinafter referred to as "the Board") was constituted and incorporated by the name of the Prescelly Water Board consisting of representatives of the councils of the boroughs of Haverfordwest and Tenby the Milford Haven Urban District Council (hereinafter referred to as "the Milford Council") and the Haverfordwest Rural District Council (all of which councils are hereinafter collectively referred to as "the constituent authorities") for the purpose of acquiring managing and carrying on certain water and other works of the Milford Council situate in the parishes of Henry's Moat and Morvil in the rural district of Haverfordwest in the county of Pembroke and in the parish of Maenclochog in the rural district of Narberth in the said county and of supplying water in bulk to the constituent authorities:

And whereas by the Order of 1948 the said works together with property and rights in connection therewith were transferred to the Board and the works so transferred included the impounding reservoir known as the Prescelly reservoir constructed under the powers of the Milford Haven Urban District Council Act 20 & 21 Geo. 5. 1930 (hereinafter referred to as "the Act of 1930") and enlarged c. lviii. under the powers of the Milford Haven and Tenby Water Act 2 & 3 Geo. 6. 1939 (hereinafter referred to as "the Act of 1939"): c. lxviii.

And whereas by the Order of 1948 it was provided that the Board should have the powers and rights of and be subject to the obligations contained in certain provisions of the Act of 1930 and the Act of 1939 mentioned in the Fourth Schedule to the Order of 1948 as if the Board were named therein instead of the Milford Council:

And whereas by virtue of the provisions so made applicable to them the Board are empowered to take and appropriate the waters of the Afon Syfynwy and all such springs streams and waters as are or may be intercepted by the Prescelly reservoir as enlarged under the powers of the Act of 1939 but the Board by the said provisions—

- (a) are required to discharge from the said reservoir as so enlarged into the Afon Syfynwy compensation water to the extent of eight hundred and seventy-five thousand gallons during every day of twenty-four hours and to discharge the same at a point in the said river not more than two hundred yards below the embankment of the reservoir; and
- (b) are restricted from taking and appropriating from the said river for the purposes of their water undertaking any quantity of water in excess of two million gallons per day of twenty-four hours:

And whereas the said figures of eight hundred and seventy-five thousand and two million were fixed under the Act of 1930 when the Milford Council alone were the authority empowered to take the water and the Prescelly reservoir as then authorised was sufficient to meet the requirements of the district of that council at that time:

And whereas the present water resources of the Board after discharge of the said compensation water are inadequate for enabling them to meet the combined needs of the constituent authorities under the Order of 1948 and in view of the high cost of new works of supply and the difficulties of obtaining the necessary labour and materials for their construction it is urgently necessary that the Board should be enabled to make the fullest possible use of the Prescelly reservoir as now existing:

And whereas the quantities of water with which the constituent authorities are respectively entitled to be supplied by the Board are limited by section 22 of the Order of 1948 to the maximum quantities fixed by that section but section 23 of that Order entitles any of the constituent authorities by notice expiring on or before the first day of January one thousand nine hundred and fifty-four or the first day of January of every tenth year thereafter to require that the respective maximum quantities so fixed shall be reconsidered and revised as agreed between the Board and the constituent authorities or in default of agreement by arbitration:

And whereas the Board apprehend that as a result of such reconsideration in the year one thousand nine hundred and fifty-four the demands upon them for the supply of water will be greatly increased and that in order to put themselves in a position to meet such demands they will be obliged at an early date to seek authority for the construction of a new reservoir on the Afon Syfynwy below the present reservoir :

And whereas the said quantity of compensation water was determined in the year one thousand nine hundred and thirty on the basis of estimates without the aid of records of the actual flow of the said river and in the light of records kept since that year by the Milford Council and the Board the said quantity appears to be excessive and it is expedient that it should be reduced as in this Act provided :

And whereas the said limit of two million gallons upon the quantity of water to be taken was fixed in the year one thousand nine hundred and thirty in relation to the Prescelly reservoir as authorised in that year and under the circumstances now existing the continuance of such limitation is unnecessary and undesirable :

And whereas the provisions of the Act of 1930 and the Act of 1939 with respect to the taking of water from the Afon Syfynwy and with respect to the compensation water overlap and it is expedient that they should in each case be repealed and replaced by a single enactment and that in anticipation of the construction of a new reservoir as aforesaid provision should be made for alteration of the point of discharge of the compensation water as in this Act provided :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of section 254 of the Local Government Act 1933 (incorporated with the Order of 1948 by section 13 of 23 & 24 Geo. 5. c. 51. and the Third Schedule to that Order) have been observed :

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

1. This Act may be cited as the Prescelly Water Act 1950. Short title.
2. In this Act unless the subject or context otherwise requires— Interpretation.
“ the Act of 1930 ” means the Milford Haven Urban District Council Act 1930 ;

- “ the Act of 1939 ” means the Milford Haven and Tenby Water Act 1939 ;
- “ the Board ” means the Prescelly Water Board ;
- “ the fishery board ” means the River Towy Fishery Board ;
- “ the Prescelly No. 1 reservoir ” means the reservoir of the Board on the Afon Syfynwy formerly known as the Prescelly reservoir authorised by section 5 (Power to make waterworks) of the Act of 1930 and enlarged under section 5 (Power to Council to make waterworks) of the Act of 1939.
- “ the Prescelly No. 2 reservoir ” means a new reservoir to be constructed by the Board on the Afon Syfynwy below the Prescelly No. 1 reservoir when the necessary statutory authority has been obtained.

Power to take waters.

3. The Board may subject to the provisions of this Act collect, impound, take, use, divert and appropriate the waters of the Afon Syfynwy and all such springs, streams and waters as are or may be intercepted by the Prescelly No. 1 reservoir.

Compensation water.

4.—(1) Subject to the provisions of subsection (3) of this section the Board shall during every day of twenty-four hours discharge or cause to flow from the Prescelly No. 1 reservoir or the Prescelly No. 2 reservoir into the Afon Syfynwy at a point therein situate not more than nine hundred yards below the foot of the dam of the Prescelly No. 1 reservoir—

- (a) until the first day of October one thousand nine hundred and fifty-seven or the completion of the first filling of the Prescelly No. 2 reservoir (whichever is the earlier date) not less than five hundred thousand gallons of water ; and
- (b) after the said first day of October one thousand nine hundred and fifty-seven or the completion of the first filling of the Prescelly No. 2 reservoir (whichever is the earlier) not less than six hundred and fifty thousand gallons of water ;

in a continuous flow and such quantities of water are hereinafter respectively referred to as “ the compensation water ”.

(2) Subject to the provisions of subsection (3) of this section for the purpose of measuring the compensation water the Board shall maintain in good order in the Afon Syfynwy near to the point and within the distance mentioned in the preceding subsection a proper and sufficient automatically recording measuring gauge over or through which the compensation water shall flow and the said gauge and the records obtained by means thereof shall be open to the inspection and examination of the fishery board and of all persons interested therein.

(3) Provided that until the commencement of the first filling of the Prescelly No. 2 reservoir the compensation water shall be discharged and the measuring gauge shall be maintained at the points at which compensation water has been discharged and a measuring gauge has been maintained heretofore in pursuance of the provisions of the Act of 1930 and the Act of 1939.

(4) If any difference arises between the Board and the fishery board or any person interested with respect to the form or use of any gauge or the state of repair or condition thereof such difference shall be determined by arbitration.

(5) If the Board—

- (a) fail to comply with the requirements of subsections (2) and (3) of this section with respect to the maintenance in good order of any such gauge as aforesaid or refuse to allow any person interested including the fishery board to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or
- (b) fail to comply with the requirements of subsection (1) of this section with respect to the discharge of water into the Afon Syfynwy;

they shall (without prejudice to their civil liability if any to a person affected by such non-compliance including the fishery board) be liable in the case of an offence under paragraph (a) of this subsection to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued and in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction to a fine not exceeding fifty pounds in respect of each such day; and
- (ii) on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day.

(6) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Board can collect impound take use divert or appropriate by means of the Prescelly No. 1 reservoir except in respect of any lands situate between the foot of the dam of the said reservoir and the point of discharge of compensation water into the Afon Syfynwy.

(7) Subject to the provisions of section 5 of the Criminal Justice Administration Act 1914 any fine recovered under this section on the complaint of the fishery board or of an officer of

or person authorised by the fishery board shall as to the whole or such part thereof as the court may determine be paid to the fishery board in respect of the costs of the prosecution.

For protection
of certain
mills and
factories.

5. Notwithstanding the provisions of subsection (6) of section 4 (Compensation water) of this Act if any mill or factory containing plant or machinery operating on the thirtieth day of November one thousand nine hundred and forty-nine by means of power obtained from the waters of the Afon Syfynwy shall suffer any loss of water power due to the exercise by the Board of the powers conferred on them by this Act the Board shall compensate the owner or occupier of any such mill or factory in such manner other than by a supply of water beyond the quantity stipulated for by the hereinbefore-mentioned section of this Act as may be agreed upon between the respective owners and occupiers of any such mill or factory and the Board or in default of agreement as may be determined by arbitration.

Repeal.

6. Section 10 (Power to take water) and section 11 (Restriction on taking water) of the Act of 1930 and section 6 (Power to take waters) and section 7 (Discharge of compensation water) of the Act of 1939 are hereby repealed.

Arbitration.

7. When under this Act any question or dispute is to be determined by arbitration the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the other or others of them) and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference and determination.

Power to
borrow.

8.—(1) The Board may independently of any other borrowing power borrow at interest the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Board may determine not exceeding five years from the passing of this Act.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act 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 purposes of the said Part IX.

As to exercise
of borrowing
powers.
8 & 9 Geo. 6.
c. 18.

9. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

10. The following provisions of the Third Schedule to the Incorporation Water Act 1945 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act to the extent and with the modification hereinafter mentioned (namely):—

of provisions
of Third
Schedule to
Water Act
1945.

- (a) So far as respects any lands situate between the foot of the dam of the Prescelly No. 1 reservoir and the point of discharge of compensation water into the Afon Syfynwy described in subsection (1) of section 4 (Compensation water) of this Act section 92 (Liability of undertakers to pay compensation);
- (b) Section 85 (Summary proceedings for offences);
- (c) Section 86 (Continuing offences and penalties);
- (d) Section 87 (Restriction on right to prosecute) subject to the omission of the words "the undertakers or";
- (e) Section 88 (Inclusion of several sums in one complaint &c.);
- (f) Section 90 (Appeals to quarter sessions against decisions of justices); and
- (g) Section 94 (Copies of special Act to be kept by undertakers in their office and deposited with certain officers):

Provided that the expression "the undertakers" used in the said sections 92 and 94 means the Board and the expressions "a person" or "any person" in the said sections 86 88 and 90 include the Board.

11. All the costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board in the first instance out of the common fund of the Board but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

LONDON: PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

Price 9*d.* net

(75059)

PRINTED IN GREAT BRITAIN

Port of London Act, 1950

14 GEO. 6 Ch. xxiii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Act divided into Parts.
3. Interpretation.

PART II

FINANCE

4. Power to re-borrow.
5. Saving for powers of Treasury.
6. General insurance fund.

PART III

RATES AND CHARGES

7. Increase of rates.
8. Amendment of section 45 of Act of 1920.
9. Amendment of sections 48 and 49 of Act of 1920.
10. Dock tonnage rates and rents.
11. Charges for use of moorings.
12. Revision of rates.

PART IV

MISCELLANEOUS

13. Amendment of provisions of Act of 1920 as to qualifications of chairman vice-chairman and members of Port Authority.
14. As to members of Port Authority appointed by London County Council.
15. Proceedings of committees of Port Authority.
16. Meaning of "rateable value" in Second Schedule to Act of 1920 and apportionment thereof.
17. Orders of harbour-master need not be in writing.
18. Repeal of sections 129 and 130 of Act of 1920.
19. Amending the rules of the Port of London Authority pension fund as respects new entrants.

Section

20. As to payment and receipt of transfer values by and to Port of London Authority pension fund.
21. Driving offences on dock roads.
22. Amendment as to fixing of high-water mark of ordinary spring tides of river Thames.
23. As to landward limit of port of London.
24. Restrictions in respect of certain lands.
25. Acquisition of lands by agreement.
26. Meaning of "tributary" in provisions of Act of 1920 relating to pollution.
27. Extension of section 280 of Act of 1920.
28. Recovery of expenses under section 431 of Act of 1920.
29. Repeal of certain provisions relating to railway to Galleons Reach.
30. Amendment of section 354 of Act of 1920.
31. As to registration of craft.
32. As to certain powers of Minister under Merchant Shipping Act 1894.
33. Confirmation of byelaws.
34. Minor amendments of Act of 1920.
35. Inquiries by Minister.
36. Recovery of penalties &c.
37. Expenses of execution of Act.
38. Costs of Act.

SCHEDULES:

First Schedule.

Second Schedule—Dock tonnage rates and rents.