



## CHAPTER xli

An Act to make provision for the extinguishment of certain common or commonable rights and other rights in respect of part of Towyn Trewan Common in the county of Anglesey and for the payment and apportionment of the compensation money payable in respect of such extinguishment and for other purposes. [28th July 1950.]

**W**HEREAS the common lands (hereinafter referred to as "the common") in the parishes of Llanfair-yn-neubwll Llechylched and Llanfaelog in the rural district of Valley in the county of Anglesey and known as Towyn Trewan Common are regulated by an Order (hereinafter referred to as "the Order of 1908") made by the Board of Agriculture and Fisheries in pursuance of the Inclosure Acts 1845 to 1899 and the Board of Agriculture and Fisheries Acts 1889 to 1903 and scheduled to and confirmed by the Commons Regulation (Towyn Trewan) Provisional Order Act 1908 and by an award made pursuant to the said Inclosure Acts for giving effect to the purposes of the Order of 1908: 8 Edw. 7.  
c. cliii.

And whereas provision was made by the Order of 1908 and the said award for the administration of the purposes thereof by a body of Conservators appointed in manner provided by the Order of 1908:

And whereas possession of part of the common comprising six hundred and fifty-eight-and-a-half acres or thereabouts was taken on behalf of His Majesty under the Defence (General) Regulations 1939 made under the Emergency Powers (Defence) Act 2 & 3 Geo. 6. 1939 and such part was used for an aerodrome for the public service and divers buildings erections and works have been erected thereon: c. 62.

And whereas the Secretary of State is still in possession of the said part of the common and continues to use the same and the buildings erections and works thereon for an aerodrome:

And whereas it is expedient that provision should be made for the continued use of the said part for the purposes of or in connection with an aerodrome:

And whereas the Secretary of State proposes to acquire under the Defence Acts 1842 to 1935 the soil of the said part of the common:

And whereas it is expedient that upon such acquisition all common and commonable rights and other rights in respect of the said part of the common should be extinguished:

And whereas a meeting of the persons entitled to such common and commonable rights and other rights was convened and held at Caergeiliog in the county of Anglesey on the twenty-second day of March one thousand nine hundred and forty-eight for the purpose of resolving to treat for the compensation to be paid for the extinguishment of such common and commonable rights or other rights:

8 & 9 Vict.  
c. 18.

And whereas the convening of the said meeting purported to be in compliance with the Lands Clauses Consolidation Act 1845 and the requirements of section 102 of that Act relating to the insertion of advertisements and the affixing and giving of notices were duly complied with:

And whereas at the said meeting an offer was made on behalf of the Secretary of State to pay the sum of seven thousand five hundred pounds as compensation for the extinguishment of the said common and commonable rights and other rights:

And whereas at the said meeting it was unanimously resolved (inter alia) that a joint committee should be appointed consisting of the Conservators of the common together with four of the commoners to negotiate with the Secretary of State regarding the compensation to be paid as aforesaid with power to accept or reject the said offer of seven thousand five hundred pounds:

And whereas the said joint committee at a meeting held at Caergeiliog aforesaid on the said twenty-second day of March unanimously resolved to accept the sum of seven thousand five hundred pounds in full discharge of all claims to common rights and interests in the said part of the common:

And whereas it is expedient that the provisions contained in this Act should be made for the payment and apportionment of the said sum:

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 a plan showing the lands in respect of which common or commonable rights and other rights may be extinguished under the powers of this Act and a book of reference to that plan containing the names of the owners and lessees or reputed owners or lessees and of the occupiers of those lands were duly deposited with the clerk of the administrative county of Anglesey:

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 (that is to say):—

1. This Act may be cited as the Towyn Trewan Common Act Short title. 1950.

2.—(1) In this Act unless the subject or context otherwise Interpretation. requires—

“ the award ” means the award made by Percival Birkett in the matter of the regulation of the common and signed by him on the fourteenth day of February one thousand nine hundred and ten and confirmed and sealed by the Board of Agriculture and Fisheries on the seventeenth day of February in the same year ;

“ the common ” means the land called or known as Towyn Trewan Common situate in the parishes of Llanfairyn-neubwll Llechylched and Llanfaelog in the rural district of Valley in the county of Anglesey and coloured green on the map ;

“ the common rights ” means all common or commonable and other rights in to or over the specified lands including all rights (if any) of recreation exercise or access attaching thereto but does not include any private rights of way ;

“ the Conservators ” means the Conservators of the common for the purposes of the Order of 1908 ;

“ the map ” means the map annexed to Part I of the award ;

“ the Order of 1908 ” means the Order scheduled to and confirmed by the Commons Regulation (Towyn Trewan) Provisional Order Act 1908 ;

“ the signed plan ” means the plan signed in quadruplicate by Colonel Sir Charles MacAndrew the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which plan

has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons one copy with the Secretary of State and one copy with the clerk of the Conservators ;

“ the specified lands ” means so much of the common as is within the inner edge of the red line shown on the signed plan.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

Extinguish-  
ment of  
common  
rights.

3.—(1) Upon the acquisition by the Secretary of State of the site and soil of the specified lands in so far as the same are not already vested in the Crown the common rights shall be and are hereby extinguished.

(2) Upon the extinguishment of the common rights pursuant to subsection (1) of this section the specified lands shall for all purposes cease to form part of the common and the Order of 1908 and the award shall be read and have effect as if the specified lands were not coloured green on the map and all jurisdiction rights powers privileges and authorities of the Conservators in or over the specified lands shall cease and determine :

Provided that nothing in this Act or done thereunder shall prejudice or affect any jurisdiction rights powers privileges or authorities of the Conservators in or over any part of the common other than the specified lands.

Compensation  
for extinguish-  
ment of  
common  
rights.

4.—(1) As compensation for the common rights extinguished by this Act (other than any such rights of taking or cutting sand heath or rushes as are first referred to in section 9 (Provision of allotments) of this Act) the Secretary of State shall pay the sum of seven thousand five hundred pounds together with interest thereon calculated at the rate of three and a half per centum per annum for the period commencing on the twenty-sixth day of December one thousand nine hundred and forty-seven and terminating on the expiration of twelve months after the date of the passing of this Act The said sum and the interest thereon shall be divided among such persons and in such proportions as may be specified in the award to be made by the valuer or other fit person to be appointed by the Minister of Agriculture and Fisheries pursuant to section 5 (Apportionment of compensation money) of this Act.

(2) The receipts in writing of the persons stated in the said award for the respective amounts stated therein as being the respective shares in the said sum of seven thousand five hundred pounds together with such interest as aforesaid to which such

persons are entitled shall discharge the Secretary of State from all liability for the payment of the sums thereby expressed to be received:

Provided that if from any cause the Secretary of State is unable to obtain the receipt in writing of any such person he may lodge the sum of money to which such person is entitled in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act 1925 and a certificate given in accordance with those rules stating that such money has been so lodged shall effectively relieve and discharge the Secretary of State from all liability for the payment of such sum. 15 & 16 Geo. 5.  
c. 49.

5.—(1) As soon as may be after the passing of this Act the Minister of Agriculture and Fisheries shall appoint a valuer or other fit person for the purpose of ascertaining and determining the persons who are entitled to compensation in respect of the extinguishment of the common rights and the amount or value of their respective shares rights and interests therein and the proportionate amount of the said sum of seven thousand five hundred pounds together with such interest as aforesaid to which each such person is entitled in respect of his share right or interest. Apportionment of  
compensation  
money.

(2) The provisions of sections XVII XVIII XIX and XX of the Inclosure Act 1854 are hereby incorporated and shall extend and apply for the purposes of such ascertainment and determination as if the said sum had been paid into court pursuant to section XVI of that Act: 17 & 18 Vict.  
c. 97.

Provided that for the purposes of such incorporation the said sections shall be read and have effect as if references to the valuer or other fit person appointed pursuant to subsection (1) of this section were substituted therein for the references to the inclosure commissioners and assistant commissioner mentioned in those sections.

(3) (a) If any doubt question or dispute shall arise as to the right or title of any person to any of the common rights the said valuer or other fit person so appointed as aforesaid may refer such doubt question or dispute for determination by one of the conveyancing counsel of the High Court and the determination of such counsel shall be conclusive and binding for all purposes.

(b) The costs and expenses of and incidental to the reference to and determination by one of the conveyancing counsel of the High Court of any such doubt question or dispute as aforesaid shall be paid by the Secretary of State.

(4) The said valuer or other fit person appointed as aforesaid shall in his award state the names and addresses of the persons entitled to share in the said sum of seven thousand five hundred

pounds together with such interest as aforesaid and the sum to which each of such persons is so entitled.

Enclosure of specified lands and extinguishment of rights of way.

6.—(1) Upon the acquisition by the Secretary of State and the vesting in him of the site and soil of the specified lands and upon the extinguishment of the common rights in accordance with the provisions of this Act the Secretary of State may—

- (a) enclose all or any part of the specified lands ; and
- (b) subject to the provisions of section 7 (Use of Burma Road by public) and section 8 (Use by public of track adjoining foreshore) of this Act stop up all or any roads paths and ways in on or over the specified lands and thereupon all rights of way over or along any such road path or way shall be extinguished.

9 & 10 Geo. 5.  
c. 57.  
10 & 11 Geo. 6.  
c. 51.  
12, 13 & 14  
Geo. 6. c. 42.

(2) Any person who suffers loss by the extinguishment of any private right of way under this section shall be entitled to be paid by the Secretary of State compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by section 57 of the Town and Country Planning Act 1947 and the Lands Tribunal Act 1949.

Use of Burma Road by public.

7. Upon the acquisition by the Secretary of State of the road known as " Burma Road " and coloured green on the signed plan the Secretary of State shall unless and until the said road shall become repairable by the inhabitants at large maintain and repair the same and shall permit the public to use and to pass and repass over the said road Provided that for the purposes of or in connection with the use of the specified lands as an aerodrome the Secretary of State may at such times and for such periods as he may think fit for the safeguarding of life or property temporarily prohibit or restrict the passage of all or any traffic or any particular class of traffic along or over the whole or any part of the said road.

Use by public of track adjoining foreshore.

8. Upon the acquisition by the Secretary of State of the specified lands the Secretary of State shall permit the use by persons on foot at their own risk of the track coloured orange on the signed plan for the purpose of passing and repassing thereover or therealong or for obtaining access therefrom or thereto to or from the foreshore adjoining the said track :

Provided that the Secretary of State shall by means of suitable stones mark out the boundary between the said track and the aerodrome established or to be established on the specified lands and shall by means of notices or other suitable means give to the public using the said track or the said foreshore warning of the purpose of the said boundary stones and of the use or proposed use of the specified lands or any part thereof as an aerodrome or part of an aerodrome.

**9.** In substitution for the manure fuel and litter allotments comprised within the specified lands and marked A and B on the map and in full satisfaction and discharge for the extinguishment by this Act of all or any rights of taking or cutting sand heath or rushes therefrom the Conservators shall set out such part or parts of the common for use as manure fuel and litter allotments as may be approved by the Minister of Agriculture and Fisheries and all such rights of taking and cutting sand heath and rushes which were exercisable immediately before the passing of this Act in respect of the said first-mentioned allotments shall extend and apply to and in respect of the said secondly-mentioned allotments and may be exercised and enjoyed accordingly.

Provision of  
allotments.

**10.** Notwithstanding the extinguishment of the common rights or any rule of law or equity or statutory provision to the contrary but except as otherwise provided by section 9 (Provision of allotments) of this Act nothing in this Act or done thereunder shall prejudice or affect or operate to release discharge or destroy any common or commonable rights or other rights of any person in to or affecting any land other than the specified lands.

Saving of  
rights in  
respect of  
other lands.

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

Crown rights.

**12.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the Conservators but shall be repaid to them by the Secretary of State.

Costs of Act.

---

PRINTED BY HENRY GEORGE GORDON WELCH, C.B.E.

Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament

LONDON: PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

Price 9d. net

PRINTED IN GREAT BRITAIN

(75080).



# London County Council (General Powers) Act, 1950

14 GEO. 6 Ch. xlii

---

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short title.
2. Act divided into Parts.
3. Interpretation.

### PART II

#### EXTERNAL DRAINAGE CONTRIBUTIONS

4. Interpretation of expressions in Part II of this Act.
5. Cesser of provisions as to calculation of drainage contributions.
6. Drainage contributions to be paid on basis of rate product.
7. Ascertainment and payment of drainage contributions.
8. Adjustments to meet changes affecting external drainage areas.
9. Application of provisions to certain other areas.
10. Annual financial statement.
11. Saving for certain provisions of drainage enactments.

### PART III

#### OPEN SPACES

12. Byelaws as to public walks and pleasure grounds.
13. Mid-day music in Lincoln's Inn Fields.

### PART IV

#### EXTENSIONS OF TIME

14. Extension of time for compulsory purchase of lands.
15. Extension of time for completion of works.

## PART V

## KENSINGTON BOROUGH COUNCIL (SUPERANNUATION)

## Section

16. Amendment of Kensington Superannuation Acts.
17. Contributions in certain cases of absence from duty.
18. Calculation of average salary etc.
19. Amendment of definition of "service".
20. Reduction of salary etc. not due to absence from duty.
21. Construction and citation of Part V of this Act.

## PART VI

## POWERS FOR WESTMINSTER CITY COUNCIL

22. Interpretation of expressions in Part VI of this Act.
23. Incorporation of Lands Clauses Acts.
24. Power to Westminster Council to take easements for apparatus.
25. Correction of errors in deposited plan and book of reference.
26. Power to expedite entry.
27. Power to enter for survey or valuation.
28. Disregard of recent improvements and interests.

## PART VII

## MISCELLANEOUS

29. Cesser of payments in respect of chimney fires etc.
30. Byelaws as to establishments for massage or special treatment.
31. Payment of premiums out of fire insurance fund.
32. Transfer to borough councils of sewers vested in Council.
33. Electoral divisions in Battersea.
34. Compulsory acquisition of land by library authorities.
35. Power to Kensington Council to provide storage etc. accommodation for costermongers etc.
36. Judges not disqualified.
37. Inquiries by Minister.
38. Saving for town and country planning.
39. Costs of Act.