

North Wales Hydro-Electric Power Act, 1952

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CHAPTER xlvi

An Act to confer powers upon the British Electricity Authority for the construction of works in the counties of Caernarvon and Merioneth and for the acquisition of lands and easements for the purposes thereof or in connection therewith and for other purposes.

[1st August 1952.]

WHEREAS the British Electricity Authority (hereinafter referred to as "the Authority") were established by the Electricity Act 1947 for the purpose of developing and maintaining an efficient co-ordinated and economical system of electricity supply for all parts of Great Britain except the North of Scotland district and are for that purpose required (inter alia) to generate or acquire supplies of electricity and to provide bulk supplies of electricity for the area boards established by that Act for distribution by those boards:

And whereas in order to meet the increasing demands for the supply of electricity there is need for the construction of further works for generating electricity:

And whereas by reason of such need it is expedient that the Authority should be empowered to construct the works authorised by this Act for increasing the means of generating electricity by water power and to take divert impound appropriate abstract and use waters from certain rivers and streams for that purpose by means of such works:

And whereas it is expedient that the Authority should be empowered to acquire lands and easements for the purpose of the construction of such works or for other purposes in connection therewith:

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

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 plans and sections showing the lines and levels of the works by this Act authorised such plans showing also the lands which may be acquired or used compulsorily under the powers of this Act for or in connection with the said works and the other purposes mentioned in this Act together with a book of reference to the said plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the respective clerks of the county councils of the administrative counties of Caernarvon and Merioneth and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference :

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 (that is to say):—

Short title.

1. This Act may be cited as the North Wales Hydro-Electric Power Act 1952.

Incorporation
of Acts.

2.—(1) The following enactments (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:—

(a) The Lands Clauses Acts with the following exceptions and modification:—

(i) Section 92 and sections 127 to 133 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the sureties mentioned in that section;

(b) Section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof.

(2) In the construction for the purposes of this Act of the provisions of the Lands Clauses Acts and of the Railways Clauses Consolidation Act 1845 incorporated with this Act—

the expressions "the undertakers" or "the promoters of the undertaking" or "the company" shall mean the Authority;

the expression "the railway" shall mean the works by this Act authorised to be constructed by the Authority and the centre line of those works as shown on the deposited plans shall be deemed to be the centre of the railway.

(3) For the purposes of the said section 85 of the Lands Clauses Consolidation Act 1845 as incorporated with this Act the Authority shall be deemed to be a railway company and section 36 (except paragraph 4 thereof) of the Railway Companies Act 1867 shall apply accordingly.

3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

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

"aqueduct" includes an open watercourse leat conduit tunnel line or lines of pipes shaft and any ancillary works required for the collection conveyance and discharge of water;

"the Authority" means the British Electricity Authority;

"day" means a day of twenty-four hours;

"gauge" includes a gauge weir or other apparatus for measuring the flow of water;

"highway authority" means—

(a) in relation to a trunk road the Minister of Transport or with his consent the authority who are for the time being acting as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road;

(b) in relation to any other highway which is repairable by the inhabitants at large the authority by whom that highway is maintained;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 Part V of the Town and Country Planning Act 1947 and the Lands Tribunal Act 1949;

"the river board" means the North West Wales River Board;

"statutory water undertakers" has the same meaning as in the Water Acts 1945 and 1948;

“the tribunal” means the tribunal or authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 and the Lands Tribunal Act 1949;

“the undertaking” means the undertaking of the Authority as for the time being authorised.

Power to
execute works.

4. Subject to the provisions of this Act the Authority may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections construct maintain and use the works in the counties of Caernarvon and Merioneth hereinafter described:—

In the county of Caernarvon—

In the rural district of Nant Conway—

Work No. 1. An aqueduct in the parishes of Caerhûn and Llanbedr-y-cennin commencing in an unnamed tributary of the Afon Roe at a point three hundred and ninety yards or thereabouts northward of the farm known as Hafotty-gwyn in the said parish of Caerhûn and terminating in the said parish of Caerhûn in the Coedty reservoir of the Authority at the northern end thereof:

In the county of Merioneth—

Work No. 2. An aqueduct commencing in the parish of Llanddwywe-uwch-y-graig in the rural district of Dolgelly in the Afon Serw at a point one thousand four hundred and forty yards or thereabouts measured in a south-westerly direction from the confluence of that stream with the Afon Eden and terminating in the parish of Trawsfynydd in the rural district of Deudraeth in the Trawsfynydd reservoir of the Authority at the southern end thereof.

Work No. 3. An aqueduct in the parish of Llandecwyn in the said rural district of Deudraeth commencing in the Afon-y-glyn at a point two hundred yards or thereabouts measured in a south-westerly direction from the farm-house known as Nant Pasgan-bâch and terminating in the Nant Ddu at a point one hundred and thirty yards or thereabouts measured in a southerly direction from the said farm-house.

Work No. 4. An improvement in the said parish of Llandecwyn of the Nant Ddu consisting in part of a straightening and in part of a strengthening of portions of the bed and banks thereof commencing at the termination of the aqueduct (Work No. 3) hereinbefore described and terminating at a point two hundred and

fifty yards or thereabouts measured in a southerly direction from the farm-house known as Muriau'r-gwyddel.

Work No. 5. An aqueduct commencing in the said parish of Llandecwyn at the termination of the improvement of the Nant Ddu (Work No. 4) hereinbefore described and terminating in the parish of Maentwrog in the said rural district of Deudraeth in the Trawsfynydd reservoir of the Authority at the north-western end thereof.

5. The Authority in constructing the works authorised by this Act may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections upwards to any extent not exceeding thirty feet and to any extent downwards:

Provided that except for the purpose of crossing over a stream ditch or hollow no pipe authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

6.—(1) Subject to the provisions of this Act the Authority for the purposes of or in connection with any works authorised by this Act may within the limits of deviation or within the limits of lands to be acquired shown on the deposited plans—

(a) lay down erect construct make and maintain temporarily or permanently all proper roads bridges railways ropeways approaches ways access works walls embankments stages dams coffer-dams piles pumping works tanks weirs intakes valves sluices spillways overflows culverts tunnels shafts chambers aqueducts channels catchwaters gauges apparatus buildings works and conveniences in connection with or ancillary to the said works or any of them or necessary or convenient for constructing inspecting maintaining repairing cleansing managing or using the same ;

(b) temporarily or permanently use strengthen widen improve alter or otherwise interfere with highways public and private roads paths streams drains sewers telegraphic and telephonic apparatus electric lines and apparatus and gas water and other pipes wires works and apparatus providing where possible a proper substitute before interrupting the traffic on any such highway or road or the passage of water sewage gas or electricity in or through any such stream sewer drain pipe wire work or apparatus and making compensation for any damage caused to any person by the exercise of such powers Such compensation shall in case

of dispute be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(2) (a) Before executing any works under paragraph (b) of subsection (1) of this section affecting any highway or public road or footpath the Authority shall submit to the highway authority plans sections and particulars of the proposed works for their reasonable approval.

(b) The Authority shall execute such works in accordance with such plans and sections as may be submitted to and approved by the highway authority or if such approval be refused as may be settled by arbitration and all such works shall be executed to the satisfaction of the highway authority and the Authority shall at all times afford to the representative of the highway authority access for the purpose of inspecting such works.

(c) The Authority shall give reasonable notice to the highway authority of the time at which such works are intended to be executed and shall comply with such reasonable conditions as the highway authority may require for obviating or reducing interference with the traffic using the highway road or footpath.

(d) Any dispute or difference which may arise between the highway authority and the Authority under this subsection shall be settled by arbitration.

Works to form
part of
undertaking.

7. The works authorised by this Act shall for all purposes form part of the undertaking and for the purposes of subsection (5) of section 2 of the Electricity Act 1947 any functions of the Authority under this Act shall be deemed to be functions of the Authority under subsections (1) to (3) of that section.

Power to
dredge etc.

8.—(1) Subject to the provisions of this Act the Authority may within the limits of deviation shown on the deposited plans from time to time deepen dredge scour and excavate by blasting or otherwise and remove obstructions from any portion of the beds banks and channels of any lakes rivers and streams to such extent as they may deem necessary for regulating the flow of water or facilitating the passage of fish in or out of the lakes rivers and streams and for other purposes of this Act.

(2) All rock sand mud and other materials dredged up or removed shall be the property of the Authority and they may use sell or otherwise dispose of or remove or deposit the same as they think fit.

(3) The Authority may enter into and carry into effect agreements with the owners of lands abutting on and other persons interested in any lakes rivers or streams for and with respect to the execution of works and the alteration modification or removal of any weirs or obstructions to the flow of water in such lakes rivers and streams.

9.—(1) The Authority during and for the purpose of the execution of the works authorised by this Act may temporarily stop up and divert and interfere with any road or footpath and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building abutting on the road or footpath from passing along and using the same. Temporary stoppage of roads and footpaths.

(2) The Authority shall provide reasonable access for foot passengers bona fide going to or from any such land house or building.

(3) The Authority shall not exercise the powers of this section—

(a) as respects any trunk road without giving to the Minister of Transport reasonable notice of the times at which interference with the trunk road is intended to take place and complying with such reasonable conditions as he may require ; or

(b) as respects any other road without the consent of the highway authority but such consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

10. Subject to the provisions of this Act if the works authorised by this Act are not completed within ten years from the first day of October one thousand nine hundred and fifty-two then on the expiration of that period the powers by this Act granted to the Authority for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Provided that the Authority may subject to the provisions of section 5 (Power to deviate) of this Act maintain use extend enlarge alter replace or relay any of the said works authorised by this Act at any time and from time to time as occasion may require but nothing in this section shall relieve the Authority from any obligation to obtain the consent of any other authority body or person to the execution of any works which consent they would have been required to obtain if this section had not been enacted. Period for completion of works.

11.—(1) For the purpose of constructing enlarging repairing or examining any works authorised by this Act the Authority may cause the water in any such work to be discharged into any available watercourse: Discharge of water into streams.

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) (a) In the exercise of the powers conferred by this section the Authority shall do as little damage as may be and shall make compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of such compensation to be determined in case of difference under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(b) For the purposes of this subsection any extra expenditure which it becomes reasonably necessary for any public authority to incur for the purpose of properly discharging their statutory functions shall be deemed to be damage sustained by them.

(3) The provisions of subsections (2) (3) (4) and (6) of section 34 of the Water Act 1945 shall with any necessary modifications apply to the discharge of water under subsection (1) of this section.

Accommoda-
tion for
workmen
employed on
construction
of works.

12. The Authority shall provide and maintain or cause to be provided and maintained for the workmen employed in and about the construction of the works authorised by this Act such accommodation and such arrangements for meals as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible to the said works and shall provide and maintain proper and sufficient sanitary accommodation for such workmen.

Power to take
water.

13. Subject to the provisions of this Act the Authority may take abstract appropriate impound collect store use and divert for the purposes of the undertaking—

(a) by means of Work No. 1 by this Act authorised the waters of the following streams:—

Afon Tafolog (otherwise Afon Roe); and
Afon Dulyn;

(b) by means of Works Nos. 2 to 5 by this Act authorised the waters of the following streams:—

Afon Serw;
Afon Crawwellt (South) (otherwise Afon Cwrt);
Afon Crawwellt (North);
Afon-y-glyn; and
Nant Ddu;

and all streams waters springs and tributaries flowing into the said streams and all such waters rivers streams and tributaries as may be intercepted by the works authorised by this Act and may raise or lower or regulate the water or the level or the flow of water in the said rivers streams springs tributaries or any of them to such an extent as may be necessary for the construction or operation of the works authorised by this Act or other the purposes of this Act.

14. The Authority shall subject to the provisions of this Act in constructing the works by this Act authorised so construct the same as to secure so far as is reasonably practicable that the waters which they are authorised to take abstract appropriate or divert shall be used to the best advantage for the purpose of the production of motive power and the generation of electricity and for the purpose of the supply of water under section 18 (Agreements with statutory water undertakers and others) or section 19 (Making good diminution in water supplies used for domestic or agricultural purposes) of this Act Provided that the Authority shall so far as is reasonably practicable not take abstract appropriate or divert any waters which are not required for the production of motive power the generation of electricity or other the purposes of this Act.

Obligation to secure full development of water power.

15. The Authority shall so construct and maintain the aqueduct (Work No. 1) by this Act authorised where it crosses either of the streams mentioned in the first column of the table set out in this section so as to secure that—

Restriction on taking water in respect of Dolgarrog extension works.

- (a) when the rate of flow in the stream at the point where the aqueduct crosses the stream is less than the rate of flow prescribed in the second column of the said table opposite to that stream no water shall be abstracted from such stream by means of such aqueduct; and
- (b) during any other period there shall be discharged into such stream immediately below the aqueduct a flow of water at a rate not less than the rate so prescribed.

| Stream | Prescribed rate of flow expressed in gallons of water per day |
|---------------------------------------|---|
| Afon Tafolog (otherwise Afon Roe) ... | 850,000 |
| Afon Dulyn | 150,000 |

16. The Authority shall so construct and maintain the aqueducts mentioned in the second column of the table set out in this section where they respectively cross any such stream as is mentioned in the first column of the said table so as to secure that—

Restriction on taking water in respect of Maentwrog extension works.

- (a) when the rate of flow in such stream at the point where such aqueduct crosses the stream is less than the rate of flow prescribed in the third column of the said table opposite to that stream no water shall be abstracted from such stream by means of such aqueduct; and

(b) during any other period there shall be discharged into such stream immediately below such aqueduct a flow of water at a rate not less than the rate so prescribed:

Provided that the Authority shall not discharge water by means of the aqueduct (Work No. 2) by this Act authorised into the Trawsfynydd reservoir of the Authority when the rate of flow of water in the Afon Eden over the existing gauge at or near a point seven hundred and twenty yards or thereabouts below the confluence of the Afon Crawwellt (South) (otherwise Afon Cwrt) with the said Afon Eden is less than the rate of four million gallons per day.

| Stream | Aqueduct Work No. | Prescribed rate of flow expressed in gallons of water per day |
|--|-------------------|---|
| Afon Crawwellt (North) ... | 2 | 4,710,000 |
| Afon Crawwellt (South) (otherwise Afon Cwrt) ... | 2 | 780,000 |
| Afon Serw ... | 2 | 110,000 |
| Afon-y-glyn ... | 3 | 50,000 |
| Nant Ddu ... | 5 | 210,000 |

Provisions applicable to last two preceding sections of Act.

17.—(1) If the Authority—

(a) (i) fail to maintain in good order the existing gauge referred to in the proviso to section 16 (Restriction on taking water in respect of Maentwrog extension works) of this Act; or

(ii) refuse to allow any person interested to inspect and examine such gauge or any records made thereby or kept in connection therewith or to take copies of any such records; or

(b) fail to comply with the provisions of the last two preceding sections of this Act relating to the construction of the works referred to in those sections or to the discharge of water into any stream (as the case may be);

they shall without prejudice to their civil liability (if any) to a person aggrieved be liable in the case of an offence under paragraph (a) of this subsection on summary conviction to a penalty 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 penalty not exceeding fifty pounds in respect of each such day; and

(ii) on conviction on indictment to a penalty not exceeding five hundred pounds in respect of each such day:

Provided that the Authority shall not be under any liability under the foregoing provisions of this section in respect of any such failure as is therein referred to if such failure is due to frost or unavoidable accident or other unavoidable cause.

(2) For the purposes of this section the river board and a navigation authority shall be deemed to be interested in the flow of water in and the discharge of water into any stream or river within their area or district or as the case may be forming part of their system of navigation or any stream feeding such a stream or any part of that system and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

(3) Subject to the provisions of section 5 of the Criminal Justice Administration Act 1914 any penalty recovered under this section on the complaint of the river board shall as to the whole or such part thereof as the court may determine be paid to the river board in respect of the costs of the prosecution.

18.—(1) The Authority may enter into and carry into effect agreements upon and subject to such terms and conditions as may be agreed with any statutory water undertakers authorised to supply and supplying water within the North West Wales River Board area or with other persons for or in connection with or incidental to the giving by the Authority to such undertakers or persons of a supply of water from or by means of any of the works authorised by this Act or from or by means of any other works in the counties of Caernarvon and Merioneth whereby the Authority are authorised to collect or impound water or for or in connection with or incidental to the joint use of any such works by the Authority and such undertakers or persons as aforesaid.

Agreements
with statutory
water
undertakers
and others.

(2) For the purpose of giving a supply under this section or under section 19 (Making good diminution in water supplies used for domestic or agricultural purposes) of this Act the Authority may exercise the powers of statutory water undertakers of laying constructing inspecting repairing altering renewing and removing mains and the provisions of Parts V and VI (as amended by the Public Utilities Street Works Act 1950) and of section 93 of the Third Schedule to the Water Act 1945 shall accordingly apply for the purpose of the exercise of such powers as if the Authority were such statutory undertakers as aforesaid and the area in which any such main is or is proposed to be laid were within their limits of supply.

(3) The Authority shall not enter into an agreement under subsection (1) of this section except with the consent (which shall

not be unreasonably withheld) of the statutory water undertakers for the area in which those powers are proposed to be exercised and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister of Housing and Local Government.

19.—(1) If by reason of the exercise of the powers of this Act the quantity of water available in any river or stream the waters or headwaters of which—

(a) are abstracted or intercepted by the Authority under the said powers; and

(b) were immediately before the passing of this Act used by the occupier of lands abutting on such river or stream for his domestic or agricultural purposes;

is diminished so as to be insufficient for those purposes such occupier may within a period of five years from the commencement of the abstraction or interception of water by the Authority from the river or stream or the headwaters thereof serve a notice upon the Authority requiring them to afford to him a supply of water for the purpose of making good such diminution. If any occupier serves a notice upon the Authority in pursuance of the foregoing provisions of this section he shall at the same time serve a copy thereof upon the statutory water undertakers within whose limits of supply such lands are situate.

(2) If the Authority are satisfied or in the case of any dispute it is determined in manner hereinafter in this section provided that any such diminution as aforesaid has occurred they shall so soon as reasonably practicable after the receipt of such notice as aforesaid or the date of such determination (as the case may be) but subject to the following provisions of this section afford or cause to be afforded to such occupier a supply of water in such quantities and upon such terms and conditions as may be agreed between the Authority and such occupier or in default of such agreement as may be determined as hereinafter in this section provided:

Provided that—

(i) unless otherwise agreed by any such occupier as aforesaid or unless such occupier before such diminution incurred expense in using the waters in such river or stream for his domestic or agricultural purposes a supply of water afforded or caused to be afforded under this section shall be afforded or caused to be afforded free of charge to the occupier;

(ii) a supply of water shall not be afforded or caused to be afforded under this section except with the consent of the local authority of the district in which and (where the local authority are not the statutory water

undertakers) of the statutory water undertakers within whose limits of supply the lands to which a supply is proposed to be afforded are situate but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister of Housing and Local Government ;

- (iii) the Authority shall not be liable for any failure to afford or cause to be afforded any supply of water under this section if such failure is due to frost unusual drought or any other unavoidable cause ;
- (iv) the affording of a supply of water under this section shall be deemed to have been accepted by all persons interested as full compensation for any waters abstracted or intercepted as aforesaid.

(3) If any difference or dispute shall arise under this section between the Authority and any such occupier as aforesaid such difference or dispute shall be referred to and determined by the said Minister whose decision shall be final and binding on the Authority and such occupier and may be given subject to such terms and conditions as he thinks fit.

20.—(1) Before commencing to construct so much of Work No. 1 by this Act authorised as is situated between the Afon Tafolog (otherwise Afon Roe) and the Afon Dilyn the Authority shall consult with a person to be nominated by the county council of the administrative county of Caernarvon as to the works to be constructed by the Authority in or in connection with the said portion of the said Work No. 1 for the purpose of giving supplies of water pursuant to section 19 (Making good diminution in water supplies used for domestic or agricultural purposes) of this Act to the occupiers of farms situated below the said portion of the said work and between the said streams :

Further provisions relating to Work No. 1.

Provided that if no such person as is referred to in this subsection shall have been nominated by the said county council within two months from the date of the passing of this Act the obligations of the Authority under this section shall cease to have effect.

(2) The Authority shall construct and maintain such works as may be agreed between the Authority and such person as aforesaid or in default of agreement be determined by arbitration as hereinafter provided to be reasonably necessary for the purposes referred to in subsection (1) of this section.

(3) Any difference or dispute which may arise under this section between the Authority and such person as is referred to

in subsection (1) thereof shall be referred to arbitration but nothing in this section shall prevent the Authority from constructing or using the said Work No. 1 before the determination of any such difference or dispute.

Fencing and
crossing of
aqueducts.

21.—(1) The Authority shall fence any open watercourse leat or conduit constructed under the powers of this Act with sheep and stock-proof fences to the reasonable satisfaction of the local planning authority and shall to the like satisfaction maintain such fences.

(2) The Authority shall provide and maintain means of crossing any aqueduct constructed under the powers of this Act to the reasonable satisfaction of the local planning authority and at such places and in such manner as the local planning authority after consultation with the Minister of Agriculture and Fisheries may reasonably require.

(3) If any difference or dispute shall arise under this section between the Authority and the local planning authority such difference or dispute shall be referred to and determined by the Minister of Housing and Local Government.

Application
and
modification of
Public Utilities
Street Works
Act 1950.

22.—(1) In relation to any line or lines of pipes of the Llandudno Urban District Council leading from Llyn Dulyn to Llanbedr laid down before the commencement of the construction of the aqueduct (Work No. 1) authorised by this Act the provisions of section 26 of the Act of 1950 (which relates to requirements as to undertakers' works which are likely to affect other undertakers' apparatus) shall apply to the said work as if the Authority were operating undertakings and the said work was an undertakers' work executed in a street within the meaning of the said section 26.

(2) (a) In the application of the said section 26 to the said work the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans sections and particulars of the said work.

(b) The said notice shall be given not less than seven days before the work is commenced.

(c) Any question which may arise under the said section as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply.

(3) In this section "the Act of 1950" means the Public Utilities Street Works Act 1950 and any expressions to which meanings are assigned by that Act have the same respective meanings.

23.—(1) In the construction and maintenance of the works authorised by this Act the Authority shall have regard—

For
preservation of
scenery and
amenities.

(a) to the preservation for the public of the natural beauty of the district in which the works are situate and to the enjoyment thereof by the public ; and

(b) to the conservation of flora and fauna and geological or physiographical features of special scientific interest therein.

(2) For the purpose of securing the foregoing provisions of this section but without prejudice to the generality thereof the Authority shall—

(a) after consultation with the National Parks Commission appoint a landscape consultant whom the Authority shall consult generally in connection with their duties under paragraph (a) of subsection (1) of this section and on questions affecting amenity in or in connection with or arising out of the carrying out or doing under the powers of this Act of any operations or things including the following :—

(i) the disposal of spoil or waste material ;

(ii) the reinstatement or restoration of land ;

(iii) the planting and felling of trees and the planting of bushes and other plants ; and

(b) consult with the National Parks Commission with respect to the situation design and external appearance of any aqueduct building or bridge or any wall embankment or fence forming part of or constructed in connection with any building bridge or aqueduct ;

(c) send to the National Parks Commission copies of any recommendations of the said landscape consultant made to the Authority in pursuance of his functions under paragraph (a) of this subsection.

(3) (a) Without prejudice to anything contained in the Town and Country Planning Act 1947 the Authority shall consult with the local planning authority as to—

(i) the situation design and external appearance of any aqueduct wall embankment road or fence to be constructed under this Act ; and

(ii) the manner and method of disposing of any spoil or waste material resulting from the carrying out of any operation under this Act.

(b) The Authority shall send to the local planning authority copies of any recommendations of the said landscape consultant made to them with regard to any of the matters referred to in the

foregoing paragraph (a) of this subsection and shall comply with such reasonable requirements as the local planning authority shall make—

- (i) for the purpose of rendering any such aqueduct wall embankment road fence spoil or waste material inconspicuous ; or
- (ii) with regard to the disposal of any such spoil or waste material ;

including as respects any purpose mentioned in the foregoing paragraph (i) requirements as to the laying of turf the sowing of grass seed and the planting of trees bushes or plants :

Provided that before making any requirement with regard to the disposal of spoil or waste material the local planning authority shall consult with the Minister of Agriculture and Fisheries and shall not consent to or require the deposit of any spoil or waste material along the bank of any watercourse other than any aqueduct or other work authorised by this Act without first consulting with the river board.

(4) Within six months after the completion of the works authorised by this Act or such longer period as the local planning authority may agree the Authority shall remove or to the reasonable satisfaction of the local planning authority demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of or in connection with the construction of such works and shall remove all surplus materials plant machinery and appliances provided or erected in connection therewith and shall so far as is reasonably practicable to the like satisfaction restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials plant machinery and appliances as aforesaid have been placed.

(5) If any question shall arise as to the reasonableness of any requirements which the local planning authority may make under the last two foregoing subsections the question shall be referred to and determined by the Minister of Fuel and Power and the Minister of Housing and Local Government acting jointly whose decision shall be final.

Power to
acquire lands.

24.—(1) Subject to the provisions of this Act the Authority may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act or for the purpose of obtaining access thereto.

(2) The power of the Authority for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October one thousand nine hundred and fifty-two.

25.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Authority after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county in which the land is situated for the correction thereof.

Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the county council of the county in which the land is situated and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Authority to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

26.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

Acquisition of part only of certain properties.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory ; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Authority that part of the house building factory park or garden.

Power to
expedite entry.

27. At any time after serving a notice to treat in respect of any land or easement which may be acquired compulsorily under this Act but not less than one month after giving to the owner and occupier of the land notice of their intention to exercise the powers of this section the Authority may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Authority shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter
for survey or
valuation.

28.—(1) Any person acting on behalf of the Authority and duly authorised by the secretary of the Authority may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Authority not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land in manner provided by section 285 of the Public Health Act 1936.

(2) Any power conferred by this section to survey land shall include power to make trial borings for the purpose of ascertaining the nature of the soil:

Provided that no works authorised by this subsection shall be carried out unless notice of the intention to carry out the same has been included in the notice required by subsection (1) of this section:

Provided also that no such works shall be carried out on land held by any statutory undertakers and used by them for the purpose of their undertaking except with the consent of such statutory undertakers but such consent shall not be unreasonably withheld and any question as to whether such consent is or is not unreasonably withheld shall be determined by the appropriate Minister.

(3) If any land on which works are carried out under subsection (2) of this section is not acquired by the Authority the Authority shall make good and restore the surface of the land and make compensation to the owner and occupier thereof for any damage sustained by him by reason of the carrying out of such works such 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 the Lands Tribunal Act 1949.

(4) In and for the purposes of the second proviso to subsection (2) of this section the expressions "appropriate Minister" and "statutory undertakers" shall have the meanings respectively assigned to those expressions by section 119 of the Town and Country Planning Act 1947.

29. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty-one; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

30.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

Extinction of private rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Authority 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 the Lands Tribunal Act 1949.

31.—(1) In lieu of acquiring any land which may be acquired under this Act the Authority may for the purposes of constructing using and maintaining so much of the works authorised by this Act as will be constructed underground or of obtaining access to the works authorised by this Act and doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes.

Power to acquire easements only.

(2) Accordingly the Authority may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Authority have acquired an easement or right only in any land under this section—

- (a) they shall not be required or (except by agreement or during the execution of the said works) entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use and cultivate the land as if this Act had not been passed.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Authority to acquire the land the Authority shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

32.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Authority any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Liability to make compensation.

33.—(1) In any case in which no express provision with respect to compensation is made by this Act the Authority shall make to the owners and occupiers of and all persons interested in any lands or streams taken or used for the purposes of this Act or injuriously affected by the construction or maintenance of the works authorised by this Act or otherwise by the execution of the powers conferred by this Act compensation for the value of the lands or streams so taken or used and for all damage sustained by those owners occupiers and other persons by reason of the exercise as to those lands and streams of the powers conferred on the Authority by this Act.

(2) The Authority shall also pay compensation to persons having rights of passage for sheep or stock over or across any lands taken or used for the purposes of this Act in respect of injury or loss to sheep or stock suffered by such person in the exercise of such rights of passage by reason of the construction of the works authorised by this Act.

(3) The amount of such compensation shall—

(a) in the case of a dispute under subsection (1) of this section be settled under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949; and

(b) in the case of a dispute under subsection (2) of this section be determined by arbitration.

34. The Authority shall before commencing to construct Work No. 2 by this Act authorised pay to the river board the sum of ten thousand pounds as a contribution towards the cost of constructing works in the Afon Eden for the improvement of the fishery therein. Payment to river board for improvement of fishery.

35.—(1) The Authority shall not under the powers conferred by section 6 (Subsidiary works) of this Act— For protection of Postmaster-General.

(a) use any telegraphic line belonging to or used by the Postmaster-General;

(b) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

(2) Any telegraphic and telephonic apparatus used under the provisions of the said section 6 shall be so used as not to contravene the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(3) In this section the expressions “alter” and “telegraphic line” have the same meanings as in the Telegraph Act 1878.

36. Notwithstanding anything in this Act the following provisions for the protection of the river board shall unless otherwise agreed in writing between the Authority and the river board apply and have effect:— For protection of river board.

(1) In this section unless the context otherwise requires—

“alter” includes extend enlarge replace or relay;

“the main river” means the main river of the river board as for the time being shown on any map approved or varied in accordance with the provisions of section 6 of the River Boards Act 1948;

“ specified work ” means any work in respect of which the Authority are pursuant to subsection (3) of this section reasonably required to submit plans sections and particulars to the river board ;

“ watercourse ” includes the main river and any other river and any stream ditch drain cut culvert dyke sluice sewer (other than a public sewer within the meaning of the Public Health Act 1936) or passage through which water flows and the banks thereof :

(2) In the execution of any specified work the Authority shall not diminish the width between the banks of any watercourse except with the consent of the river board but such consent shall not be unreasonably withheld :

(3) Before commencing to construct or alter any of the works authorised by this Act the Authority shall give notice to the river board of their intention to commence such construction and shall if the river board within fourteen days of the receipt of such notice in any particular case reasonably so require submit to the river board plans sections and particulars of—

(a) Work No. 4 by this Act authorised or so much thereof as may be specified by the river board ; or

(b) so much of any aqueduct as will be constructed through or across any watercourse :

(4) The Authority shall not construct or alter any specified work except in accordance with such plans sections and particulars as may be reasonably approved by the river board or if such approval be withheld as may be settled by arbitration as hereinafter provided :

Provided that if within twenty-eight days after the receipt of any such plans sections and particulars the river board do not signify their disapproval thereof they shall be deemed to have approved the plans sections and particulars as submitted :

(5) Any specified work shall be executed or altered under the superintendence of the engineer to the river board if the engineer elects to superintend after receiving reasonable notice of the date when the work is to be commenced :

(6) While the construction or alteration of any specified work is in progress the Authority shall at all reasonable times afford to the engineer of the river board or his duly authorised representative access to the specified work for the purpose of inspection :

- (7) The construction or alteration of any specified work shall be completed with all reasonable dispatch :
- (8) The Authority shall not under the powers of section 8 (Power to dredge etc.) of this Act deepen dredge widen alter or improve the bed banks channel and shores of any lake river stream or watercourse without the consent of the river board but such consent shall not be unreasonably withheld and all such deepening dredging widening altering or improving shall be carried out under the superintendence of the engineer to the river board if the engineer elects to superintend after receiving reasonable notice of the date when the work is to be commenced :
- (9) (a) If by reason of the discharge from the existing Maentwrog generating station of the Authority into the river Dwyryd of the additional water taken by means of Works Nos. 2 to 5 by this Act authorised it is reasonably necessary for the river board for the purpose of properly discharging their functions under any enactment to incur extra expenditure in constructing works or carrying out dredging or other operations the Authority shall repay to the river board any such expenditure so incurred ;
- (b) For the purposes of or in connection with the foregoing provisions of this subsection the river board shall at all reasonable times furnish to the Authority such reasonable information as to the state of the river Dwyryd and all other material circumstances as the Authority may from time to time reasonably require and shall afford to the Authority all such reasonable opportunities for investigating the facts which are necessary for determining whether and to what extent they are or may be liable under the said provisions :
- (10) If any difference shall arise between the Authority and the river board with respect to any matter under this section the matter in difference shall be referred to an arbitrator.

37. Nothing in this Act shall prejudice interfere with or affect the powers conferred on the Llandudno Urban District Council by the Llandudno Improvement Act 1854 the Llandudno Improvement Acts 1876 and 1879 and the Llandudno Urban District Council Act 1928 to impound the waters of the Afon Dulyn or with respect to the Dulyn and Melynlyn lakes and the gathering grounds of those lakes or otherwise.

Saving for
Llandudno
Urban District
Council.

Saving for
town and
country
planning.

38. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Arbitration.

39. When under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement 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 others of them) and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to the reference and determination.

Crown rights.

40. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Authority to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Costs of Act.

41. The costs charges and expenses preliminary to and of and incidental to the applying for and the preparing 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 Authority.

Table of Statutes referred to in this Act

| Short title | Session and chapter |
|--|----------------------------------|
| Lands Clauses Consolidation Act 1845 | 8 & 9 Vict. c. 18. |
| Railways Clauses Consolidation Act 1845 | 8 & 9 Vict. c. 20. |
| Llandudno Improvement Act 1854 | 17 & 18 Vict. c. ii. |
| Railway Companies Act 1867 | 30 & 31 Vict. c. 127. |
| Telegraph Act 1869... .. | 32 & 33 Vict. c. 73. |
| Llandudno Improvement Act 1876 | 39 & 40 Vict. c. ccxli. |
| Telegraph Act 1878... .. | 41 & 42 Vict. c. 76. |
| Llandudno Improvement Act 1879 | 42 & 43 Vict. c. xviii. |
| Criminal Justice Administration Act 1914 | 4 & 5 Geo. 5. c. 58. |
| Acquisition of Land (Assessment of Compensation) Act 1919 | 10 & 11 Geo. 5. c. 57. |
| Llandudno Urban District Council Act 1928 | 18 & 19 Geo. 5. c. lix. |
| Public Health Act 1936 | 26 Geo. 5. & 1 Edw. 8. c. 49. |
| Trunk Roads Act 1936 | 1 Edw. 8. & 1 Geo. c. 5. |
| Water Act 1945 | 8 & 9 Geo. 6. c. 42. |
| Trunk Roads Act 1946 | 9 & 10 Geo. 6. c. 30. |
| Town and Country Planning Act 1947 | 10 & 11 Geo. 6. c. 51. |
| Electricity Act 1947... .. | 10 & 11 Geo. 6. c. 54. |
| Water Act 1948 | 11 & 12 Geo. 6. c. 22. |
| River Boards Act 1948 | 11 & 12 Geo. 6. c. 32. |
| Lands Tribunal Act 1949 | 12 13 & 14 Geo. 6. c. 42. |
| Arbitration Act 1950 | 14 Geo. 6. c. 27. |
| Public Utilities Street Works Act 1950 | 14 Geo. 6. c. 39. |

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