

**CHAPTER clxxix.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Clyde Navigation. A.D. 1914.  
[7th August 1914.]

**W**HEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.  
c. 47.

Be it therefore 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. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation  
of Order in  
schedule.

2. This Act may be cited as the Clyde Navigation Order Confirmation Act 1914. Short title.

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SCHEDULE.

## CLYDE NAVIGATION.

*Provisional Order to authorise the Trustees of the Clyde Navigation to construct tidal basins and other works on the River Clyde to borrow additional money and for other purposes.*

WHEREAS by the Clyde Navigation Consolidation Act 1858 the Trustees of the Clyde Navigation (hereinafter called "the Trustees") were incorporated and it was by that Act enacted that the undertaking of the Trustees should among other things include the construction and maintenance of quays wharves docks and other works within the limits of the jurisdiction of the Trustees as defined by the said Act and the Trustees were further empowered to do all works and things necessary for that purpose:

And whereas further powers were conferred upon the Trustees by subsequent Acts:

And whereas it is expedient that the Trustees should be authorised to construct the tidal basins and other works hereinafter described and to levy rates and tolls for the use thereof and also that the other objects and purposes in this Order mentioned should be carried into effect:

And whereas it is expedient that the Trustees should be authorised to borrow a further sum of money for the purposes of this Order and for the general purposes of their undertaking:

And whereas maps plans and sections and an additional plan and section describing the lines situation and levels of the works authorised by this Order and also books of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of those works or of the undertaking of the Trustees or under the powers of this Order were duly deposited with the principal sheriff clerks of the counties of Lanark and Renfrew at their offices in Glasgow and Paisley respectively and are hereinafter respectively referred to as the deposited plans sections and books of reference and the additional deposited plan section and book of reference;



And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899: A.D. 1914.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

## PART I.

### PRELIMINARY.

1. This Order may be cited as the Clyde Navigation Order 1914. Short title.
2. This Order and the Clyde Navigation Acts 1858 to 1911 may be cited as the Clyde Navigation Acts 1858 to 1914. Citation of Acts.
3. This Order is divided into Parts (as follows):— Division of Order into Parts.
  - Part I.—Preliminary.
  - Part II.—New Works &c.
  - Part III.—Financial.
  - Part IV.—Miscellaneous.
4. The following Acts and portions of Acts are (except where expressly varied by this Order) incorporated with and form part of this Order (that is to say):— Incorporation of general Acts.

The Lands Clauses Acts:

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interferences therewith:

The Harbours Docks and Piers Clauses Act 1847 with the exception of the sections with respect to lifeboats with respect to keeping a tide and weather gauge and with respect to buoys lighthouses and beacons and also with the exception of sections 25 26 and 30 and the Harbours Docks and Piers Clauses Act 1847 with the aforesaid exceptions shall apply to the works by this Order authorised Provided that the following expressions used in the

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Harbours Docks and Piers Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions “packet boat” and “post office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “post office bag of letters” means a mail bag as defined by the same Act. Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire:

And in construing the said Acts as incorporated with this Order the expressions “the company” “the Undertakers” and “the railway” shall respectively mean the Trustees and the works by this Order authorised and this Order shall be deemed a special Act within the meaning of those Acts.

Interpreta-  
tion.

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

And in this Order—

“The Clyde Navigation Acts” means the Clyde Navigation Acts 1858 to 1911;

“The Act of 1858” means the Clyde Navigation Consolidation Act 1858;

“The Act of 1911” means the Clyde Navigation Act 1911;

“The Trustees” means the Trustees of the Clyde Navigation appointed by and acting under the Clyde Navigation Acts;

“The corporation” means the corporation of the city of Glasgow;

“The city” means the city and Royal burgh of Glasgow;

“The Renfrew Corporation” means the provost magistrates and councillors of the burgh of Renfrew;

“The sheriff” means the sheriff of the county of Lanark except where otherwise provided and includes any of his substitutes;



“The Renfrew Railway Act” means the Glasgow and Renfrew District Railway Act 1897 and any Act amending the same; A.D. 1914.

“The Renfrew Railway” means all or any of the railways authorised by the Renfrew Railway Act;

“Railway No. 6” means the Railway No. 6 authorised by the Renfrew Railway Act;

“The joint committee” means the Caledonian Railway Company and the Glasgow and South Western Railway Company as joint owners of the Renfrew Railway.

## PART II.

### NEW WORKS &C.

6. Subject to the provisions of this Order the Trustees may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described and the works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):— Power to execute works.

(1) A Tidal Basin (No. 1) on the south side of the River Clyde on the lands of Shieldhall and other lands adjoining thereto wholly in the parish of Govan and county of Lanark commencing at a point on the cope line of the river dyke 9 yards or thereabouts north-westward from the north-west corner of Enclosure 456 on the Ordnance Survey map of Lanarkshire scale 25·344 inches to a mile edition of 1913 and terminating at a point 140 yards or thereabouts north-westward from the north-east corner of Enclosure 328 on the said map and being 100 yards or thereabouts in width:

(2) A Tidal Basin (No. 2) on the south side of the River Clyde on the lands of Shieldhall and other lands adjoining thereto wholly in the parish of Govan and county of Lanark commencing at a point on the cope line of the river dyke 14 yards or thereabouts north-westward from the north-west corner of Enclosure 506 on the said Ordnance Survey map and terminating

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at a point 150 yards or thereabouts southward from the north-west corner of Enclosure 328 on the said map and being 100 yards or thereabouts in width :

- (3) A diversion of the Renfrew Road with the tramways thereon wholly in the parish of Govan and county of Lanark commencing by a junction with the Renfrew Road at a point in the line of the west side of Maxwell Road Shieldhall and terminating by a junction with the Renfrew Road at the east end of the bridge carrying that road over the Glasgow and Renfrew District Railway near Deanside Station :
- (4) A Dock Tramway (No. 1) wholly in the parish of Govan and county of Lanark commencing by a junction with the Glasgow and Renfrew District Railway at a point 30 yards or thereabouts north-westward from the south corner of Enclosure 264 on the said Ordnance Survey map and terminating at a point 189 yards or thereabouts northward from the south corner of Enclosure 328 on the said map :
- (5) A Dock Tramway (No. 2) wholly in the parish of Govan and county of Lanark commencing by a junction with Dock Tramway (No. 1) hereinbefore described at a point 105 yards or thereabouts north-north-westward from the south corner of Enclosure 264 on the said Ordnance Survey map and terminating at a point 157 yards or thereabouts northward from the south corner of Enclosure 327 on the said map :
- (6) A Dock Tramway (No. 3) wholly in the parish of Govan and county of Lanark commencing by a junction with Dock Tramway (No. 2) hereinbefore described at a point 69 yards or thereabouts north-north-westward from the south corner of Enclosure 263 on the said Ordnance Survey map and terminating at a point 145 yards or thereabouts north-westward from the south-east corner of Enclosure 325 on the said map :
- (7) A Dock Tramway (No. 4) wholly in the parish of Govan and county of Lanark commencing by a junction with Dock Tramway (No. 3) hereinbefore described at a point 45 yards or thereabouts north-north-westward from the south-west corner of Enclosure 319 on the



said Ordnance Survey map and terminating at a point 107 yards or thereabouts westward from the north-east corner of Enclosure 325 on the said map: A.D. 1914.

- (8) A Dock Tramway (No. 5) wholly in the parish of Govan and county of Lanark commencing by a junction with Dock Tramway (No. 4) hereinbefore described at a point 47 yards or thereabouts northward from the south corner of Enclosure 326 on the said Ordnance Survey map and terminating at a point 55 yards or thereabouts eastward from the north-west corner of Enclosure 325 on the said map.

The works above described and the lands houses and other property which will or may be required to be taken for the purposes thereof will be situated in the city of Glasgow the burgh of Renfrew the parishes of Govan Renfrew and Paisley and the counties of Lanark and Renfrew.

7.—(1) Subject to the provisions of this Order the Trustees may and shall make and maintain in the lines and according to the levels shown on the additional deposited plan and section the works in this section described (being an alteration of the diversion of Renfrew Road shown on the deposited plans) and may enter upon take and use such of the lands delineated on the additional deposited plan and described in the book of reference thereto as may be required for those purposes (that is to say):—

Alteration of  
diversion of  
Renfrew  
Road.

A new road and tramways thereon wholly in the parish of Govan and county of Lanark of at least sixty feet in width commencing in the city by a junction with the said diversion of Renfrew Road at a point thirty-five yards west of the intersection of the centre line of Dock Tramway No. 5 with the centre line of the said diversion and terminating in the burgh of Renfrew by a junction with Renfrew Road at a point one hundred and twenty yards or thereabouts east of Millburn Bridge.

(2) The works by this section authorised shall be in substitution for that portion of the diversion of the Renfrew Road authorised by the section of this Order of which the marginal note is "Power to execute works" between the point of commencement of the works authorised by this section and the termination of the said diversion of the Renfrew Road and shall be deemed to form part of the said diversion.

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(3) The provisions contained in the section of this Order of which the marginal note is "For protection of corporation of Glasgow" shall extend and apply to the portion of the said new road in the city and the provisions contained in that section so far as relating to the tramways gas and water pipes and other property of the corporation shall also extend and apply to the tramways gas and water pipes and other property of the corporation to be laid or constructed in the portion of the said new road in the burgh of Renfrew.

For protec-  
tion of joint  
committee.

8.—(1) Except as otherwise in this Order provided the Trustees shall not take or acquire compulsorily for the purposes of this Order any part of the railways or other property of the joint committee.

(2) The plan of any junction of the dock tramways authorised by this Order with any railways of the joint committee and the plan of the junction of Dock Tramways Nos. 1 and 2 including in each case the exact point of junction shall be agreed upon between the Trustees and the joint committee or failing agreement shall be determined by an arbiter appointed by the Board of Trade on the application of either party.

(3) The bridge for carrying the alteration of the diversion of Renfrew Road over the railway of the joint committee shall be constructed and maintained by the Trustees so as to admit of four lines of rails being thereafter formed and maintained by the joint committee underneath the same in lieu of the existing double line of rails and that with such spaces between the said four lines of rails as the Board of Trade may require and all in accordance with such plans sections and specifications as shall be agreed upon or failing agreement shall be determined by an arbiter appointed by the Board of Trade on the application of either party.

Tramways  
in Renfrew  
Road when  
diverted to  
form part of  
tramway  
undertaking  
of corpora-  
tion of  
Glasgow.

9. On the completion of the diversion of the Renfrew Road and the tramways thereon by this Order authorised and on the stopping up of the portion of the existing Renfrew Road rendered unnecessary by such diversion as described in the section of this Order of which the marginal note is "Stopping up portion of Renfrew Road" the tramways so diverted shall be and become the property of the corporation and shall be deemed for all purposes to form part of the tramway undertaking of the corporation to the same extent and effect as if they had



been authorised by the Glasgow Corporation (Tramways Consolidation) Order 1905 and the provisions of that Order so far as applicable shall extend and apply to those tramways.

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10. For all purposes the diversion of the Renfrew Road by this Order authorised shall (subject to the provisions of the sections of this Order of which the marginal notes are "For protection of corporation of Glasgow" "For protection of Renfrew Corporation" and "Alteration of diversion of Renfrew Road") form part of that road and the diverted road when opened for public use shall (subject as aforesaid) vest in and be maintained by the respective road authorities to the extent to which it is situated in their respective districts.

Diversion of  
Renfrew  
Road to  
form part of  
that road.

11. The Trustees may stop up the portion of the Renfrew Road and the tramways thereon from the point of commencement of the diversion of that road at Maxwell Road Shieldhall to the east side of the bridge at Deanside Station carrying the Renfrew Road over the Renfrew Railway but such stopping up shall not take place until the sheriff shall have certified that that diversion has been completed to his satisfaction and is open for public use. Before applying to the sheriff for his certificate the Trustees shall give to the corporation and the Renfrew Corporation seven days' notice in writing of their intention to apply for the same. As from the date of the said certificate all public rights of way over or along the portion of the Renfrew Road so stopped up shall be extinguished and the Trustees may appropriate and use for the purposes of their undertaking the portion of road stopped up with the tramways thereon and also the tramways on that portion of Renfrew Road which is to remain open and which portion is situated between the east side of the bridge at Deanside Station carrying that road over the Renfrew Railway and the termination of the new road referred to in the section of this Order of which the marginal note is "Alteration of diversion of Renfrew Road."

Stopping up  
portion of  
Renfrew  
Road.

12.—(1) Subject to the provisions of this Order the Trustees may stop up permanently the rights of way following:—

Rights of  
way to be  
stopped up.

- (A) The public right of way or footpath along the southern bank of the River Clyde from the northern end of the right of way or footpath on the west side of Linthouse Burn to the point at which the Marlinford Road abuts on the River Clyde:

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(B) The public right of way or road called Marlinford Road extending from the Renfrew Road to the southern bank of the River Clyde.

(2) For the protection of (a) the county council of the county of Renfrew and of the district committee of the first or upper district thereof (b) the corporation and (c) the Renfrew Corporation (hereinafter called the "protected authorities") the following provisions shall unless otherwise agreed upon in writing between the Trustees and the protected authorities respectively have effect viz. :—

(A) With regard to any compensation payable under this section and also under section 8 (Footpath to be stopped up) of the Act of 1911 the Trustees shall (within the period aftermentioned) pay to such of the protected authorities as shall claim compensation for the rights by those sections conferred on the Trustees and for the loss and inconvenience thereby caused to such protected authorities or to persons represented by them such sum as may be agreed on by such protected authorities and the Trustees or failing such agreement as may be determined by the arbiters or oversman who may be appointed under the said section 8 of the Act of 1911 in manner provided by the Lands Clauses Acts with respect to the settlement of cases of disputed compensation and the provisions of those Acts with reference to arbitration shall apply accordingly Provided that such protected authorities shall make one joint claim under this section in the same way as if they together constituted one party for the purposes of such claim and any arbitration proceedings which may follow thereon Provided also that notwithstanding anything contained in this section or in the aforesaid section of the Act of 1911 the Trustees shall pay to such protected authorities the compensation under this section and under the aforesaid section of the Act of 1911 within six months after they shall have stopped up any portion of the rights of way authorised to be stopped up under either of the said sections or within one month after the arbiter's award is delivered or the amount of compensation is agreed as the case may be :



(B) The sum awarded as compensation in respect of the rights of way authorised to be stopped up under this section shall be applied in the first place in meeting all expenses which such protected authorities or any of them may have incurred or may incur in connection with this Order and in carrying the same or any of the provisions thereof into effect and in the second place may be applied by such protected authorities respectively as regards the quota thereof to which each may be entitled as follows:—

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(i) By the county council of the county of Renfrew in or towards any of the purposes for which the parish council of the parish of Renfrew is authorised to expend its funds in terms of sections 24 and 29 of the Local Government (Scotland) Act 1894 or towards any scheme of public utility for the benefit of the inhabitants of that parish which may be approved by the Secretary for Scotland;

(ii) By the corporation to the credit of the Common Good Fund of the city and at the discretion of the corporation for any purpose to which the Common Good Fund may competently be applied; and

(iii) By the Renfrew Corporation towards any scheme of public utility for the benefit of the inhabitants of the burgh of Renfrew which may be approved by the Secretary for Scotland:

The said respective quotas shall be fixed and determined by such protected authorities or failing agreement by the arbiters or oversman to be appointed in terms of the said section 8 of the Act of 1911.

13. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Trustees shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

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Power to  
take up  
Renfrew  
Railway  
No. 6.

14. On the acquisition by the Trustees of Railway No. 6 and the site thereof the Trustees may take up and remove the rails on and other works of or connected with that railway and may appropriate and use the site thereof for the purposes of their undertaking and all the provisions of and all the powers and obligations conferred or imposed by the Renfrew Railway Act with respect to Railway No. 6 shall cease and determine.

As to rein-  
statement of  
Railway  
No. 6.

15. For the protection of the joint committee the following provisions shall unless otherwise agreed in writing apply and have effect:—

- (1) Notwithstanding anything contained in this Order the Trustees in the event of their acquiring under the powers of this Order Railway No. 6 (being the properties numbered 18 28 31 35 36 40 and 42 on the deposited plans in the parish of Govan) shall in lieu of paying for such properties provide and reinstate at the expense of the Trustees a line of railway and goods yard immediately alongside and to the east of the Renfrew Railway at Deanside Station in place of Railway No. 6 and goods yard thereon:
- (2) On the transfer to the joint committee of such new line of railway and goods yard the Trustees shall be freed from all obligations to the joint committee in connection with Railway No. 6 and the said new line of railway and goods yard shall for all purposes form part of the railways and undertaking authorised by the Renfrew Railway Act to the same extent and effect as if they had been authorised by and constructed under that Act:
- (3) Nothing in this Order contained shall prejudice the rights of the Trustees to receive payment from the joint committee for the land acquired compulsorily by the joint committee from the Trustees for the construction of Railway No. 6:
- (4) If in the opinion of the arbiter hereinafter referred to the land transferred by the Trustees to the joint committee on which the new line of railway and goods yard are constructed is of less extent and value than the extent and value of the land occupied by Railway No. 6 and goods yard (exclusive



in both cases of railway works) any difference in value shall be paid by the Trustees to the joint committee Provided that such values shall in both cases be ascertained as at the date of the passing of the Act confirming this Order :

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- (5) In the event of the Trustees and the joint committee failing to agree any difference arising between them under this section shall be referred to and determined by an arbiter to be appointed failing agreement by the Board of Trade on the application of either party.

16. Subject to the provisions of this Order the Trustees may upon lands belonging to them make and maintain on in over under or in connection with the works hereinbefore described or referred to or any of them all necessary and convenient railways tramways sidings rails junctions stations bridges crossings turntables roads accesses approaches gates retaining and other walls sheds buildings offices warehouses stores bins hoppers weighing machines slipways shipping places sluices jetties quays wharves wharf walls river walls sheet and other piling landing stages staiths cranes coal-tips elevators pumps transporters hydraulic electric and other lifts hoists drops dolphins buoys moorings beacons lighthouses slips stairs sewers drains watercourses culverts pipes electric lines and other works machinery and conveniences or any of them and may also divert the waters of the River Clyde into the tidal basins by this Order authorised :

Power to  
make subsi-  
diary works.

Provided that any electric lines and other works made and maintained by the Trustees under the provisions of this section shall be so constructed maintained and used as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

17. For the purposes and during the execution of the works by this Order authorised and in maintaining the same the Trustees may subject to the provisions of this Order temporarily use break up or cross over or under alter or stop up and interfere with any streets highways roads lands paths quays bridges railways tramways sidings canals passages sewers drains streams watercourses gas pipes and water pipes and electric telegraphic

Power to  
alter roads  
&c.

A.D. 1914. — or telephonic apparatus in any of the lands shown on the deposited plans and additional deposited plan and specified in the deposited books of reference and additional deposited book of reference which they may find it expedient for any of those purposes so to interfere with providing when possible a proper substitute before interrupting the traffic on any such street highway road lane path quay bridge railway tramway siding or passage or the flow of water gas sewage electricity or telegraphic or telephonic communication in any such sewer drain stream water-course canal or pipe or apparatus and making full compensation to all persons injuriously affected by the exercise of the powers of this section. Provided that nothing in this section shall extend to or authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General. Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply except in accordance with the provisions of that section.

Power to deviate.

18. Subject to the provisions of this Order the Trustees in constructing the works by this Order authorised may deviate laterally from the lines thereof delineated on the deposited plans and additional deposited plan to any extent not exceeding the limits of deviation defined on the said plans and may deviate vertically from the levels of the said works as defined on the deposited sections and additional deposited section to any extent not exceeding twelve feet. Provided that no deviation either lateral or vertical below highwater mark shall be made on works within tidal waters without the consent in writing of the Board of Trade.

Power to dredge and deepen river adjoining works.

19. The Trustees may from time to time deepen dredge scour cleanse widen alter and improve the River Clyde at and adjoining the works by this Order authorised and they may also use and appropriate any materials raised or removed in so doing. Provided that no materials excavated or dredged under the provisions of this section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

Power to grant servitudes by agreement.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Trustees



any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals as far as the same are applicable in this behalf shall extend and apply to such servitudes rights and privileges as aforesaid respectively.

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21. The Trustees shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. If the Trustees fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on  
works during  
construction.

22. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works by this Order authorised or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or defaces injures or destroys the same or any part thereof shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding five pounds which may be recovered by the Trustees under the Summary Jurisdiction (Scotland) Act 1908.

Penalty for  
obstructing  
works.

23. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the passing of the Act confirming this Order.

Period for  
compulsory  
purchase of  
lands.

24.—(1) The tidal basins and other harbour works by this Order authorised shall be held to be and shall be included within the harbour of Glasgow and the definition of the harbour of Glasgow contained in section 43 (Definition of Glasgow Harbour) of the Clyde Navigation Act 1904 as amended by section 19 (New works Renfrew Harbour and Rothesay Dock to form part of harbour and of Trustees' undertaking) of the Act of 1911 is hereby amended and extended accordingly and the existing

New works  
to form part  
of harbour  
and of Trus-  
tees' under-  
taking.

A.D. 1914. harbour byelaws rules and regulations of the Trustees are hereby extended and shall apply to the harbour of Glasgow as by this Order extended.

(2) Subject to the provisions of this Order the works by this Order authorised shall for all purposes (including the power to levy and recover rates dues tolls and rents and all other charges) be and be deemed to be part of the undertaking of the Trustees and the whole powers rights and authorities of the Trustees shall apply to and may be exercised therein and with respect thereto as fully and freely in all respects as in any other part of their undertaking.

(3) The provisions of the Glasgow Police Acts 1866 to 1914 which relate to the watching lighting and cleansing of the harbour of Glasgow shall apply to the tidal basins and dock tramways and the works and conveniences connected therewith by this Order authorised.

Tolls for  
use of dock  
tramways.

25. In addition to other powers conferred on the Trustees by this Order in relation to the dock tramways by this Order authorised the Trustees may levy and recover in respect of such tramways the tolls authorised by section 50 (Tolls for use of tramways) of the Clyde Navigation Act 1883 and section 55 (Regulations as to tolls) and section 62 (Trustees may take increased charges by agreement) of that Act and section 44 (Power to vary rates) of the Clyde Navigation Act 1899 shall apply to the said dock tramways and to the tolls and charges to be taken in respect of the use thereof in all respects as if they had been authorised by the said Act of 1883.

For protec-  
tion of cor-  
poration of  
Glasgow.

26. For the protection of the corporation as such and as acting in execution of the several public and local and personal Acts by which any powers jurisdictions or authorities are conferred on them the following provisions shall notwithstanding anything in this Order contained or shown on the deposited plans and sections and additional deposited plan and section (unless otherwise agreed upon in writing between the corporation and the Trustees) have effect and be binding on the Trustees (that is to say):—

(1) The Trustees shall not stop up temporarily or permanently any road or street within the city other than the portions of Renfrew Road and Marlinford Road shown upon the deposited plans to be stopped up:



(2) Before the Trustees commence the diversion of Renfrew Road or other works by this Order authorised the execution of which would in any way interfere with or affect any of the roads streets lanes footpaths or public places in the city or which would interfere with or affect the tramways drains sewers gas and water mains and pipes electric cables wires or other works belonging to the corporation they shall give to the corporation at least twenty-one days' notice thereof in writing accompanied by plans sections working drawings and specifications showing the manner in which and the materials with which the said diversion or other works by this Order authorised are to be executed and also showing the means to be employed by the Trustees not only for protecting the said roads streets lanes footpaths or public places tramways drains sewers gas and water mains and pipes electric cables wires or other works belonging to the corporation during the operations of the Trustees and for securing an uninterrupted service of cars upon the said tramways and a continuous flow of sewage gas water and electricity as the case may be but also for making good any injury or damage to or interference with the same respectively which plans sections working drawings and specifications shall be subject to the reasonable approval of the corporation and such approval shall be deemed to have been given unless the corporation signify their disapproval within the said period of twenty-one days:

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(3) The Trustees shall carry out the construction of the diversion of Renfrew Road by this Order authorised at the sight and to the reasonable satisfaction of the corporation and shall pave so much of the carriageway thereof as lies between the rails of the tramways (hereinafter in this section mentioned) and also so much of the carriageway thereof as extends eighteen inches beyond the rails on each side of the said tramways with square-dressed granite setts on a concrete foundation. The Trustees shall provide three-foot channels on each side of the said diversion of Renfrew Road and make reasonable provision for

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surface and other drainage all to the reasonable satisfaction of the corporation :

- (4) The Trustees shall also form foot pavements along each side of the diversion of Renfrew Road by this Order authorised of such width as shall be approved of by the corporation and shall make reasonable provision for surface and other drainage all to the satisfaction of the corporation The Trustees shall maintain and when reasonably required by the corporation shall pave with granolithic the said foot pavements so far as property belonging to them abuts on or adjoins the same :
- (5) In making the diversion of Renfrew Road by this Order authorised the Trustees shall construct the same of a width of at least eighty feet instead of the width shown upon the deposited plans from a point seventy yards east of the intersection of the centre line of Dock Tramway No. 1 with the centre line of the said diversion to a point thirty-five yards west of the intersection of the centre line of Dock Tramway No. 5 with the centre line of the said diversion as shown upon the deposited plans and in consideration thereof the corporation shall have no claim against the Trustees in respect of any increased expenses which may be incurred in working and maintaining the tramways of the corporation :
- (6) In the event of the corporation at any time hereafter paving with square-dressed granite setts the unpaved portion of the carriageway of that part of the diversion specified in the immediately preceding subsection the said paving shall be executed at the joint expense of the corporation and the Trustees :
- (7) In making the diversion of Renfrew Road by this Order authorised the Trustees shall lay a double line of tramways along the whole length of the said diversion including all necessary equipment and shall also lay construct and provide in such diversion such drains sewers gas and water pipes and mains electric cables wires or other works as are necessary to take the place of and of sizes equal to those in that portion of the existing Renfrew Road proposed to be



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stopped up and the whole works in this subsection referred to shall be carried out according to plans to be submitted by the Trustees to and approved of by the corporation and at their sight and to their reasonable satisfaction Provided always that the corporation may require the Trustees to lay construct and provide in the said diversion gas and water pipes and mains of a greater size than the size of those in the portion of the existing road proposed to be stopped up and in that event the corporation shall pay to the Trustees the difference in the cost of laying constructing and providing such larger pipes and mains :

- (8) The Trustees shall maintain the said diversion of Renfrew Road (exclusive of the portion thereof between the rails of the said tramways and for eighteen inches on each side of the said tramways which shall be maintained by the corporation) for a period of one year from the date of the sheriff's certificate granted in terms of the section of this Order the marginal note of which is "Stopping up portion of Renfrew Road" and shall also during such period be responsible for any loss or damage which may be occasioned by subsidence or any other cause arising out of the construction of the said diversion of Renfrew Road or other works to the said tramways drains sewers gas and water pipes and mains electric cables wires or other works or any of them belonging to the corporation and the Trustees shall indemnify the corporation from all claims or demands made upon the corporation by any person or persons alleging that he or they have sustained loss or damage during the said period through subsidence or from any other cause arising from the construction of the said diversion of Renfrew Road or other works reserving to the Trustees all competent answers to such claims :

- (9) In making the bridges necessary to carry the said diversion of Renfrew Road by this Order authorised over the dock tramways also authorised by this Order and over the Renfrew Railway the Trustees

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shall make such special provision as may be reasonably required by the corporation for the laying of gas and water pipes and mains electric cables wires and other works and the Trustees shall in perpetuity maintain in good and sufficient repair the said bridges and the carriageway and foot pavements thereon Provided that nothing herein contained shall affect the liability of the corporation to maintain in terms of the Tramways Act 1870 the portion of the carriageway on the said bridges on which tramways of the corporation are laid :

- (10) In the event of it being necessary at any future time for the Trustees to alter or reconstruct any bridge or bridges carrying the said diversion of Renfrew Road over the said dock tramways or any of them or over the Renfrew Railway the Trustees shall free and relieve the corporation from all expenses which the corporation may incur in removing or altering the tramways drains sewers gas and water mains and pipes electric cables wires or other works belonging to the corporation contained in or passing across or over the said bridge or bridges and in relaying and replacing them in the altered or reconstructed bridge or bridges :
- (11) The provisions of sections 18 to 23 of the Railways Clauses Consolidation (Scotland) Act 1845 shall for the purposes of this section and so far as not inconsistent with any special provisions herein contained extend and apply to all water and gas mains pipes and apparatus and also to all mains pipes cables feeders wires and tubes and any apparatus connected therewith used for the purposes of the supply of electricity in the same manner and to the same extent as they apply to mains pipes and apparatus used for the supply of water and gas and shall be construed as if the corporation were mentioned in those sections in addition to "company or society" :
- (12) The Trustees shall pay to the corporation as may be fixed by agreement or failing agreement as may be determined by arbitration any extra cost which the



corporation may incur by reason of the said diversion of Renfrew Road and the construction of works by this Order authorised in carrying out the obligation resting upon them to construct and maintain in the Govan and Renfrew Road a sewer or sewers from the west side of the Renfrew Railway to the point of discharge into the sewage purification works at Shieldhall. The Trustees shall give to the corporation free of charge on lines to be agreed upon between the corporation and the Trustees or failing agreement to be determined by arbitration a wayleave through their land for such sewer or sewers and for any connections which the corporation may require to make thereto or the Trustees may with the consent of the corporation (which consent shall not be unreasonably withheld) themselves provide such sewers and connections and in the event of the Trustees making such sewers and connections the corporation shall have the right to put into the same any sewage which they would have a right to put into such sewers if the same had been constructed by the corporation. All such sewers and connections whether constructed by the corporation or by the Trustees shall belong to and be the property of the corporation as if they had been constructed under and in terms of the Glasgow Sewage Acts 1891 to 1912 and the corporation shall at all times have a free right of access to the said sewers and connections over the lands of the Trustees for the purpose of regulating inspecting maintaining altering or renewing and for making connections to the said sewers:

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- (13) Any difference between the Trustees and the corporation in connection with any of the provisions of this section or with anything in this Order contained shall failing agreement be determined by an arbiter to be mutually agreed upon between the Trustees and the corporation or failing agreement to be appointed by the Board of Trade on the application of either party.

27.—(1) The provisions contained in the section of this Order of which the marginal note is "For protection of cor-

For protection  
of Renfrew  
Corporation.

A.D. 1914. — poration of Glasgow” (other than subsections (5) (6) and (12) thereof) shall mutatis mutandis and so far as applicable extend and apply for the protection of the Renfrew Corporation in respect of the new road referred to in the section of this Order of which the marginal note is “Alteration of diversion of Renfrew Road” so far as the said new road is in the burgh of Renfrew.

(2) At any time after the existing Renfrew Road is stopped up under the provisions of this Order the Trustees shall on receiving six months’ notice in writing from the Renfrew Corporation remove the tramways on the portion of Renfrew Road between the east side of the bridge at Deanside Station carrying the said Renfrew Road over the Renfrew Railway and the termination of the new road referred to in the section of this Order of which the marginal note is “Alteration of diversion of Renfrew Road” and shall restore that portion of Renfrew Road to the reasonable satisfaction of the Renfrew Corporation.

(3) Any difference between the Trustees and the Renfrew Corporation in connection with any of the provisions of this section or with anything in this Order contained shall failing agreement be determined by an arbiter to be mutually agreed upon between the Trustees and the Renfrew Corporation or failing agreement to be appointed by the Board of Trade on the application of either party.

Saving  
rights of  
Renfrew-  
shire County  
Council.

28. Nothing in this Order contained shall alter diminish or affect the existing jurisdiction and authority of the county council of the county of Renfrew or of the standing joint committee of that county in respect of the undertaking of the Trustees or any part thereof situate within that county and nothing in this Order contained shall be construed to extend or apply section 154 (Harbour and river to be under the police appointed by this Act) section 155 (As to enforcement of byelaws made by Clyde Trustees) and section 156 (Offences against byelaws relating to navigation may be tried as police offences) of the Glasgow Police Act 1866 to any works or lands of the Trustees within the county of Renfrew (exclusive of the burgh of Renfrew) or to extend or apply the Glasgow Police Acts 1866 to 1912 to any part of the harbour of Glasgow situate within the county of Renfrew (exclusive of the burgh of Renfrew).



## PART III.

A.D. 1914.

## FINANCIAL.

29. The Trustees may apply to the purposes of this Order and of the Clyde Navigation Acts to which capital is properly applicable any moneys in the nature of capital which they now have in their hands or which they have power to raise by virtue of the Clyde Navigation Acts and which may not be required for the purposes to which they are by any of such Acts made specially applicable.

Power to apply corporate funds to purposes of Order.

30. The Trustees may borrow on the security of their undertaking and of the tolls and rates leviable by them under the authority of the Clyde Navigation Acts and this Order any sums of money not exceeding in the whole one million seven hundred thousand pounds in addition to the sum of nine millions seven hundred thousand pounds which they are by the Clyde Navigation Acts authorised to borrow and if after having borrowed the said sum of one million seven hundred thousand pounds or any part thereof the Trustees shall pay off the same except by means of the sinking fund or the proceeds of the sale of any land or any grassum or premium taken on any lease or feu disposition they may again borrow the like sum on the same security.

Power to borrow money.

31. The provisions contained in sections 47 to 70 of the Act of 1858 and sections 27 28 and 29 of the Clyde Navigation (Glasgow Harbour Tramways) Act 1864 respectively relating to the form of securities and section 42 of the Clyde Navigation Act 1904 shall extend and apply to the money by this Order authorised to be borrowed as if such money had formed part of the money by the Clyde Navigation Acts or any of them authorised to be borrowed.

Provisions of certain Clyde Navigation Acts applied to borrowing powers of this Order.

32. All money borrowed by the Trustees under the authority of this Order and all other money in the nature of capital received by the Trustees shall be applied only in defraying the cost of the lands to be acquired and the works to be constructed under the authority of this Order and to other purposes of the Clyde Navigation Acts and this Order to which capital is properly applicable and all tolls rates and charges levied by the Trustees under the authority of this Order and all other moneys in the nature of revenue received by the Trustees shall be applied in or towards carrying into execution the purposes of

Application of money borrowed.

A.D. 1914. — the Clyde Navigation Acts and of this Order and the undertakings thereby authorised to which revenue is properly applicable and to no other purpose whatsoever.

Extending to this Order certain provisions of Clyde Navigation Act 1883.

33. Sections 47 and 48 of the Clyde Navigation Act 1883 in reference to the sinking fund to be provided by the Trustees shall extend and apply to the money by this Order authorised to be borrowed as if such money had formed part of the money authorised to be borrowed by the Clyde Navigation Acts or any of them.

#### PART IV.

##### MISCELLANEOUS.

Correction of errors in deposited or additional plans and books of reference.

34. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or additional deposited plan or specified in the deposited books of reference or additional deposited book of reference the Trustees after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county of Lanark or the sheriff of the county of Renfrew respectively according to the county in which such lands are situate for the correction thereof and if it appear to such sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff clerks of the counties of Lanark or Renfrew and a duplicate thereof shall also be deposited with the town clerks of the city and of the burgh of Renfrew and with the clerks to the parish councils of the parishes of Govan Renfrew and Paisley as the case may be in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such sheriff clerks town clerks and clerks to the parish councils respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference and the additional deposited plan and book of reference shall be deemed to be corrected according to such certificate and the Trustees may enter upon take and use the lands and execute the works in accordance with such certificate.



35. Whereas in the construction of the works by this Order authorised or otherwise in the exercise of the powers of this Order it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans and additional deposited plan may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Order and whereof parts only are required for the purposes of this Order may (if such portions can in the opinion of the jury arbiter or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Trustees the portions only of the premises so required without the Trustees being obliged or compellable to purchase the whole or any greater portion thereof the Trustees paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise.

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Owners may be required to sell parts only of certain properties.

36.—(1) Subject to the provisions of this Order all cases of disputed compensation under this Order whereby the Trustees are entitled to acquire land compulsorily under the Lands Clauses Acts or of disputed compensation falling to be determined under the provisions of the Lands Clauses Acts shall notwithstanding anything in those Acts contained be determined by a single arbiter to be appointed by the parties or in case both parties do not concur in the appointment of a single arbiter it shall be in the power of either party to apply to the Secretary for Scotland to appoint a single arbiter to determine the compensation to be paid and it shall not be competent thereafter to have the same determined by arbiters oversman sheriff or jury acting under the last-mentioned Acts The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts and the provisions of those Acts with regard to arbitration shall apply accordingly Provided that the arbiter shall notwithstanding anything in those Acts contained determine the amount of expenses in the arbitration and such determination shall be final The

Compensation to be settled by single arbiter.

A.D. 1914. remuneration of the said arbiter shall failing agreement be fixed by the Secretary for Scotland. The expression "land" in this section includes water and any right of servitude to or over land or water.

(2) The arbiter shall if any question of law arises in the course of an arbitration under this section have power at the request of either party to state a case for the opinion of the Court of Session and the court shall determine such question.

Costs of arbitration in certain cases.

37. The tribunal to whom any question of disputed purchase-money or compensation under this Order in respect of land taken compulsorily or otherwise is referred shall if so required by the Trustees award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Trustees by the claimant giving sufficient particulars and in sufficient time to enable the Trustees to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Trustees have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that the sheriff of the county in which the lands are situate in respect of which the claim has arisen may permit any claimant after seven days' notice in writing to the Trustees to amend the statement of the claim delivered by him to the Trustees in case of discovery of any error or mistake therein or for any other reasonable cause (such error mistake or cause to be established to the satisfaction of the sheriff after hearing the Trustees if they object to the amendment) and such amendment shall be subject to such terms enabling the Trustees to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the enquiry and otherwise as to such sheriff may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation (Scotland) Act 1845 either contained or was endorsed with a notice of the effect of this section.

Power to make agreements for purposes of Order.

38. The Trustees may from time to time make and carry out agreements with the corporation the Renfrew Corporation the county council of Lanark and any district committees of



that council the Caledonian Railway Company the Glasgow and South Western Railway Company the joint committee and the North British Railway Company and with any other authorities or persons or any one or more of them with reference to the carrying out of any purposes of this Order not herein specially provided for.

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39. Subject to the provisions of this Order any of the works authorised by this Order to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

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

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Trustees and the amount of such cost shall be a debt due from the Trustees to the Crown and shall be recoverable as a Crown debt or summarily.

40. If at any time the Board of Trade deem it expedient for the purposes of this Order to order a survey and examination of a work constructed by the Trustees on in over through or across tidal lands or tidal water or of the intended site of any such work the Trustees shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Trustees to the Crown and be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

41. If a work constructed by the Trustees on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Trustees and the amount of such expense shall be a debt due from the Trustees to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

42. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in

Crown rights.

A.D. 1914.

particular nothing herein contained shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land or heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Crown  
minerals.

43. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute His Majesty and his lessees for their respective interests may work the minerals (if any) belonging to the Crown under or adjacent to the lands and works of the Trustees authorised to be taken or constructed by this Order but in the event of any such right being at any time intended to be exercised the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 relating to notice and compensation shall apply when the workings reach a point the distance of which from the nearest of such lands would not if measured horizontally exceed one-half the depth of such workings below the surface level of such lands.

Provision  
as to Mer-  
chant Ship-  
ping Acts  
&c.

44. Nothing contained in this Order shall exempt the Trustees from the provisions of the Merchant Shipping Acts or of any general Act relating to harbours or to dues on shipping or on goods carried in ships now in force or which may be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates and tolls authorised by the Clyde Navigation Acts or this Order.

Costs of  
Order.

45. All costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Trustees out of the revenues of their undertaking.



## THE SCHEDULE.

A.D. 1914.

(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain properties.")

HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PARTS ONLY  
ARE REQUIRED TO BE TAKEN BY THE TRUSTEES.

Parish.	County.	Nos. on deposited Plans.
Govan - - -	Lanark - - -	18 28 31 35 36 40 41 43 48 59 60 61 and 69.
Renfrew - - -	Renfrew - - -	67.
Paisley - - -	Renfrew - - -	68.

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