



CHAPTER xxiv

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the Forth Road Bridge. [28th July 1950.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 52.

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 is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Forth Road Bridge Order Confirmation Act 1950. Short title.

SCHEDULE

ARRANGEMENT OF SECTIONS

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FORTH ROAD BRIDGE

Provisional Order to extend the time for the acquisition of lands by the Forth Road Bridge Joint Board to authorise the said Board to acquire additional lands and to construct further works to confer further powers on the said Board and for other purposes.

WHEREAS by the Forth Road Bridge Order 1947 the Forth Road Bridge Joint Board (hereinafter respectively referred to as "the Order of 1947" and "the Joint Board") was established and was authorised to construct a bridge over the Firth of Forth and relative works and to acquire lands for such purposes: Preamble.

And whereas the period limited by the Order of 1947 for the compulsory acquisition of lands for the said bridge and relative works expired on the thirty-first day of December one thousand nine hundred and forty-nine and it is expedient that the said period should be extended as provided in this Order:

And whereas with a view to improving the traffic facilities relative to the said bridge and works it is expedient that the Joint Board should be authorised to acquire additional lands for the several purposes in this Order mentioned and to construct the additional works described in this Order:

And whereas estimates have been prepared of the cost of the acquisition of lands minerals and permanent rights for the said works and for the purposes mentioned in this Order and in respect of the execution of the works by this Order authorised and such estimates are as follows:—

Purchase of lands minerals and permanent rights ...	£4,000
For the construction of Works Nos. 11 to 14 inclusive	£106,000

And whereas plans and sections showing the lines and levels of the works authorised by this Order with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order have been deposited with the sheriff clerks of the counties of Fife and West Lothian and such plans sections and book of reference are in this Order respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that the construction of certain of the works authorised by the Order of 1947 should be abandoned as provided in this Order:

And whereas having regard to the passing of the Representation of the People Act 1948 it is expedient to amend the provisions of the Order of 1947 with respect to the election of members of the Joint Board and other relative matters: 11 & 12 Geo. 6.
c. 65.

And whereas it is expedient to authorise the Joint Board to promote and oppose private legislation and special and statutory orders as in this Order provided:

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

26 Geo. 5. &
1 Edw. 8. c. 52.

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

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

Division of
Order into Parts.

1. This Order is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Miscellaneous.

PART I

PRELIMINARY

Short and
collective titles.

2.—(1) This Order may be cited as the Forth Road Bridge Order 1950.

(2) This Order shall be construed as one with the Forth Road Bridge Order 1947 and that Order and this Order may be cited together as the Forth Road Bridge Orders 1947 and 1950.

Interpretation.

3. In this Order unless the context otherwise requires—

(a) the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Order shall subject to the provisions of this Order have the same respective meanings ; and

(b) words and expressions to which meanings are assigned by the Forth Road Bridge Order 1947 (in this Order referred to as “the Order of 1947”) shall have the same respective meanings Provided that the reference to the Town and Country Planning (Scotland) Act 1945 in the definition of the Lands Clauses Acts in section 4 (Interpretation) of the Order of 1947 shall be deemed to be a reference to Part IV of the Town and Country Planning (Scotland) Act 1947.

8 & 9 Geo. 6.
c. 33.10 & 11 Geo. 6.
c. 53.Incorporation
of Acts.

4.—(1) The following Acts and Parts of Acts so far as they are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Order are incorporated with this Order (that is to say):—

8 & 9 Vict. c. 19.

The Lands Clauses Acts (except sections 84 and 120 to 124 of the Lands Clauses Consolidation (Scotland) Act 1845);

8 & 9 Vict. c. 33.

Sections 6 and 16 of the Railways Clauses Consolidation (Scotland) Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof the crossing of roads or other interference therewith and with respect to mines lying under or near the railway.

(2) In construing for the purposes of this Order the enactments incorporated with this Order—

(a) this Order shall be deemed to be the special Act ;

(b) the Joint Board shall be deemed to be the promoters of the undertaking or the company ;

(c) the works authorised by this Order shall be deemed to be the works or the undertaking or the railway ; and

(d) any part of the works authorised by this Order shall be deemed to be the centre of the railway ;

all as the case may require.

PART I
—cont.

PART II.

LANDS.

5. Section 57 (Period for compulsory purchase of lands) of the Order of 1947 shall be read and have effect as if for the reference therein to the thirty-first day of December one thousand nine hundred and forty-nine there were substituted a reference to the thirty-first day of December one thousand nine hundred and fifty-three.

Extension of
time for
compulsory
purchase of
lands.

6. Subject to the provisions of this Order the Joint Board may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require—

Power to acquire
further lands.

(a) for the purposes of the works authorised by this Order ;

(b) for the purposes of the works authorised by the Order of 1947.

7. The powers of the Joint Board under this Order for the compulsory purchase of lands for the purposes of this Order and of the Order of 1947 shall cease on the thirty-first day of December one thousand nine hundred and fifty-three.

Period for
compulsory
purchase of
lands.

8. The following provisions of the Order of 1947 shall extend and apply with respect to the acquisition by the Joint Board of the lands which the Joint Board are by this Order authorised to enter upon take and use to the same extent as if the said provisions were with all necessary modifications re-enacted in this Order (that is to say):—

Application of
provisions of
Order of 1947
as to acquisition
of lands.

Section 48 (Persons under disability may grant servitudes &c.) ;

Section 49 (Extinction of private rights of way over lands compulsorily acquired) ;

Section 50 (Power to enter upon lands and buildings for survey and valuation) ;

Section 51 (Power of entry on lands compulsorily acquired) ;

Section 52 (Benefits to be set off against compensation) ;

Section 55 (Agreements with owners of property) ;

Section 56 (Power to reinstate owners of property) ;

Section 59 (Power to retain sell &c. lands).

9.—(1) In determining any question of disputed compensation or purchase money in respect of land acquired under this Order the tribunal shall not take into account—

Disregard of
recent
improvements
and interests.

(a) any improvement or alteration made or building erected after the first day of January one thousand nine hundred and fifty ; 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.

PART II
—cont.

(2) For the purposes of this section "the tribunal" means the arbiter or other authority to whom any question of disputed purchase money or compensation under this Order is referred.

Correction of errors in deposited plans and book of reference.

10.—(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 Joint Board after giving ten days' notice to the owner lessee and occupier of the land in question may apply to the sheriff of the county in which such land is situated for the correction thereof.

(2) If on any such application it appears to the sheriff that the omission misstatement or wrong description arose from mistake the sheriff shall certify the fact accordingly and shall in his 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 sheriff-clerk of such county and a duplicate thereof with the town clerk of the burgh or with the clerk of the district council of the district as the case may be in which the land to which the certificate relates is situated 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 Joint Board to take the land and execute the works authorised by this Order in accordance with the certificate.

(4) Any certificate and duplicate thereof deposited under this section with any person shall be kept by him with the other documents to which the same relate.

Extension of powers to acquire lands by agreement.

11. Subsection (2) of section 58 (Power to acquire additional lands by agreement) of the Order of 1947 shall be read and have effect as if fifty acres were referred to therein in lieu of twenty acres.

PART III

WORKS

Power to execute works.

12. Subject to the provisions of this Order the Joint Board may make and maintain in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the works hereinafter described with all such approaches and plant and other works and conveniences as it may be necessary or convenient to construct and maintain in connection therewith The works are—

Work No. 11 A roadway wholly in the parish of Dalmeny commencing at the junction of Work No. 3 authorised by the Order of 1947 with Work No. 4 authorised by the Order of 1947 and terminating by a junction with the Bo'ness Road opposite the service road leading to Echline Farm Buildings ;

Work No. 12 A roadway wholly in the parish of Dalmeny commencing by a junction with Work No. 11 hereinbefore described at a point 240 yards or thereabouts eastwards

from the termination of Work No. 11 hereinbefore described and terminating by a junction with the Bo'ness Road 400 yards or thereabouts north-eastwards from the termination of Work No. 11 hereinbefore described ;

PART III
—cont.

Work No. 13 A roadway wholly in the parish of Dalmeny commencing by a junction with Echline Road 800 yards or thereabouts north-westwards from the junction of that road with the Kirkliston Road and terminating by a junction with the road known as Cemetery Road 160 yards or thereabouts westwards from the junction of that road with the said Kirkliston Road ;

Work No. 14 A roadway situated wholly in the parish of Dalmeny commencing at the junction of Work No. 4 authorised by the Order of 1947 with Work No. 5 authorised by the Order of 1947 and terminating by a junction with the Kirkliston Road at a point 270 yards or thereabouts southwards from the junction of the said Kirkliston Road with the above-mentioned Cemetery Road.

The works hereinbefore described will be situated wholly in the county of West Lothian and will pass from through or into the burgh of Queensferry.

13. In the construction of the works authorised by this Order the Joint Board may deviate laterally from the lines or situations of the works shown on the deposited plans to any extent not exceeding the limits of deviation shown upon those plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding thirty feet upwards and twenty feet downwards. Power to deviate.

14.—(1) The following provisions of the Order of 1947 shall extend and apply to the Joint Board in respect of the works authorised by this Order and to the said works to the same extent as if the said provisions were with all necessary modifications re-enacted in this Order (that is to say):— Application of provisions of Order of 1947 to new works.

- Section 16 (Subsidiary works) ;
- Section 18 (Power to alter roads &c. temporarily) ;
- Section 19 (Penalty for obstructing works) ;
- Section 20 (Connection of drains &c. with streams &c.) ;
- Section 23 (Vesting and disposal of materials) ;
- Section 24 (Provisions applicable to the last two preceding sections) ;
- Section 33 (Accommodation for workmen &c.) ;
- Section 37 (For further protection of Postmaster-General) ;
- Section 39 (For protection of electricity undertakers).

(2) (a) In the application of the foregoing provisions of the Order of 1947 references to “the works” to “the deposited plans” and to “the deposited book of reference” shall be deemed to be references to the works authorised by this Order and to the plans and book of reference respectively deposited with reference to this Order and references to “railway company” shall be deemed to be references to the British Transport Commission.

PART III
—cont.

(b) In the application of the provisions of section 24 (Provisions applicable to the last two preceding sections) of the Order of 1947 there shall be substituted a reference to the section of this Order of which the marginal note is "Crown rights" for the reference to section 106 (Crown rights) therein.

Period for
completion
of works.

15. If the works are not completed by the thirty-first day of December one thousand nine hundred and fifty-six the powers by this Order granted for executing the works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to
stop up roads.

16.—(1) The Joint Board may subject to the provisions of this Order and within the limits of deviation shown upon the deposited plans for the purposes of and in connection with the works authorised by the Order of 1947 and the works authorised by this Order stop up any road or portion of road shown upon the said plans as intended to be stopped up and shall make compensation to the owners and occupiers of any lands injuriously affected by the exercise of such powers such compensation in case of difference to be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act 1919.

9 & 10 Geo. 5.
c. 37.

(2) Nothing in this section shall extend to or authorise any interference with a trunk road without the consent in writing of the Minister.

(3) Notwithstanding anything in this section the Joint Board shall not under the powers of this section stop up that portion of the Edinburgh-Queensferry Road situated between Barnbogle Gate and the junction of Work No. 5 authorised by the Order of 1947 with that road north-westwards from Barnbogle Gate until they have made such suitable alternative provision for access to Dalmeny Estate as may be agreed upon between the Joint Board and the proprietor for the time being of Dalmeny Estate or as failing agreement may be determined by an arbiter to be mutually agreed upon between the Joint Board and such proprietor or failing agreement to be appointed on the application of either party by the sheriff of the Lothians and Peebles.

Vesting of
solum of roads
stopped up &c.

17.—(1) On the stopping up of any roads or portions of roads under the powers of the immediately preceding section of this Order or under the powers conferred on the Joint Board by section 17 (Power to stop up roads) of the Order of 1947 the solum of the roads or portions of roads so stopped up shall—

(a) so far as forming part of the site of the works authorised by the Order of 1947 or of the works authorised by this Order vest in the Joint Board ; and

(b) so far as situated elsewhere vest in the persons whose lands immediately adjoin thereto ;

and the solum so vested in the Joint Board or in any such persons shall thereupon be deemed to be freed and discharged from the public use thereof.

(2) The Joint Board shall be entitled on the stopping up of any roads or portions of roads as aforesaid to appropriate and remove the causeway setts road metal paving material kerbs water channels gullies lamp-posts or other materials forming such roads or portions of roads.

18.—(1) As from the respective dates of the opening for traffic of the several works authorised by this Order or of any portion of the said works the said works or portion thereof opened to traffic (in this section referred to as “the transferred works”) shall cease to form part of the undertaking and subject to the provisions of subsection (5) of this section shall be transferred to and vested in the West Lothian County Council.

PART III
—cont.
Vesting and
maintenance
of roads.

(2) The date upon which any portion of the transferred works is to be opened for traffic shall be subject to the approval of the Minister.

(3) (i) As from the date on which any portion of the transferred works situated on embankments not less than twenty-five feet in height has been transferred to the West Lothian County Council until the date of completion of the transferred works aforesaid any expenditure incurred by the West Lothian County Council with the approval of the Joint Board and the Minister on and in connection with the maintenance of any portion of the transferred works aforesaid and the final resurfacing of the roadways comprised therein shall be repaid by the Joint Board to the council.

(ii) All such expenditure shall be deemed to be capital expenditure incurred by the Joint Board and shall be defrayed accordingly in the manner provided by the Order of 1947.

(4) All property transferred to and vested in the West Lothian County Council by virtue of this section shall vest in them without the necessity of recording in the register of sasines any conveyance notice of title notarial instrument or other deed or writing but for the purpose of enabling the West Lothian County Council to complete a title if thought fit to any property transferred to and vested in them by virtue of this section by expediting a notice of title or notarial instrument or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation (as the case may be) of such property in favour of the West Lothian County Council.

(5) The expression “the date of completion of the transferred works aforesaid” where used in this section means the date on which the roadways comprised in the transferred works situated on embankments not less than twenty-five feet in height referred to in paragraph (i) of subsection (3) of this section have been finally resurfaced.

(6) The final resurfacing shall not be carried out until the embankments carrying the said roadways have consolidated and the date of such consolidation and the dates upon which the final resurfacing is to be commenced and is to be deemed to have been completed shall be agreed between the Joint Board and the West Lothian County Council or (failing agreement) shall be determined by the Minister.

19. The construction of Work No. 9 authorised by the Order of 1947 shall not be proceeded with and the powers of the Joint Board in relation thereto shall cease and determine.

Certain work
not to be
proceeded with.

20. Section 13 (Power to execute works) of the Order of 1947 shall apply and have effect in relation to Works Nos. 1 2 and 5 authorised by the Order of 1947 as if the limits of deviation shown on the deposited plans referred to in the Order of 1947 had been

Additional lands
may be used for
construction
of works
authorised by
Order of 1947.

PART III
—cont.

extended by the inclusion therein of the lands referred to in paragraph (b) of the section of this Order of which the marginal note is "Power to acquire further lands" and the Joint Board may accordingly make and maintain the said works authorised by the Order of 1947 within the said limits of deviation as so extended.

PART IV

MISCELLANEOUS

Financial
provisions.

21. Part VII (Finance) of the Order of 1947 shall be read and have effect as if "the initial capital expenditure" therein defined included the cost of the construction of the works authorised by this Order and the acquisition by the Joint Board of lands and other rights under the powers of this Order.

Amendment and
modification of
Part I of First
Schedule to
Order of 1947.

22.—(1) Part I of the First Schedule to the Order of 1947 shall be read and have effect subject to the following amendments:—

- (a) in sub-paragraph (1) of paragraph 1 for the word "January" there shall be substituted the word "June" and for the word "December" wherever it occurs there shall be substituted the word "May" and the following words shall be added at the end of the sub-paragraph:—

"Of the nine members of the Joint Board elected by the Corporation three shall retire from office each year";

- (b) paragraph 2 shall be omitted ;
(c) in paragraph 4 for the word "December" there shall be substituted the word "May" ; and
(d) in paragraph 10 proviso (1) shall be omitted and for the word "January" wherever it occurs there shall be substituted the word "June".

(2) The following provisions shall subject to the provisions of paragraphs 4 and 8 of Part I of the First Schedule to the Order of 1947 as amended by subsection (1) of this section apply and have effect in relation to the members of the Joint Board in office at the first day of January one thousand nine hundred and fifty:—

- (a) the members elected by the Corporation and by the town councils of Dunfermline and Kirkcaldy shall continue to hold office until the thirty-first day of May first occurring after the date on which they would have ceased to hold office if the Act confirming this Order had not been passed ; and
(b) the members elected by the county councils of Fife West Lothian and Midlothian shall hold office until the thirty-first day of May first occurring after the next triennial election of county councillors.

(3) The chairman and vice-chairman of the Joint Board in office at the first day of January one thousand nine hundred and fifty shall if otherwise qualified and subject to the provisions of proviso (2) to paragraph 10 of Part I of the First Schedule to the Order of 1947 as amended by subsection (1) of this section respectively continue to hold office until their successors have been elected at the

meeting of the Joint Board to be held in June one thousand nine hundred and fifty.

PART IV
—cont.

(4) This section shall be deemed to have come into operation on the first day of January one thousand nine hundred and fifty.

23. The Joint Board shall have power to promote or oppose—

Power to promote and oppose private legislation &c.

(a) any private legislation ; and

(b) any special or other statutory order ;

which in their judgment it is expedient in the interests of the Joint Board or the undertaking to promote or oppose as the case may be and may defray the expenses incurred in relation thereto.

24.—(1) The Joint Board shall not promote private legislation under the powers conferred by this Order unless a resolution to that effect is passed by a majority of the whole number of the members of the Joint Board at a meeting thereof held after ten clear days' notice of the meeting and of the purpose thereof has been given by advertisement in one or more newspapers circulating in the counties of Midlothian West Lothian and Fife such notice being in addition to the ordinary notice required to be given for the convening of a meeting of the Joint Board.

Resolution of Joint Board and authority of Secretary of State to promote private legislation.

(2) The resolution shall forthwith be submitted to the Secretary of State for authority to proceed and the Joint Board shall not proceed with the promotion until the Secretary of State notifies the Joint Board that authority is given. The Secretary of State shall cause intimation to be given to the Joint Board of his decision within one month after the submission to him of the resolution.

(3) In ascertaining for the purpose of this section the whole number of members of the Joint Board account shall not be taken of any vacancy which may at the time exist in the membership of the Joint Board.

(4) Where under section 2 of the Private Legislation Procedure (Scotland) Act 1936 the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons are of opinion that provisions contained in a draft Provisional Order under the said Act ought to be dealt with by Private Bill and not by Provisional Order the proceedings of the Joint Board and the authority given by the Secretary of State with respect to the promotion of the Provisional Order under this section shall be deemed to apply to and to be sufficient authority for the promotion of such a Private Bill.

25.—(1) All expenses incurred by the Joint Board in the promotion of or opposition to private legislation shall be taxed by the auditor of the Court of Session or by such other person as may be appointed for the purpose by the Secretary of State and may be paid by the Joint Board out of their revenues as part of their working expenses or out of moneys to be borrowed by the Joint Board for the purpose.

As to expenses of promoting and opposing private legislation &c.

(2) Payment shall not be made by the Joint Board to a member of the Joint Board or of any of the councils for acting as counsel or solicitor in promoting or opposing private legislation or any special or other statutory order.

PART IV
—cont.

Repeal and amendment of certain provisions of Order of 1947. 10 & 11 Geo. 6. c. 43.

26.—(1) Paragraph 5 of Part I of the First Schedule to the Order of 1947 is hereby repealed.

(2) Section 88 (Audit of accounts) of the Order of 1947 shall be read and have effect as if the reference therein to the Act of 1929 were a reference to the Local Government (Scotland) Act, 1947.

Crown rights.

27. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing herein contained shall authorise the Joint Board 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 heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of the Commissioners of Crown Lands on behalf of His Majesty first had and obtained for that purpose.

Crown minerals.

28. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute but subject as hereinafter in this section provided His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works authorised by this Order to be taken or constructed but in the event of any such right being at any time intended to be exercised sections 70 to 78 (both inclusive) of the Railways Clauses Consolidation (Scotland) Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act as the same are incorporated with and modified by the Order of 1947 shall apply in relation to such minerals and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Joint Board to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Joint Board by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

13 & 14 Geo. 5. c. 20.

Saving for town and country planning.

29. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Costs of Order.

30.—(1) The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall in so far as not otherwise met be payable by the councils in the agreed proportions.

(2) The sum payable by a council under this section shall be deemed to be expenditure payable wholly out of rates incurred by the council for the purpose of the construction of a new classified

road within the area of the council and may be paid out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed for that purpose which moneys the councils are hereby authorised to borrow:

PART IV
—cont.

Provided that any moneys borrowed by a council for the purposes of this section shall be repaid within five years from the twenty-ninth day of May first occurring after the commencement of this Order.

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