



CHAPTER xxxiii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to Tay Road Bridge. [1st August, 1962.]

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:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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 Tay Road Bridge Order Confirmation Act, 1962. Short title.

SCHEDULE

TAY ROAD BRIDGE

Provisional Order to provide for the construction and maintenance of a road bridge across the Firth of Tay from the City of Dundee to the County of Fife, with approach roads in connection therewith, to establish a Joint Board for that purpose, to make provision as to the abandonment of the existing ferry of the Trustees of the Harbour of Dundee between Dundee and Newport-on-Tay and for other purposes.

Whereas the existing facilities for traffic across the Firth of Tay are inadequate and the construction of a bridge for vehicular and pedestrian traffic and the works connected therewith authorised by this Order would be of public and local advantage:

And whereas it is expedient that a Joint Board comprising representatives of the Corporation of the City of Dundee, of the County Council of the County of Fife and of the County Council of the County of Angus (hereinafter referred to as "the Councils") should be established as provided in this Order and that the said Joint Board (hereinafter referred to as "the Joint Board") should be authorised to construct the said bridge and relative works, to take tolls in respect of the use of the said bridge and to exercise the other powers conferred on the Joint Board by this Order:

And whereas estimates have been prepared of the cost of the acquisition of lands and servitudes for, and the execution of, the works by this Order authorised and such estimates are as follows:—

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Purchase of lands and servitudes	150,000
Laying out and levelling land	15,000
Works Nos. 1 to 10	4,221,000

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas discussions have taken place between the Secretary of State and the Councils regarding the financing of the construction of the said bridge and relative works and agreement has been reached between the Secretary of State and the Councils as to the arrangements to be made therefor:

And whereas in pursuance of the said arrangements the Councils have agreed to advance to the Joint Board in agreed proportions (a) the sum of two million five hundred thousand pounds with interest accrued thereon from the date or dates of lending to the date of the opening of the said bridge for public traffic, and (b) such further sum, not exceeding five hundred thousand pounds, as may be necessary, together with the aftermentioned sum to be lent by the Secretary of State to the Joint Board, to meet the capital expenditure (as defined by this Order) incurred in constructing the said bridge and relative works and otherwise in connection with the undertaking of the Joint Board, and the Secretary of State has agreed to lend

to the Joint Board such sum, not exceeding one million five hundred thousand pounds, as, together with the sums to be advanced by the Councils as aforesaid, may be necessary to meet the said capital expenditure, and it has also been agreed that in the event of the said capital expenditure exceeding the sum of four million five hundred thousand pounds, the excess expenditure shall be met in accordance with a scheme approved or made by the Secretary of State in accordance with the provisions of this Order:

And whereas the terms of the said arrangements, including the arrangements for the repayment of the said advances and loans, are set forth in the Second Schedule to this Order:

And whereas it is expedient that effect should be given to the said arrangements and that, for this purpose, the provisions contained in this Order relative to the financing of the undertaking of the Joint Board should be enacted:

And whereas it is expedient, consequent on the construction of the said bridge, that the Trustees of the Harbour of Dundee should be empowered to discontinue the working of their ferry between Dundee and Newport-on-Tay and that the property and assets vested in them for the purposes of the said ferry should be realised or disposed of as provided in this Order and that the provisions contained in this Order with respect to the said ferry should be enacted:

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

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 sheriffdom of Perth and Angus and of the sheriffdom of Fife and Kinross 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 the purposes of this Order 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:—

PART I.

PRELIMINARY.

1.—(1) This Order may be cited for all purposes as the Tay Road Bridge Order, 1962. Short title and commencement of Order.

(2) Except as otherwise in this Order expressly provided, this Order shall come into operation on the date of the passing of the Act confirming this Order, which date is in this Order referred to as the commencement of this Order.

PART I
—cont.
Interpretation.

2.—(1) In this Order terms, words and expressions to which meanings are assigned by any public Act applicable to the Joint Board established by this Order, or wholly or partially incorporated with this Order, shall, subject to the provisions of this Order, have the same respective meanings, unless there is something in the subject or context inconsistent with or repugnant to such construction.

(2) The following words and expressions in this Order have, unless there is something in the subject or context repugnant to such construction, the meanings hereby assigned to them, that is to say:—

- “ Act of 1947 ” means the Local Government (Scotland) Act, 1947, and any Acts modifying, amending or extending the same;
- “ Angus County Council ” means the county council of the county of Angus;
- “ bridge ” means the bridge over the Firth of Tay (including any carriageways and footways thereon) comprised in Work No. 3 authorised by this Order;
- “ classified road ” has the meaning assigned to it by section 379 of the Act of 1947;
- “ city ” means the city and royal burgh of Dundee;
- “ Corporation ” means the corporation of the city of Dundee;
- “ Council ” means any of the Councils;
- “ Councils ” means the Corporation, Fife County Council and Angus County Council;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction therefor;
- “ Fife County Council ” means the county council of the county of Fife;
- “ Harbour Trustees ” means the Trustees of the Harbour of Dundee;
- “ high-water mark ” means the level of mean high-water springs;
- “ Joint Board ” means the Joint Board established by this Order;
- “ Lands Clauses Acts ” means the Lands Clauses Acts and any Acts modifying, amending or extending the same;
- “ Minister ” means the Minister of Transport;
- “ opening of the bridge ” means the date of the opening of the bridge for public traffic;
- “ operational land ” has the same meaning as in section 113 of the Town and Country Planning (Scotland) Act, 1947;
- “ sheriff ” means the Sheriff of Perth and Angus or as the context requires the Sheriff of Fife and Kinross and includes their respective substitutes;
- “ statutory undertakers ” has the same meaning as in the Town and Country Planning (Scotland) Act, 1947;
- “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;

PART II
—cont.

(5) Subject to the provisions of this Order, the provisions of the First Schedule to this Order with respect to the election, tenure of office and qualifications of members of the Joint Board and of the chairman and vice-chairman of the Joint Board and with respect to meetings and proceedings of the Joint Board shall have effect.

(6) The proceedings of the Joint Board shall not require the approval of the Councils, but not later than the thirty-first day of October in each year the Joint Board shall send to each of the Councils a report of its proceedings for the financial year preceding that date.

PART III

OFFICERS

Appointment
of clerk,
treasurer, etc.

5.—(1) The Joint Board shall appoint a clerk and a treasurer who shall be clerk and treasurer respectively of the Joint Board.

(2) The offices of clerk and treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(3) The Joint Board shall appoint such other officers as they think necessary for carrying out the purposes of this Order.

(4) An officer of any of the Councils may also be an officer of the Joint Board.

(5) The Joint Board shall pay to every officer appointed by them such reasonable salary as they may determine.

(6) Every officer appointed by the Joint Board shall hold office during the pleasure of the Joint Board.

Appointment
of deposes.

6.—(1) The clerk and the treasurer of the Joint Board may, and if required by the Joint Board shall, appoint one or more persons approved by the Joint Board to act as their deposes respectively and all things authorised by law to be done by or to the officer appointing the deposite may be done by or to any deposite so appointed by him.

(2) A deposite appointed under this section shall—

(a) notwithstanding that the officer appointing the deposite has by reason of death or resignation or other cause ceased to hold office, exercise and discharge the powers and duties of the office until the Joint Board otherwise determine;

(b) be deemed to be an officer of the Joint Board; and

(c) cease to hold office if either the officer appointing the deposite or the Joint Board so determine.

(3) The Joint Board shall pay to a deposite appointed under this section such reasonable salary as they may determine.

Member of
Joint Board,
or a Council,
not to be
appointed an
officer.

7. It shall not be lawful for the Joint Board to appoint to any paid office in the gift or disposal of the Joint Board—

(1) a person who is, or has within six months prior to the date of appointment been, a member of the Joint Board or of any of the Councils; or

“works” and “undertaking” mean the works by this Order authorised and the works connected therewith and include the bridge or, as the case may be, such of the said works as for the time being remain the property of the Joint Board.

(3) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Order.

3.—(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:—

Incorporation
of Acts.

- (a) The Lands Clauses Acts (except sections 84 and 120 to 124 of the Lands Clauses Consolidation (Scotland) Act, 1845);
- (b) Sections 6, 14 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 shall be deemed to be the works or the undertaking or the railway; and
- (d) any part of the works shall be deemed to be the centre of the railway;

all as the case may require.

(3) The Joint Board shall be deemed to be a public authority within the meaning and for the purposes of the Acquisition of Land (Assessment of Compensation) Act, 1919.

PART II

ESTABLISHMENT AND CONSTITUTION OF JOINT BOARD

4.—(1) A Joint Board, to be called “the Tay Road Bridge Joint Board,” shall be and is hereby established for the purpose of exercising, subject to the provisions of this Order, the powers conferred on the Joint Board by this Order and such powers shall be exercised by the Joint Board accordingly.

Establishment
and constitu-
tion of Joint
Board, etc.

(2) The Joint Board shall be a body corporate with power to acquire, hold, lease and dispose of lands and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Joint Board shall consist of ten members, of whom six shall be elected by the Corporation, three by Fife County Council and one by Angus County Council.

(4) A chairman and a vice-chairman of the Joint Board shall be appointed by and from the members of the Joint Board but shall not both be persons elected by the same Council.

- (2) a person who is, or has within six months prior to the date of appointment been, a partner in business of a person who is, or has within the said six months been, a member of the Joint Board or of any of the Councils.

8.—(1) The Joint Board, in the case of the treasurer shall, and in the case of any other officer employed by them may, require the officer to obtain in name of the Joint Board from any company accepted by the Court of Session as cautioner for a judicial factor appointed by the court, security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him to such amount as the Joint Board think sufficient.

Security to
be given by
officers.

(2) If any officer of the Joint Board fails to provide security in accordance with subsection (1) of this section within three months after the date on which the Joint Board have required him to do so, he shall be deemed to have resigned from his office at the expiration of the said period of three months.

(3) The Joint Board shall defray the premium in respect of any security taken under this section.

(4) Every deed of security in respect of the treasurer of the Joint Board shall be delivered to, and remain in the custody of, the clerk of the Joint Board.

(5) Every deed of security in respect of any other officer of the Joint Board shall be delivered to, and remain in the custody of, the treasurer of the Joint Board.

(6) Every deed of security shall be produced by the officer to whom it has been delivered to the auditor at the audit of the accounts of the Joint Board.

(7) The auditor shall in each case report whether in his opinion security of a sufficient amount has been provided.

9. For the purposes of the Local Government Superannuation (Scotland) Acts, 1937 to 1953—

Superannuation
of officers.

- (1) the Corporation shall be deemed to include the Joint Board;
- (2) subject to the provisions of subsection (1) of section 47 (Superannuation of certain ferry employees) of this Order the Joint Board shall, as regards officers and servants in their employment, be liable for all such obligations under the superannuation scheme administered by the Corporation as the Corporation are liable for in respect of their own officers and servants; and
- (3) service with the Joint Board shall be deemed to be service with the Corporation.

10. The Joint Board may erect, purchase or take on lease dwelling-houses for such of the officers employed by them as require, in consequence of the nature of their duties, to reside in proximity to the places where they are employed and may charge such rents therefor as they shall deem proper.

Dwelling-
houses for
officers.

PART IV

WORKS

Power to
execute works.

11.—(1) 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. 1 A roadway five hundred yards or thereabouts in length, wholly in the City Parish of Dundee in the city, commencing by a junction with West Dock Street at the south-westerly side of Earl Grey Dock and terminating by a junction with Dock Street at the Customs House;

Work No. 2 A roadway five hundred and twenty yards or thereabouts in length, wholly in the City Parish of Dundee in the city, commencing by a junction with Work No. 1 (hereinbefore described) at a point seventy yards or thereabouts from its commencement and terminating on the outer wall of the harbour at or near the south-west end of Marine Parade;

Work No. 3 A bridge across the Firth of Tay, one mile seven hundred and thirty yards or thereabouts in length, commencing in the City Parish of Dundee in the city at the termination of Work No. 2 (hereinbefore described) and terminating in the burgh of Newport-on-Tay in the parish of Forgan in the county of Fife at a point one hundred and fifty yards or thereabouts east of Drybrae Hole;

Work No. 4 A road junction, partly in the burgh of Newport-on-Tay and wholly in the parish of Forgan in the county of Fife, commencing at the termination of Work No. 3 (hereinbefore described) and terminating at the railway line between Newport-on-Tay and Tayport approximately six hundred yards north-east of the East Station, Newport-on-Tay;

Work No. 5 A road one mile one hundred and forty yards or thereabouts in length, partly in the burgh of Newport-on-Tay and wholly in the parish of Forgan in the county of Fife, commencing at the point of termination of Work No. 4 (hereinbefore described) and terminating at a point one hundred yards or thereabouts north of a point on road A.92 eight hundred yards or thereabouts south of the railway bridge carrying the Newport to Tayport railway over road A.92;

Work No. 6 A road junction wholly in the parish of Forgan in the county of Fife, commencing at the termination of Work No. 5 (hereinbefore described) and terminating two hundred yards or thereabouts southward from the point of commencement;

Work No. 7 A road one mile three hundred and fifty yards or thereabouts in length, wholly in the parish of Forgan in

the county of Fife, commencing at the point of termination of Work No. 6 (hereinbefore described) and terminating at or near the end of the drive to St. Fort House;

Work No. 8 A road junction, wholly in the parish of Forgan in the county of Fife, replacing an existing road junction known as the "Fiveways crossroads", commencing at the point of termination of Work No. 7 (hereinbefore described) and terminating two hundred yards or thereabouts south-westward from the point of commencement;

Work No. 9 A road one thousand six hundred yards or thereabouts in length, partly in the parish of Forgan and partly in the parish of Kilmany, all in the county of Fife, commencing at the point of termination of Work No. 8 (hereinbefore described) and terminating by a junction with the road A.914 at a point three hundred yards or thereabouts south of its junction with the road to St. Fort Station;

Work No. 10 A quay wall, in the City Parish of Dundee in the city, eighty yards or thereabouts in length across the existing entrance to Dundee Tidal Harbour commencing at the north-east end of the West Protection Wall and terminating at the south-west end of the Marine Parade.

A good and sufficient fence or parapet wall of not less than four feet in height shall be erected on each side of the bridge.

(2) (a) In the exercise of the powers of this section the Joint Board shall not unnecessarily interfere with, damage or injuriously affect the existing cooling water intakes or outlets and any additional intakes or outlets sanctioned by the Secretary of State before the commencement of this Order of the electricity generating station at Carolina Port, Dundee, belonging to the North of Scotland Hydro-Electric Board.

(b) If, under the powers of this section, it is necessary to interfere with, damage or injuriously affect the said intakes or outlets, the Joint Board shall pay to the North of Scotland Hydro-Electric Board the cost reasonably incurred by them of the execution of such works as are thereby rendered reasonably necessary to maintain the efficient operation of the said intakes or outlets or of taking other measures reasonably required to provide the cooling water required for the said electricity generating station.

(c) Any difference arising between the Joint Board and the North of Scotland Hydro-Electric Board under this subsection shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

12. For the protection of the North of Scotland Hydro-Electric Board, the South of Scotland Electricity Board and the Scottish Gas Board (each of which is hereinafter in this section for their respective interests referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Joint Board and the undertakers concerned apply and have effect:—

For protection
of electricity
and gas
boards.

(1) If the Joint Board in exercise of the powers of section 11 (Power to execute works) of this Order require to cross over

PART IV
—cont.

or under, remove, alter or otherwise interfere with any electric lines or works as defined in section 32 of the Electric Lighting Act, 1882, mains, pipes or other apparatus (hereinafter in this section referred to as “ apparatus ”) belonging to the undertakers, or if the exercise of the said powers is likely to affect the said apparatus, the Joint Board shall—

(a) give to the undertakers not less than twenty-eight days’ prior notice in writing of such requirement, or of their intention to execute such works, as the case may be, together with a plan and section of the work proposed and such work shall be executed only in accordance with such plan and section and in accordance with such reasonable requirements as may, within twenty-one days of the submission of such plan and section, be made by the undertakers and the undertakers themselves may under such requirements alter or otherwise protect their apparatus or provide alternative apparatus adequate to enable the undertakers concerned to fulfil their statutory functions in a manner not less efficient than previously (hereinafter referred to as “ adequate alternative apparatus ”);

(b) afford to the undertakers, where possible, any necessary facilities and rights for the construction and thereafter for the use, maintenance, repair, renewal and inspection of such adequate alternative apparatus on land belonging to the Joint Board. Such adequate alternative apparatus shall be constructed in such manner and in such line or position as may be agreed between the Joint Board and the undertakers and no apparatus shall be removed, altered or interfered with until the protective works have been carried out or until adequate alternative apparatus has been constructed and is operating to the reasonable satisfaction of the undertakers;

(c) pay to the undertakers the expenses reasonably incurred by them in and in connection with removing, relaying, replacing, altering or protecting their apparatus or in providing adequate alternative apparatus less, in any case where adequate alternative apparatus is provided, the value of any apparatus removed in pursuance of the provisions of this section:

- (2) Any difference arising between the Joint Board and the undertakers or any of them under this section shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

Power to deviate.

13.—(1) In the construction of the works, 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. They may also deviate vertically in the construction of the works from the levels shown on the deposited sections to any extent not exceeding thirty feet upwards and twenty

feet downwards, but in the exercise of the powers of this section the Joint Board shall not reduce the headway of the bridge over the Firth of Tay as shown on the deposited sections.

PART IV
—cont.

(2) A deviation either lateral or vertical below high-water mark shall not be made without the consent in writing of the Minister.

14.—(1) Subject to the provisions of this Order, the Joint Board, in connection with and at or near any works to be executed or constructed under the powers of this Order, may execute, place and keep in, over or under the Firth of Tay and elsewhere, either permanently or temporarily, all such caissons, cofferdams, piles, piers, abutments, embankments, excavation, dredging, approaches, ways, access works, pumping works, wharves, walls, fences, drains, sewers, tunnels, fenders, mooring posts, bollards, booms, dolphins, pontoons, stagings, stairs, subways, buildings and other works and conveniences as they may find necessary or expedient for or in connection with the construction, maintenance or use of the works:

Subsidiary
works in
Firth of Tay
and elsewhere.

Provided that the Joint Board shall ensure that any works executed or kept under the powers of this section shall not unnecessarily narrow or obstruct the navigable waterway of the Firth of Tay or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water and any difference arising between the Joint Board and the Harbour Trustees as to whether or not any such works are unnecessarily obstructing the flow of water shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party by the President of the Institution of Civil Engineers.

(2) On the completion of the bridge, the Joint Board shall remove all temporary works placed by them in the Firth of Tay under the powers of this section and shall at their own expense keep repaired any other works placed by them in the Firth of Tay under the powers of this section.

(3) If any works placed by the Joint Board in the Firth of Tay under the powers of this section shall at any time become redundant the Joint Board shall remove the same.

(4) The provisions of section 12 (For protection of electricity and gas boards) of this Order shall for the protection of each of the boards therein mentioned apply and have effect with respect to the exercise by the Joint Board of the powers conferred on them by this section as if the said provisions were, with any necessary modifications, incorporated in this section.

(5) (a) In the exercise of the powers of this section the Joint Board shall not unnecessarily interfere with, damage or injuriously affect the existing cooling water intakes or outlets and additional intakes or outlets sanctioned by the Secretary of State before the commencement of this Order of the electricity generating station at Carolina Port, Dundee, belonging to the North of Scotland Hydro-Electric Board.

(b) If, under the powers of this section, it is necessary to interfere with, damage or injuriously affect the said intakes or outlets, the Joint Board shall pay to the North of Scotland Hydro-Electric Board the

PART IV
—cont.

cost reasonably incurred by them of the execution of such works as are thereby rendered reasonably necessary to maintain the efficient operation of the said intakes or outlets or of taking other measures reasonably required to provide the cooling water required for the said electricity generating station.

(c) Any difference arising between the Joint Board and the North of Scotland Hydro-Electric Board under this subsection shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

Subsidiary
works in
connection
with streets,
etc.

15.—(1) In addition, and without prejudice to the powers conferred on the Joint Board by the immediately preceding section of this Order and subject to the provisions of this Order and within the limits of deviation shown on the deposited plans, the Joint Board may, in carrying out the works—

- (a) make junctions with any street or way interfered with by or contiguous to the works;
- (b) alter the line or level of any such street or way;
- (c) alter and interfere with any steps, walls, gateways, railings, passages, pipes, cables and pavements; and
- (d) execute any works for the protection of any adjoining land or buildings.

(2) The provisions of section 12 (For protection of electricity and gas boards) of this Order shall, for the protection of each of the boards therein mentioned, apply and have effect with respect to the exercise by the Joint Board of the powers conferred on them by this section as if the said provisions were, with any necessary modifications, incorporated in this section.

(3) In the exercise of the powers conferred by this section the Joint Board shall—

- (a) cause as little detriment and inconvenience to any person as circumstances allow; and
- (b) make compensation to the owners and occupiers of any lands injuriously affected and to the owners of any apparatus who suffer loss by the exercise of such powers.

(4) Such compensation, in case of difference, shall be determined by an official arbiter under the Acquisition of Land (Assessment of Compensation) Act, 1919.

(5) (a) The Joint Board shall not in exercise of the powers of this section alter any telegraphic line belonging to or used by the Postmaster General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878;

(b) In this subsection the expression “alter” has the same meaning as in the Telegraph Act, 1878.

Closing of
Earl Grey
Dock, etc.

16.—(1) As from the date of the acquisition by the Joint Board under the powers of this Order of the site of the dock known as the

Earl Grey Dock and of the relative lands and waterways (being part of the property numbered 101 on the deposited plans), the said dock and the entrances thereto and the quays, breasts and works in connection therewith (hereinafter in this section together referred to as the "Earl Grey Dock") together with the adjoining tidal basin and slipway and relative works (hereinafter in this section referred to as "the tidal basin") shall, notwithstanding anything in the Dundee Harbour and Tay Ferries Order, 1952, or in any other enactment, be closed and discontinued and the Harbour Trustees and the Joint Board for their respective interests shall be relieved from all and any obligations to keep open, maintain, repair and renew the Earl Grey Dock and the tidal basin and on the closing thereof all public and other rights of harbour, rights of way and all other rights and obligations of the Harbour Trustees by virtue of the provisions of the Dundee Harbour and Tay Ferries Order, 1952, or of any other enactment, in, over or upon the Earl Grey Dock and the tidal basin shall be extinguished.

(2) On the closing of the Earl Grey Dock and the tidal basin, the Joint Board may fill in the same and may for that purpose construct walls or embankments and pitching across the entrances thereto and make up the surfaces to the level of the adjoining surfaces so as to align with and connect up the existing walls or embankments and pitching and surface levels, and all expenses incurred by them in carrying out such works shall be deemed to form part of the capital expenditure as defined in section 64 (Definitions for Part VI of Order) of this Order.

17. In the event of the Corporation or Fife County Council having, in the exercise of any of the powers vested in them, acquired before the commencement of this Order any of the lands shown on the deposited plans as being within the limits of lands to be acquired and having carried out thereon any of the works within the limits of deviation shown on the deposited plans or works in connection therewith, the expenditure incurred by the Corporation or by Fife County Council relative to the acquisition of such lands and the carrying out of such works or of such works in connection therewith shall be repaid to the Corporation or to Fife County Council as the case may be by the Joint Board within one year from the commencement of this Order and the amount so repaid shall be deemed to be part of the capital expenditure as defined in section 64 (Definitions for Part VI of Order) of this Order.

As to certain works carried out by the Corporation or by Fife County Council.

18.—(1) At any time during the construction of the bridge the Harbour Trustees, after giving such notice to the public as they may think fit, may, notwithstanding anything in the Dundee Harbour and Tay Ferries Order, 1952, or in any other enactment, reduce the number of trips worked each day on the ferry between Craig Pier in the city and Newport-on-Tay in accordance with the provisions of section 183 (Provision as to working the ferries) of the said Order of 1952, or may suspend the working of the said ferry, to such extent and in such manner as they may consider necessary, having regard to the extent to which the operations for the time being carried on by the Joint Board in connection with the construction of the bridge are impeding or rendering

Power to Harbour Trustees to limit working of or suspend temporarily ferry during construction of bridge.

PART IV
—cont.

impracticable, or are likely to impede or render impracticable, the working of the said ferry or they may, after giving notice to the public as aforesaid, suspend the working of the said ferry during such time as the operations of the Joint Board in connection with the construction of the bridge may render it inexpedient or impracticable to work the said ferry.

(2) Nothing contained in subsection (1) of this section shall prejudice or affect the powers of the Harbour Trustees under subsection (2) of section 183 (Provision as to working the ferries) of the said Order of 1952 and the provisions of subsections (3) and (4) of the said section shall not apply with respect to the exercise by the Harbour Trustees of the powers conferred on them by this section.

Power to stop
up roads, etc.

19.—(1) For the purposes of and in connection with the works the Joint Board may, subject to the provisions of this Order and within the limits of deviation shown upon the deposited plans, stop up or narrow any road, street, footpath or public right of way or part of any road, street, footpath or public right of way shown upon the deposited plans as intended to be stopped up or narrowed.

(2) Notwithstanding the stopping up or narrowing by the Joint Board of any road, street, footpath or public right of way or part thereof in exercise of the powers of this section, any statutory undertakers having electric lines or works as defined in section 32 of the Electric Lighting Act, 1882, mains, pipes or other apparatus (hereinafter in this section referred to as “apparatus”) laid therein shall at all times have such powers and rights (including rights of access) in respect of such apparatus as they had immediately before such stopping up or narrowing and shall be at liberty to carry out all such works in, upon or under such road, street, footpath or public right of way or part thereof as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus:

Provided that this subsection shall not apply in any case in which any road, street, footpath or public right of way or part thereof is stopped up or narrowed and the apparatus laid therein is replaced by alternative apparatus by or at the cost of the Joint Board.

(3) The Joint Board shall make compensation to the owners and occupiers of any lands injuriously affected and to the owners of any services who suffer loss by the exercise of the powers of this section.

(4) Such compensation, in case of difference, shall be determined by an official arbiter under the Acquisition of Land (Assessment of Compensation) Act, 1919.

(5) Where in exercise of the powers conferred by this section the Joint Board stop up or narrow any road, street, footpath or public right of way or part of any road, street, footpath or public right of way the following provisions shall unless otherwise agreed in writing between the Joint Board and the Postmaster General have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up or narrowing ceases to be a

road, street, footpath or public right of way (in this subsection referred to as "the affected line") that is to say:—

PART IV
—cont.

- (a) As soon as practicable after the whole or part, as the case may be, of the road, street, footpath or public right of way has been stopped up or narrowed by the Joint Board as aforesaid, the Joint Board shall send by post to the Postmaster General a notice informing him of such stopping up or narrowing;
- (b) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or narrowing of the road, street, footpath or public right of way or part of the road, street, footpath or public right of way, so however that the said power shall not be exercisable, as respects the whole or any part of the affected line, after the expiration of a period of three months from the date of the sending of the aforesaid notice unless before the expiration of that period the Postmaster General has given notice to the Joint Board of his intention to remove the affected line or that part thereof, as the case may be;
- (c) The Postmaster General may by notice in that behalf to the Joint Board abandon the affected line or any part thereof, and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (d) The Postmaster General shall be entitled to recover from the Joint Board the expense of providing, in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may reasonably require;
- (e) Where, under paragraph (c) of this subsection, the Postmaster General has abandoned the whole or any part of the affected line, it shall vest in the Joint Board and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

20. Notwithstanding anything in any trust deed or instrument relating thereto, the Joint Board may, when they have acquired the land on which the memorial arch known as "the Royal Victoria Arch" is situated, take down and demolish the same and may use, sell or otherwise dispose of the materials thereof and utilise the site thereof for or in connection with the construction of the works.

Power to
Joint Board
to demolish
Royal Victoria
Arch.

21.—(1) On the stopping up or narrowing of any roads, streets, footpaths or rights of way or parts thereof under the powers of section 19 (Power to stop up roads, etc.) of this Order, the solum of the roads, streets, footpaths or rights of way or parts thereof so stopped up or narrowed shall—

Vesting of
solum of
roads, etc.
stopped up,
etc.

- (a) so far as forming part of the site of the works, vest in the Joint Board; and
- (b) so far as situated elsewhere, vest in the persons whose lands immediately adjoin thereto.

PART IV
—cont.

(2) Without prejudice to the provisions of subsection (2) of section 19 (Power to stop up roads, etc.) of this Order 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.

(3) The Joint Board shall be entitled, on the stopping up or narrowing of any roads, streets, footpaths or rights of way or parts thereof as aforesaid, to appropriate and remove the causeway setts, road metal, paving material, kerbs, water channels, gullies or other materials forming such roads, streets, footpaths or parts thereof, together with the lighting standards and bollards situated thereon.

Power to
alter roads,
etc.
temporarily.

22.—(1) The Joint Board may, for the purposes and during the execution of the works and in maintaining the same and subject to the provisions of this Order, temporarily from time to time break up or cross over or under, alter or stop up, remove or otherwise interfere with any streets, highways, roads, lanes, footways, footpaths, bridges, railways, passages, sewers, drains, watercourses, gas and water mains and pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference with which they may from time to time find it expedient for any of those purposes so to interfere.

(2) The provisions of section 12 (For protection of electricity and gas boards) and of subsection (2) of section 19 (Power to stop up roads, etc.) of this Order shall, for the protection of each of the boards mentioned in the said section 12 apply and have effect—

- (i) in the case of the said section 12 in relation to any requirement of the Joint Board under that section to cross over or under, alter, stop up, remove or otherwise interfere with apparatus therein mentioned or in relation to the exercise of the powers likely to affect the said apparatus; and
- (ii) in the case of subsection (2) of the said section 19 in relation to the temporary breaking up, altering or stopping up of any street, highway, road, lane, footway, footpath, bridge or passage or any part thereof by the Joint Board in exercise of the powers of that section;

as if the said provisions were, with any necessary modifications incorporated in this section.

(3) The Joint Board shall provide, when possible, a proper temporary substitute before interrupting the traffic on any such street, highway, road, lane, footway, footpath, bridge, railway or passage or the flow of sewage, water, gas or electricity or telephonic communication in any such sewer, drain, watercourse, main, pipe or apparatus.

(4) The Joint Board shall make compensation to all persons injuriously affected by the exercise of such powers.

(5) Such compensation, in case of difference, shall be determined by an official arbiter under the Acquisition of Land (Assessment of Compensation) Act, 1919.

(6) (a) The provisions of subsection (5) of section 15 (Subsidiary works in connection with streets, etc.) of this Order shall extend and

apply with respect to the exercise by the Joint Board of the powers of this section as if the said provisions were, with any necessary modifications, incorporated in this section;

PART IV
—cont.

(b) The exercise by the Joint Board of the powers conferred by this section with respect to any street, highway, road, lane, footway, footpath or bridge shall not prejudice or affect the right of the Postmaster General—

- (i) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which may for the time being be under, in, upon, over, along or across that street, highway, road, lane, footway, footpath or bridge; or
- (ii) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that street, highway, road, lane, footway, footpath or bridge.

23. Any person who—

- (a) wilfully obstructs any person acting under the authority of the Joint Board in setting out the lines of the works; or
- (b) pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works, or interferes with any plant, apparatus or appliances of the Joint Board;

Penalty for
obstructing
works.

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

24.—(1) For the purpose of draining or carrying away surface water from the works, or otherwise, the Joint Board may, within the limits of deviation shown on the deposited plans, lay down, maintain and alter or remove any drains, sewers, conduits, pipes and other works and make any convenient connections with any available river, stream or watercourse, or with any sewer or drain.

Connection of
drains, etc.
with streams,
etc.

(2) Nothing in this section shall derogate from the provisions of section 28 of the Rivers (Prevention of Pollution) (Scotland) Act, 1951.

25. Subject to the provisions of this Order, the Joint Board may from time to time set up and erect, maintain and repair proper fenders, jetties or other works for the protection of the bridge.

Power to erect
fenders, etc.

26.—(1) The Joint Board may for the purposes of the construction and maintenance of the works at and in the vicinity of the works—

Power to
dredge, etc.

- (a) excavate, dredge, scour, deepen and remove to such extent as they may deem necessary the shore and bed of the Firth of Tay;
- (b) carry out such borings in the shore and bed of the Firth of Tay as they may think fit; and
- (c) take such measures as they may deem necessary for the safety of the bridge to replace material eroded or otherwise scoured naturally from the shore or bed of the Firth of Tay:

PART IV
—cont.

Provided that the exercise of the powers of this section so far as relating to dredging for the purposes of the construction of the works shall be subject to consultation with the Harbour Trustees and so far as relating to the maintenance of the works shall be subject to the approval of the Harbour Trustees, which approval shall not be unreasonably withheld.

(2) (a) In the exercise of the powers of this section the Joint Board shall not unnecessarily interfere with, damage or injuriously affect the existing cooling water intakes or outlets and any additional intakes or outlets sanctioned by the Secretary of State before the commencement of this Order of the electricity generating station at Carolina Port, Dundee, belonging to the North of Scotland Hydro-Electric Board.

(b) If, under the powers of this section, it is necessary to interfere with, damage or injuriously affect the said intakes or outlets, the Joint Board shall pay to the North of Scotland Hydro-Electric Board the cost reasonably incurred by them of the execution of such works as are thereby rendered reasonably necessary to maintain the efficient operation of the said intakes or outlets or of taking other measures reasonably required to provide the cooling water required for the said electricity generating station.

(c) Any difference arising between the Joint Board and the North of Scotland Hydro-Electric Board under this subsection shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

Vesting and
disposal of
materials.

27.—(1) All materials removed by the Joint Board under the powers conferred on them by this Order and all materials (other than any apparatus belonging to a statutory undertaker) removed by the Joint Board from any street or other place or otherwise obtained by them in the construction and maintenance of the works shall vest in the Joint Board.

(2) The Joint Board may use all or any of the said materials for the purposes of the construction or maintenance of the works, or they may sell or otherwise dispose of the said materials as they think fit.

(3) No part of the said materials shall be deposited below high-water mark, except with the prior approval of the Harbour Trustees (which approval shall not be unreasonably withheld) and in such a position and under such restrictions and regulations as may be imposed or laid down by the Minister.

(4) The proceeds of any sale under this section shall be carried to the credit of the general fund of the Joint Board.

Provisions
applicable to
last two
preceding
sections.

28. The powers of the Joint Board under section 26 (Power to dredge, etc.) and section 27 (Vesting and disposal of materials) of this Order shall be exercisable subject to the provisions of section 125 (Crown rights) of this Order.

29.—(1) The Joint Board shall not construct any work authorised by this Order on, in, under or over tidal waters or tidal lands below high-water mark except in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

PART IV
—cont.
Works below high-water mark to be subject to approval of Minister.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Joint Board and the amount of such cost shall be a debt due from the Joint Board to the Crown and shall be recoverable accordingly.

30. The Minister, at any time at which he deems it expedient for the purposes of this Order, may order a survey and examination of any work constructed by the Joint Board under the powers of this Order which shall be on, in, under or over tidal waters or tidal lands below high-water mark, or of the site upon which it is proposed to construct any such work, and the Joint Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Joint Board to the Crown and shall be recoverable accordingly.

Survey of works by Minister.

31.—(1) Where any work constructed by the Joint Board under the powers of this Order on, in, under or over tidal waters or tidal lands below high-water mark is abandoned, or suffered to fall into decay, the Minister may by notice in writing either require the Joint Board at their own expense to repair and restore such part of such work as is situated below high-water mark or any portion thereof, or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

Abatement of work abandoned or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situated above high-water mark and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with navigation or the exercise of public rights over the foreshore, the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If the Joint Board fail to comply with any notice under this section within thirty days from the date when the notice is served upon them, the Minister may execute the works specified in the notice at the expense of the Joint Board and the amount of such expense shall be a debt due from the Joint Board to the Crown and shall be recoverable accordingly.

32.—(1) The Joint Board, during the whole time of the construction, alteration or extension of such part of the works as are below high-water mark, shall exhibit and keep burning every night from sunset to sunrise at or near the said part of the said works such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister, after consultation with the Harbour Trustees, shall from time to time direct.

Lights on works during construction.

PART IV
—cont.

(2) If the Joint Board fail to comply with any direction given in terms of this section, they shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

Permanent
lights on
works.

33.—(1) After the completion of the works below high-water mark, the Joint Board, after consultation with the Harbour Trustees, shall, at or near the bridge and the works below high-water mark, exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) All street lamps or other lights upon the bridge which are not required in connection with the navigation of the Firth of Tay shall be subject to the approval of the Commissioners of Northern Lighthouses.

(3) If the Joint Board fail to comply with any directions given in terms of this section, they shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

Provision
against
danger to
navigation.

34.—(1) In the event of damage to, or destruction or decay of, the works, or any part thereof so far as the same are constructed on, in, under or over any tidal waters or tidal lands below high-water mark, the Joint Board, after consultation with the Harbour Trustees, shall apply to the Commissioners of Northern Lighthouses for directions, and shall lay down such buoys, exhibit such lights, or take such other precautions as may be directed by the said Commissioners for the prevention of danger to navigation.

(2) If the Joint Board fail to apply for or to comply with any such directions, they shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

Lifebuoys, etc.
to be kept.

35. The Joint Board shall, at all times, keep at convenient places on the bridge, lifebuoys and lifelines in good order and fit and ready for use.

Policing, etc.
of bridge.

36.—(1) Notwithstanding anything in this Order, the bridge shall be deemed to be within the city for the purposes of the Police (Scotland) Act, 1956, and the Corporation shall have and may exercise over the bridge the powers and duties conferred or imposed upon police authorities by the said Act and in consideration of the watching and policing of the bridge being undertaken by the Corporation the Joint Board shall pay to the Corporation annually such sum as may be agreed between the Corporation and the Joint Board as representing the reasonable cost incurred by the Corporation in policing and watching the bridge and in the event of any difference arising between the Corporation and the Joint Board in any year as to the amount of the payment to be made to the Corporation by the Joint Board as aforesaid, such difference shall be referred to the decision of an arbiter appointed by the President for the time being of the Institute of Chartered Accountants of Scotland and the decision of such arbiter shall be final.

(2) Any act committed or alleged to have been committed on the bridge which, if committed in the city, would be an offence against the Dundee Corporation (Consolidated Powers) Order, 1957, or any byelaws made thereunder, or against any public general Act applicable within the city, shall be deemed to have been committed within the city.

PART IV
—cont.

37.—(1) The Joint Board may, to such extent and in such manner as they may consider appropriate, but subject to the provisions of section 33 (Permanent lights on works) of this Order, light the bridge and, with the consent of the Secretary of State, so much of Works Nos. 1 and 2 authorised by this Order as may be agreed between the Joint Board and the Corporation, or may cause the same to be lighted and for that purpose the Joint Board may provide, instal and maintain such lighting equipment as may be requisite.

Lighting of
bridge, etc.

(2) Any lighting equipment provided, installed or maintained under the powers of this section shall be so provided or installed and so maintained and used as not to cause any interference with any electric lines or works as defined in section 32 of the Electric Lighting Act, 1882, mains, pipes, and other apparatus from time to time installed in the bridge or Work No. 2 under the provisions of section 43 (Prohibiting works on bridge) or section 44 (Accommodation for water main and undertakers' services on bridge, etc.) of this Order.

38. The Joint Board may, in the construction and maintenance of the bridge, provide and accommodate at such places on the bridge as they may deem desirable, fire-fighting equipment for the use of which they may make such charges as they may deem fit.

Provision of
fire-fighting
equipment.

39. The Joint Board shall be responsible for the scavenging and cleansing of the bridge and of Work No. 2 and shall themselves scavenge and keep clean the bridge and Work No. 2 and for such purposes may provide and maintain all such depots, works, materials, equipment and vehicles as they consider requisite, or they may enter into agreements with the Corporation or with Fife County Council or with the Town Council of Newport-on-Tay with respect to the scavenging and keeping clean of the bridge and of Work No. 2.

Cleansing of
bridge and
relative works.

40. The Joint Board may, whenever in their opinion it is necessary so to do for the purposes of the maintenance, repair or improvement of the bridge or Work No. 2, or in case of emergency, wholly or partially close the bridge or Work No. 2 or any portion thereof to traffic along or over the bridge or Work No. 2:

As to closing
of bridge.

Provided that when the bridge or Work No. 2 is to be wholly closed, the Joint Board shall, except in cases of emergency, not less than seven days before closing the bridge or Work No. 2, publish a notice stating the day and time when the bridge or Work No. 2 will be closed and the period during which it is estimated it will remain closed in—

- (a) a newspaper circulating in the city;
- (b) a newspaper circulating in the county of Fife;
- (c) the Edinburgh Gazette; and
- (d) a conspicuous place at or near to the approaches at each end of the bridge;

and in such other manner (if any) as the Joint Board consider desirable.

PART IV

—cont.

Period for
completion of
works.

41. If the works are not completed by the thirty-first day of December one thousand nine hundred and seventy-two, 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.

Vesting and
maintenance
of roads.

42.—(1) As from the respective dates of the opening for public traffic of Works No. 1 and Nos. 4 to 9 inclusive authorised by this Order, or of any portion of the said works, the said works or portion thereof opened to public traffic (in this section referred to as “the transferred works”) shall cease to form part of the undertaking and shall be transferred to and vested in the Corporation in the case of Work No. 1 and Fife County Council in the case of Works Nos. 4 to 9 inclusive.

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

(3) All property transferred to and vested in the Corporation or Fife County Council as the case may be 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 Corporation and Fife 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, 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 Corporation or Fife County Council as the case may be.

Prohibiting
works on
bridge.

43.—(1) Notwithstanding anything to the contrary in any Act or Order (including this Order) it shall not be lawful, except as provided in this Order, for any person to enter upon or interfere with any part of the bridge or of Work No. 2 by this Order authorised or to break up the carriageways and footways of the same for the purpose of executing any work whatsoever therein, thereon or thereunder except—

- (a) with the written consent of the Joint Board which consent shall not be unreasonably withheld; and
- (b) in accordance with such reasonable terms and conditions either as to the payment of money or other valuable consideration or otherwise as the Joint Board may determine.

(2) Any difference as to whether a consent under the provisions of this section has or has not been unreasonably withheld or as to the reasonableness or otherwise of the aforementioned terms and conditions shall be determined by the Secretary of State.

(3) Nothing in this section shall affect any rights and powers of the Postmaster General under the Telegraph Acts, 1863 to 1962.

Accommodation
for water
main and
undertakers'
services on
bridge, etc.

44.—(1) The Joint Board shall in constructing the bridge and Work No. 2 provide for the accommodation of—

- (a) a water main not exceeding twenty-four inches in diameter together with ancillary apparatus (hereinafter in this section referred to as “the water main”) for the purposes of the water undertaking of the Corporation; and

(b) if so requested within six months from the commencement of this Order by any other statutory undertakers, mains, pipes, cables or other apparatus of such other undertakers (hereinafter in this section referred to as "the undertakers' services") being mains, pipes, cables or apparatus of such dimensions and weight as may be specified in such request and as can reasonably be so accommodated;

and shall provide the accesses, gangways, brackets, fixings, handrails, fittings and other things necessary to permit of the accommodation and the inspection, maintenance and repair from time to time of the water main and the undertakers' services, together with such other facilities therefor as the Corporation and the statutory undertakers (as the case may be) may reasonably require (all of which accommodation, things and facilities, together with the accommodation, things and facilities provided for the Postmaster General in pursuance of section 45 (Accommodation for telegraphic lines on bridge, etc.) of this Order, are hereinafter in this section referred to as "the accommodation facilities"):

Provided that any expense which the Joint Board may reasonably incur in complying with the provisions of this subsection, and any additional expense which they may incur in complying with the provisions of subsection (2) of section 37 (Lighting of bridge, etc.) of this Order, shall be borne, and paid by the Corporation and the statutory undertakers and, in the event of the accommodation facilities being used with the consent of the Joint Board by any other person, by such person, in such proportions as may be mutually agreed or, failing agreement, as may be determined by an arbiter as hereinafter provided.

(2) The Joint Board shall maintain the accommodation facilities in good order and repair and the cost of so doing shall be shared by the Joint Board, the Corporation, the statutory undertakers and any other person as aforesaid making use thereof in such proportions as may be mutually agreed or, failing agreement, as may be determined by an arbiter as hereinafter provided.

(3) Before installing the water main or the undertakers' services, the Corporation or the statutory undertakers (as the case may be) shall submit to the Joint Board for their approval plans, specifications and other particulars of the installation with such other information as may be required by the Joint Board, including information as to the manner in which the installation is to be carried out, the names of the contractors, the time necessary or estimated for completing the installation and the tests to be applied by the Corporation or the statutory undertakers to the installation on the completion thereof.

(4) (a) The Corporation shall instal and fix on the water main at the expense of, and as may be required by, the Joint Board, fire hydrants, together with such branch pipes and boxes and such other fittings as may be necessary for the connection of fire-fighting equipment, at such intervals along the bridge as the Joint Board may require but the Corporation shall have the free use of the said hydrants and fittings for the purposes of their water undertaking.

(b) Nothing in this subsection shall authorise the Joint Board to use any water from the water main for any purposes other than fire

PART IV
—cont.

fighting without the prior consent of the Corporation (which consent shall not be unreasonably withheld) and upon such terms and conditions as may be agreed between the Joint Board and the Corporation.

(c) The Corporation shall, at the expense of the Joint Board, undertake and carry out the works of maintenance and replacement of the said hydrants and fittings.

(5) The Corporation and the statutory undertakers shall be entitled at all times to use, on such terms as the Joint Board may prescribe, the accommodation facilities provided pursuant to the foregoing provisions of this section for the purpose of installing, inspecting, repairing, maintaining, altering (otherwise than by increasing the dimensions or weight), removing or renewing the water main and the undertakers' services:

Provided that—

(a) nothing in this section contained shall entitle the Corporation or the statutory undertakers to break up, interfere with or obstruct (other than as may result from the opening of valve covers and manways for the purposes of inspection) the surface of the road and footway of the bridge or of Work No. 2;

(b) the water main and the undertakers' services shall, at all times, conform in design and construction with the reasonable requirements of the Joint Board;

(c) except in case of emergency, the Corporation and the statutory undertakers (as the case may be) shall give to the Joint Board not less than fourteen days' clear notice in writing of their intention to execute works on the water main or the undertakers' services and, except as aforesaid shall conform with the reasonable requirements of the Joint Board as to the time or times at which they exercise the right of entering upon and executing such works and as to the manner in which such works are executed and the Joint Board shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Joint Board in such superintendence shall be repaid to them by the Corporation or the statutory undertakers, as the case may be.

(6) (a) The Corporation and the statutory undertakers (as the case may be) shall maintain in good repair and to the reasonable satisfaction of the Joint Board the water main and the undertakers' services and shall from time to time carry out and maintain such works thereon as the Joint Board may reasonably require by notice in writing to be done or provided for ensuring the safety and stability of the bridge and of Work No. 2 and the safety and convenience of persons using the bridge and Work No. 2, being works reasonably required to be done in consequence of the exercise by the Corporation or the statutory undertakers (as the case may be) of the rights conferred upon them by this section and in default the Joint Board may carry out and maintain such works and the Corporation or the statutory undertakers (as the case may be) shall repay to the Joint Board any expenses reasonably incurred by the Joint Board in so doing.

(b) The Corporation and the statutory undertakers (as the case may be) shall repay to the Joint Board any loss, damage or expenses suffered or incurred by the Joint Board by reason of the failure of the Corporation or the statutory undertakers to comply with the provisions of this section, or by reason of any fault in, or accident occurring in relation to, the water main or the undertakers' services, the accommodation facilities, or to any mains, pipes, cables or other apparatus or material placed on the bridge or on Work No. 2 by the Corporation or the statutory undertakers for their own use (unless such fault or accident was occasioned by any wrongful act or default of the Joint Board, their servants or agents) and shall indemnify the Joint Board against any actions, proceedings, costs, claims or demands arising out of, or in any way attributable to, the exercise by the Corporation or the statutory undertakers (as the case may be) of the rights conferred upon them by this section, unless such actions, proceedings, costs, claims or demands shall arise by reason of the wrongful act or default of the Joint Board, their servants or agents:

Provided that the Joint Board shall give to the Corporation or the statutory undertakers (as the case may be) reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the written agreement of the Corporation or the statutory undertakers.

(7) Any question or difference between the Joint Board and the Corporation or any statutory undertakers arising under this section shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the sheriff.

45.—(1) The Joint Board shall in constructing the bridge and Work No. 2 provide for the accommodation of the telegraphic lines of the Postmaster General (to be laid in ducts) space sufficient for eight ducts each having an external diameter not exceeding five inches (which ducts and the telegraphic lines laid therein are hereinafter in this section referred to as "the telegraphic apparatus") and shall provide the accesses, gangways, brackets, fixings, handrails, fittings and other things necessary to permit of the said accommodation and the inspection, maintenance and repair from time to time of the telegraphic apparatus together with such other facilities therefor as the Postmaster General may reasonably require (all of which accommodation, things and facilities together with the accommodation, things and facilities provided for other persons in pursuance of section 44 (Accommodation for water main and undertakers' services on bridge, etc.) of this Order are hereinafter in this section referred to as "the accommodation facilities"):

Accommodation
for telegraphic
lines on bridge,
etc.

Provided that any expense which the Joint Board may reasonably incur in complying with the provisions of this subsection shall be borne and paid by the Postmaster General and by any person using the accommodation facilities in pursuance of the said section 44 in such proportions as may be mutually agreed or, failing agreement, as may be determined by an arbiter as hereinafter provided.

(2) The Joint Board shall maintain the accommodation facilities in good order and repair and the cost of so doing shall be shared by the

PART IV
—cont.

Joint Board, the Postmaster General and any person using the accommodation facilities in pursuance of the said section 44 in such proportions as may be mutually agreed or, failing agreement, as may be determined by an arbiter as hereinafter provided.

(3) Before installing the telegraphic apparatus the Postmaster General shall submit to the Joint Board for their approval plans, specifications and other particulars of the installation (including the dimensions and weight of the telegraphic apparatus) with such other information as may be required by the Joint Board, including information as to the manner in which the installation is to be carried out, the names of the contractors, the time necessary or estimated for completing the installation and the tests to be applied to the installation on the completion thereof.

(4) The Postmaster General shall be entitled at all times to use the accommodation facilities provided pursuant to the foregoing provisions of this section for the purpose of installing, inspecting, repairing, maintaining, altering (otherwise than by increasing the dimensions or weight), removing or renewing the telegraphic apparatus:

Provided that—

- (a) nothing in this section contained shall entitle the Postmaster General to break up, interfere with or obstruct (other than as may result from the opening of inspection covers and manways for the purposes of inspection) the surface of the road and footway of the bridge or of Work No. 2;
- (b) except in case of emergency the Postmaster General shall give to the Joint Board not less than fourteen days' clear notice in writing of his intention to execute works on the telegraphic apparatus and, except as aforesaid, shall conform with the reasonable requirements of the Joint Board as to the time or times at which he exercises the right of entering upon and executing such works and as to the manner in which such works are executed and the Joint Board shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Joint Board in such superintendence shall be repaid to them by the Postmaster General.

(5) (a) The Postmaster General shall from time to time carry out and maintain such works on the telegraphic apparatus as the Joint Board may reasonably require by notice in writing to be done or provided for ensuring the safety and stability of the bridge and of Work No. 2 and the safety and convenience of persons using the bridge and Work No. 2 being works reasonably required to be done in consequence of the exercise by the Postmaster General of the rights conferred upon him by this section and in default the Joint Board may carry out and maintain such works and the Postmaster General shall repay to the Joint Board any expenses reasonably incurred by the Joint Board in so doing.

(b) For the avoidance of doubt it is hereby declared that the provisions of sections 7 and 42 of the Telegraph Act, 1863 (which relate to the payment of compensation and responsibility for damages), and the conditions set out in paragraphs (3) and (4) of section 6 of the

Telegraph Act, 1878 (which section relates to the establishment of telegraphic lines on certain undertakings), shall with any necessary modifications apply and have effect with respect to the placing, repair and maintenance of the telegraphic apparatus in the accommodation provided by the Joint Board pursuant to subsection (1) of this section.

(6) Any question or difference between the Joint Board and the Postmaster General arising under this section shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the sheriff.

46.—(1) On or at any time after the opening of the bridge, the Harbour Trustees may, notwithstanding anything in the Dundee Harbour and Tay Ferries Order, 1952, or in any other enactment, resolve to discontinue the working of the ferry between Craig Pier in the city and Newport-on-Tay (hereinafter in this and the next succeeding section referred to as “the ferry”) and may discontinue the ferry in accordance with and on the date prescribed by such resolution.

(2) As from the date on which any such resolution comes into force, the Harbour Trustees shall by virtue of this Order be relieved from all obligations (statutory or otherwise) to work the ferry and to maintain the ferry undertaking.

(3) If at any time before the opening of the bridge, it becomes necessary to replace all or any of the vessels which were at the commencement of this Order used for working the ferry, the Harbour Trustees may, with the consent of the Joint Board (which consent shall not be unreasonably withheld), purchase or construct or cause to be constructed such additional vessel or vessels as may be necessary for working the ferry.

(4) (a) As soon as may be practicable after the date of any such resolution, the Harbour Trustees shall proceed to realise all property and other assets vested in and held by them for the purposes of the ferry undertaking, other than any property and assets which they desire to retain.

(b) In realising such property and assets, the Harbour Trustees shall use their best endeavours to obtain therefor the best prices which can reasonably be obtained for the property and assets sold by them and on the completion of such sale, the proceeds thereof shall be applied by the Harbour Trustees in the reduction of the outstanding capital debt in respect of the ferry undertaking.

(c) Where any property or assets are retained by the Harbour Trustees, a fair valuation thereof shall be made by an independent valuer and the outstanding capital debt of the Harbour Trustees in respect of the ferry undertaking shall be reduced by the amount at which such property and assets have been valued as aforesaid.

(d) In so far as the Harbour Trustees are, within two years from the coming into force of such resolution as aforesaid, unable to realise any property or assets forming part of the ferry undertaking as aforesaid which they have not resolved to retain they shall transfer the same to the Joint Board without any consideration being paid therefor.

PART IV
—cont.

(5) On the completion of the realisation of the property and assets vested in or held by them for the purposes of the ferry undertaking, other than any assets retained by them, the Harbour Trustees shall submit to the Joint Board a detailed statement as to the realisation by them of the said property and assets and shall supply the Joint Board with such further information as may be reasonably required by them in connection therewith and the Joint Board, if reasonably satisfied that the realisation of the said property and assets has been carried out in accordance with the provisions of this section, shall in their option—

- (i) pay to the Harbour Trustees an amount equal to the amount of the outstanding capital debt of the Harbour Trustees in respect of the ferry undertaking, reduced as provided in paragraph (c) of subsection (4) of this section; or
- (ii) in every year pay to the Harbour Trustees the amount which, in pursuance of the arrangements in force before the commencement of this Order for the repayment of the money borrowed by the Harbour Trustees in respect of the ferry undertaking and the payment of interest thereon would, but for the provisions of this section, have fallen on and, after the commencement of this Order, to be debited in the accounts of the Harbour Trustees for that year in respect of money borrowed in respect of the ferry undertaking and any payment made in pursuance of this paragraph in respect of the repayment of borrowed moneys shall be deemed to be a capital payment.

(6) If any difference arises between the Harbour Trustees and the Joint Board under this section, the same shall be determined by an arbiter to be agreed upon between the Harbour Trustees and the Joint Board or, failing agreement, to be nominated by the President for the time being of the Institute of Chartered Accountants of Scotland on the application of either party.

(7) (a) Any officer or servant of the Harbour Trustees employed wholtime in connection with the ferry undertaking immediately before the discontinuance of the ferry who is not offered suitable alternative employment (without reduction in emoluments or pension rights) with the Joint Board, the Harbour Trustees or any of the Councils, shall be entitled to payment of compensation by the Joint Board and the provisions of the Eleventh Schedule to the Act of 1947, as to the determination and payment of compensation shall, with any necessary adaptations apply accordingly:

Provided that any dispute as to whether any alternative employment offered is suitable shall be determined by the sheriff whose decision shall be final.

(b) Where within three years after the discontinuance of the ferry the employment of any such wholtime officer or servant who had taken up employment with the Joint Board, the Harbour Trustees or any of the Councils is terminated by the Joint Board, by the Harbour Trustees or by any of the Councils as the case may be on the grounds of his services being redundant, he shall be deemed for the purposes of this section not to have been offered alternative employment as aforesaid.

(c) The provisions of this subsection shall only apply to those whole-time officers and servants who, at the date of the discontinuance of the ferry, have either been employed in connection with the ferry undertaking for at least fourteen years or been employed as aforesaid for at least ten years and have attained the age of fifty-five years.

(8) For the purposes of this and the next succeeding section the expression "ferry undertaking" means the undertaking described in section 179 (Vesting of Tay Ferries in the Trustees) of the Dundee Harbour and Tay Ferries Order, 1952, and vested in the Harbour Trustees by virtue of that section, so far as relating to the ferry worked by them between Craig Pier in the city and Newport-on-Tay.

(9) On and after the date on which any such resolution as aforesaid to discontinue the working of the ferry comes into force all mortgages granted by the Harbour Trustees in pursuance of the provisions of the Harbour Acts as defined in the Dundee Harbour and Tay Ferries Order, 1952, which are valid and outstanding on that date, shall in so far as they assign the rates, rents, profits and other revenues of the ferry undertaking have effect as if such assignation was an assignation of the sums realised or received by the Harbour Trustees under this section.

47.—(1) The Corporation shall, on terms and conditions approved by the Secretary of State (including terms and conditions making provision for the existing officer's or (where appropriate) the existing servant's previous period of employment by the Harbour Trustees being reckonable as service in such manner and to such extent as may be so approved) admit to participation in the benefits of the superannuation scheme administered by them any existing officer or servant who enters the employment of the Joint Board in consequence of the discontinuance of the ferry; and for the purposes of this paragraph and of the Local Government Superannuation (Scotland) Acts, 1937 to 1953, the Corporation shall have all such powers as may be necessary for the purpose of giving effect to the terms and conditions approved as aforesaid.

Superannuation
of certain
ferry
employees.

(2) The Harbour Trustees shall pay to the Corporation in respect of any officers and servants employed wholtime by them in connection with the ferry undertaking who are subject to the superannuation scheme administered by the Harbour Trustees, and who are offered and take up employment with the Joint Board, such sum, calculated and determined by an actuary to be mutually agreed upon or, failing agreement, to be appointed on the application of either the Harbour Trustees or the Corporation (after notice in writing to the other of them) by the President of the Faculty of Actuaries in Scotland, as will meet the whole liability to be assumed by the Corporation under the Local Government Superannuation (Scotland) Acts, 1937 to 1953, in respect of the superannuated service of the said officers and servants up to the date of termination of their employment with the Harbour Trustees, and the Harbour Trustees will thereafter be relieved of any continuing liability on their superannuation fund for the superannuated service of the said officers and servants.

PART IV
—cont.For protection
of British
Transport
Commission.

48. For the protection of the British Transport Commission (hereinafter in this section called "the commission") the following provisions shall notwithstanding anything contained in this Order or shown upon the deposited plans and sections and unless otherwise agreed in writing between the Joint Board and the commission apply and have effect, that is to say:—

(1) In this section—

"the appropriate authority" means the Joint Board but, after the vesting pursuant to section 42 (Vesting and maintenance of roads) of this Order of Works Nos. 1, 4, 5 or 9 or any portions of those works, means, in relation to those works or any portions thereof, the Corporation or the Council to which such works or portions thereof are respectively transferred;

"property of the commission" means any land, railway, siding, road, building or other property or work belonging to the commission:

- (2) The appropriate authority shall not enter upon, take or use either permanently or temporarily or purchase, acquire or interfere with the property of the commission, but the appropriate authority may purchase and take and the commission shall sell and grant according to their estate and interest in and subject to all servitude rights affecting the property of the commission such servitude or right of using the property of the commission as may be necessary for the purpose of constructing, using and maintaining Works Nos. 1, 2, 4, 5 and 9 or any of them and the overline bridge forming part of the said Work No. 9 and all works and temporary conveniences connected with such works and overline bridge (all of which works and overline bridge and works and conveniences connected therewith are in this section referred to as "the said works") subject to and in accordance with the provisions of this section:
- (3) The appropriate authority shall pay to the commission for any servitude or right which they may acquire under the provisions of this section such consideration as may be agreed upon or, in the event of difference as may be determined by an official arbiter, under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for the purpose of any such determination the acquisition of such servitude or right shall be deemed a taking of lands within the meaning of section 6 of the Lands Clauses Consolidation (Scotland) Act, 1845:
- (4) The appropriate authority shall not in the execution, maintenance, repair or use of the said works or any of them, obstruct or hinder or interfere with the free, uninterrupted and safe use of property of the commission or with the traffic on their railways except so far as may be necessary for the purposes of such execution, maintenance, repair or use of the said works and if any such obstruction, hindrance or interference is caused or takes place the appropriate authority shall, notwithstanding any approval as aforesaid, pay to the

commission all reasonable costs and expenses to which the commission may be put as well as compensation for any loss sustained by the commission by reason of any such obstruction, hindrance or interference:

PART IV
—cont.

(5) The appropriate authority shall construct the said works in accordance with the following conditions:—

(a) where Work No. 1 extends over the tunnel works of the commission at or near the existing street level of Dock Street, Dundee, the decking of the said tunnel works shall be reconstructed to a strength adequate for the support of the said work and the traffic to be carried thereon;

(b) Work No. 2 where it extends over the said tunnel works shall be constructed wholly on a viaduct structure founded and carried independently of and in such a manner as will place no additional loading on the said tunnel works;

(c) all work which shall be considered necessary by an engineer appointed for the purpose by the commission (hereinafter in this section referred to as “the engineer”) for the support and protection of the existing decking and walls of the said tunnel works shall be undertaken by and at the expense of the appropriate authority when required to do so by the commission;

(d) Works Nos. 4 and 5 shall be constructed below the railway of the commission and the bridge carrying the said railway over the said works shall be maintained by the commission and the cost reasonably incurred by them in so doing shall be borne by the appropriate authority;

(e) Work No. 9, where it crosses the railway of the commission, shall be carried by a bridge of one span over the commission’s railways having a clear headway of not less than sixteen feet from the highest rail to the lowest part of the overbridge decking superstructure and having a lateral clearance of not less than six feet from the outside edge of the eastmost and westmost rails respectively and the outside edge of the scarcement or foundation of the bridge abutments nearest to the said rails:

(6) Where the abutments, piers and supports of the overline bridge are placed on property of the commission they shall be placed in such positions and be subject to such terms and conditions as shall be reasonably prescribed by the commission and the construction of the overline bridge so far as it is over or upon the property of the commission shall, when commenced, so far as is reasonably practicable, be carried on continuously and be completed with the utmost dispatch and all temporary works in connection therewith shall be removed from the property of the commission as soon as possible after the permanent works have been completed:

PART IV
—cont.

- (7) The appropriate authority shall not less than twenty-eight days before they commence the construction of any part of the said works which will or may be carried across, under or over the property of the commission, furnish to the commission proper and sufficient plans, sections, drawings and specifications thereof for the reasonable approval of the engineer:

Provided that if the engineer does not signify his disapproval of any such plans, sections, drawings and specifications within twenty-one days after they have been submitted to him he shall be deemed to have approved thereof:

- (8) Before the appropriate authority commence the construction of any of the said works any temporary works which may be necessary to ensure the safety of the traffic on the railways of the commission may, after not less than seven days' written notice of their intention to carry out such temporary works has been given by the commission to the appropriate authority, be carried out by the commission and the costs and expenses reasonably incurred in connection therewith (including any compensation payable to any workmen or their legal representatives or dependants in respect of the injury or death of such workmen whilst employed by the commission in and about such works) shall be repaid to the commission by the appropriate authority:

Provided that the commission shall, in case of emergency, be entitled to carry out any such temporary works without giving the aforesaid written notice to the appropriate authority:

- (9) If by reason of the construction of any of the said works it becomes necessary to add to or alter any signal cabin, signal posts, signals or signalling apparatus, or any telegraph or telephone wires or works on the railway of the commission, the commission may make such additions and alterations and the reasonable expense of such additions and alterations shall be paid by the appropriate authority to the commission and any additional maintenance and renewal costs reasonably incurred by reason of such additions and alterations shall be borne by the appropriate authority either by way of annual payment or by a commuted sum to cover all future payments:
- (10) The said works so far as affecting property of the commission and all works necessary or incidental to the execution or construction thereof or affecting property of the commission shall be executed to the reasonable satisfaction of the engineer and the appropriate authority shall bear and pay to the commission all reasonable costs, charges and expenses incurred in connection with the employment by the commission of a sufficient number of inspectors, watchmen and signalmen to be appointed by the commission for inspecting, watching, lighting, and signalling the railway with reference to and during the period of construction, renewal or repair of the said works (as the case may be) and for preventing as

far as may be all interference, obstruction, danger or accident arising from any of the operations of the appropriate authority or from the acts or defaults of their contractors or of any person or persons in their employment or otherwise:

- (11) The appropriate authority shall at their own expense maintain the overline bridge and all other portions of the said works which may in any manner affect the property of the commission (including without prejudice to the foregoing generality the decking of the aforesaid tunnel works where the same are crossed by Work No. 1) in substantial repair and good order and condition to the reasonable satisfaction of the engineer but only so long as such maintenance may reasonably be required by the commission:

Provided that the commission may where they reasonably require to do so themselves carry out such maintenance to the satisfaction of the appropriate authority and the appropriate authority shall repay to the commission the reasonable expense incurred by the commission in so doing:

- (12) The appropriate authority shall be responsible for and make good to the commission all reasonable costs, charges, losses, damages and expenses not otherwise provided for which may be occasioned to the commission by reason of the construction, maintenance or failure of the said works or any of them over or adjacent to the property of the commission or of any act or omission of the appropriate authority or of any person in their employment or of their contractors or which may be occasioned to the commission by reason of any accident or mishap affecting the traffic on the property of the commission arising out of the construction, maintenance or failure of the said works and the appropriate authority shall effectually indemnify the commission from all claims and demands upon or against them by reason of such construction maintenance or failure or of any such act or omission:

Provided that the fact that any work or thing has been done in accordance with any plan, section or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the appropriate authority from any liability for damage as aforesaid or affect any claim of the commission for injury to the property of the commission or the traffic thereon save in so far as the same may arise by reason of any such requirement:

- (13) If at any time hereafter the commission are desirous of extending, widening or altering any part of their railway or sidings affected by the said works or of adapting their railways for working by electrical power the appropriate authority shall give to the commission all proper and reasonable facilities for that purpose including the right in connection with such electrification to make attachments to the said works subject to the reasonable approval of the appropriate authority:

PART IV
—cont.

- (14) If at any time either during the construction of the said works or after completion of the same the appropriate authority provide lights or illuminated traffic signals on any of the said works such lights or illuminated traffic signals shall be placed so as not to conflict in any way with the signalling arrangements, present or future, of the commission:
- (15) The appropriate authority shall not in the construction, alteration, maintenance, renewal or use of the said works render less convenient the access to any station, depot or property of the commission and the appropriate authority shall at all times during the execution of the said works or any of them provide reasonable access for vehicular and pedestrian traffic going to, or coming from, any existing station or depot of the commission:
- (16) If as a result of mineral workings or by reason of any defect in the structure or foundations of the overline bridge to be constructed over the said railways and sidings of the commission any subsidence occurs by which the level of such overline bridge is lowered so that the headway of not less than sixteen feet measured from the upper surface of the rails is not maintained, the appropriate authority shall, at their own cost, when called upon by the commission to do so, raise or lift the said overline bridge over the railways and sidings of the commission to the height required or take such other means as may be necessary to maintain such headway:
- (17) If the commission purchase or pay compensation for any minerals required to be left unworked for the protection or safety of the railways or works of the commission and it is agreed or, in case of difference, determined by an arbiter to be appointed as hereinafter provided that the purchase of such minerals affords protection or safety to any of the said works constructed under the powers of this Order, the appropriate authority shall on demand pay to the commission a suitable proportion of the amount paid by the commission for or in respect of such minerals together with a like proportion of all costs and expenses reasonably incurred by them in relation to any such purchase or payment of compensation, and if the appropriate authority purchase or pay compensation for any minerals required to be left unworked for the protection or safety of any of the said works constructed under the powers of this Order and it is agreed or, in case of difference, determined by an arbiter to be appointed as hereinafter provided that the purchase of such minerals affords protection or safety to the railways and works of the commission then the commission shall on demand pay to the appropriate authority a suitable proportion of the amount paid by the appropriate authority for or in respect of such minerals together with a like proportion of all costs and expenses reasonably incurred by them in relation to any such purchase or payment of compensation:

(18) Any question or difference between the appropriate authority and the commission arising under this section, except under subsection (3) hereof, shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

PART IV
—cont.

PART V

LANDS

49.—(1) 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 for the purposes of the works, including the improvement and development of any lands fronting or abutting on or adjacent to any street or for the purposes of recouplement or exchange or for any other purposes of this Order. Power to take lands.

(2) If the Joint Board in exercise of the powers of this section acquire any land in which any electric lines or works as defined in section 32 of the Electric Lighting Act, 1882, mains, pipes or other apparatus belonging to any statutory undertakers (hereinafter in this section referred to as “apparatus”) are placed that apparatus shall not be removed nor shall any right of the said undertakers to use, maintain, repair, renew or inspect that apparatus in that land be extinguished until alternative apparatus adequate to enable the undertakers concerned to fulfil their statutory functions in a manner not less efficient than previously shall have been constructed and be in operation to the reasonable satisfaction of the said undertakers:

Provided that the provisions of this subsection shall not apply in the event of the said undertakers not providing such alternative apparatus within a reasonable time.

(3) Any difference arising between the Joint Board and any statutory undertakers under subsection (2) of this section shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

(4) The provisions of section 12 (For protection of electricity and gas boards) of this Order shall for the protection of each of the electricity boards and the gas board therein mentioned apply and have effect with respect to the provision of adequate alternative apparatus under this section as if the said provisions were, with any necessary modifications, incorporated in this section.

50.—(1) For the purposes of this Order, the following provisions of this section shall have effect in substitution for section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845. Acquisition of part only of certain properties.

(2) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if

PART V
—cont.

he is willing and able to sell the whole of the house, building, factory, park or garden unless the sheriff, or an arbiter appointed by him, determines—

- (a) in the case of a house, building or factory that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or
- (b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the sheriff, or an arbiter appointed by him, determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Joint Board that part of the house, building, factory, park or garden.

Persons under disability may grant servitudes, etc.

51.—(1) Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may, if they think fit, subject to the provisions of those Acts and of this Order, grant to the Joint Board 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 any of the purposes of this Order in, over or affecting any such lands.

(2) The provisions of the said Acts with respect to lands and feuduties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes, rights and privileges as aforesaid respectively.

Extinction of private rights of way over lands compulsorily acquired.

52.—(1) 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.

(2) The Joint Board shall make compensation to all parties interested in respect of any such rights.

(3) Such compensation, in the case of difference, shall be determined by an official arbiter under the Acquisition of Land (Assessment of Compensation) Act, 1919.

Power to enter upon lands and buildings for survey and valuation.

53. The Joint Board and their surveyors and officers, and any other person duly authorised in writing under the hand of the clerk of the Joint Board, may, at all reasonable times in the day upon giving on the first occasion seven days' and on subsequent occasions three days' previous notice in writing to the occupier, enter upon and into the lands and buildings by this Order authorised to be taken or used or any of them for the purpose of surveying and valuing the said lands and buildings, without being subject or liable to any fine, penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Further powers as to entry on lands.

54.—(1) The powers of entry upon lands conferred upon the Joint Board and their surveyors, officers and others by the immediately preceding section of this Order shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that such power shall not be exercised with respect to any land unless notice of the intention of the Joint Board to do so has been included, and the nature of the operations proposed to be carried out has been specified, in the notice required to be given to the occupier of the land pursuant to the immediately preceding section of this Order and in any such case the Joint Board shall not be required to give further notice in respect of any subsequent entry on the land for the purposes of carrying out the operations specified in the notice.

(2) In the exercise of the powers conferred by this section, the Joint Board shall cause as little detriment and inconvenience to any person as circumstances allow and shall make compensation to the owners and occupiers of any lands or the owners of any services injuriously affected by the exercise of such powers, such compensation, in case of difference, to be determined by an official arbiter under the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) If any land to which this section applies is operational land held by any statutory undertakers and those undertakers object to the exercise of the powers of this section with respect to such land held by them on the ground that the exercise of such powers would be seriously detrimental to the carrying on of their undertaking, the said powers shall not be exercised, except with the authority of the appropriate Minister.

(4) For the purposes of this section "appropriate Minister" has the same meaning as in section 113 of the Town and Country Planning (Scotland) Act, 1947.

55. Where the Joint Board are by this Order authorised to purchase land compulsorily then at any time after notice to treat has been served, they may, after giving to the owner and occupier of the land not less than one month's notice in writing, enter on and take possession of the land or such part thereof as is specified in the notice, without previous consent or compliance with the provisions of sections 83 to 88 of the Lands Clauses Consolidation (Scotland) Act, 1845, but subject to payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Power of
entry on lands
compulsorily
acquired.

56. In determining the amount of compensation or purchase money to be paid by the Joint Board in respect of the acquisition under this Order of any part of the lands of any person or any servitude or right in such lands, the enhancement in value of the adjoining lands of such person not so acquired, or of any other lands of such person which are contiguous with such adjoining lands, or of any lands in which only a servitude or right is acquired, arising out of the execution of the works shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to be
set off against
compensation.

57. In settling any question of disputed purchase money or compensation under this Order the tribunal settling the same shall not award any sum of money for or in respect of any improvement, alteration or building made, or for, or in respect of, any interest in lands created after the twentieth day of November nineteen hundred and sixty-one if, in the opinion of such tribunal, the improvement, alteration or

Compensation
in cases of
recently
altered
buildings.

PART V
—cont.

building, or the creation of the interest, in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing purchase money or compensation under this Order.

Agreements with owners of property.

58. Subject to the provisions of this Order, the Joint Board may, in connection with the powers granted to them by this Order, enter into and carry into effect agreements with any owners of property or other persons interested in lands, houses or property any part of which is shown on the deposited plans, with respect to the purchase by the Joint Board of any such lands, houses or property or any rights or servitudes in, over or affecting the same for such consideration, being a sum of money in gross or a grant of land or partly money and partly land, as may be agreed upon between the Joint Board and such owners or other persons.

Power to reinstate owners of property.

59. The Joint Board may enter into and carry into effect agreements with the owners of, or other persons interested in, any land which may be acquired under the provisions of this Order, or which may be in the neighbourhood of any of the works, with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Joint Board may pay or receive money for equality of exchange.

Period for compulsory purchase of lands.

60. The powers of the Joint Board under section 49 (Power to take lands) of this Order for the compulsory purchase of lands for the purposes of this Order shall cease on the thirty-first day of December nineteen hundred and sixty-seven.

Powers as to acquisition and utilisation of lands.

61.—(1) In addition to the lands which the Joint Board are authorised to acquire by section 49 (Power to take lands) of this Order, the Joint Board may acquire, by agreement, any land required for the purposes of the undertaking.

(2) (a) The Joint Board may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require—

- (i) for the purpose of forming junctions between any of the works and any roads or streets and of improving the works; and
- (ii) for the purposes of section 105 (Power to provide car parks, etc.) of this Order;

and may utilise any such land and any other land vested in the Joint Board for such purposes respectively and also, in the case of land acquired for the purpose mentioned in the foregoing sub-paragraph (i), for the purposes of section 14 (Subsidiary works in Firth of Tay and elsewhere) and section 15 (Subsidiary works in connection with streets, etc.) of this Order.

(b) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such compulsory purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act.

(3) Nothing in this section shall authorise the compulsory acquisition of any operational land of any statutory undertakers.

62.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act, 1845, the Joint Board may retain, hold and use for such time as they think fit, or may from time to time sell, feu, lease, excamb or otherwise dispose of any land vested in or belonging to them for the purpose of the undertaking or that may be acquired under the provisions of this Order and that on such terms, conditions, reservations and restrictions as regards its use (not inconsistent with any condition, restriction or obligation binding on the Joint Board and their successors in title) as to the Joint Board may seem fit.

PART V
—cont.

Power to
retain, sell,
etc. lands.

(2) The proceeds of the sale of any lands by the Joint Board shall be applied only to the purposes of the undertaking to which capital is properly applicable, including the redemption of debt.

(3) The Joint Board shall not, without the consent of the Secretary of State, sell, feu, lease, excamb or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than that determined by the district valuer.

(4) A purchaser, feuar or lessee shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained.

63.—(1) If the deposited plans, or the deposited book of reference, are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Joint Board, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to the sheriff of the county in which the land is situated for the correction thereof.

Correction of
errors in
deposited plans
and book of
reference.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office, House of Commons, and with the sheriff clerk of the county and with the town clerk of the city or of the burgh or with the county clerk of the county 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 in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

PART VI FINANCE

64. For the purposes of this Part of this Order—

Definitions for
Part VI of
Order.

“ Councils' contribution towards the capital expenditure ” means the sum or sums to be advanced by the Councils to the Joint Board in pursuance of the provisions of section 66 (Advances by Councils to Joint Board) of this Order and “ Council's contribution towards the capital expenditure ” in relation to any of the Councils means the sum or sums to be advanced to the Joint Board by that Council towards the capital expenditure;

PART VI
—cont.

“ capital expenditure ” means the cost of the construction of the works and of the acquisition of lands, servitudes and other rights in connection therewith, together with all other payments of a capital nature made by the Joint Board pursuant to the provisions of this Order including, without prejudice to the foregoing generality—

(a) payments made, or deemed to have been made, by the Joint Board, or deemed to be part of the capital expenditure in accordance with the following provisions of this Order:—

Section 16 (Closing of Earl Grey Dock, etc.);

Section 17 (As to certain works carried out by the Corporation or by Fife County Council);

Paragraph (i) of subsection (5) and paragraph (a) of subsection (7) of section 46 (Abandonment of ferry);

Section 67 (Certain expenditure by Councils to be deemed part of capital expenditure);

Section 68 (Capitalisation by Joint Board of interest and expenses on advances by Councils);

Section 76 (Schemes made by order of Secretary of State); and,

if the Joint Board think fit,

Section 104 (Power of Joint Board to meet the cost of, or contribute to improvement of, certain roads);

(b) any sums paid to the Harbour Trustees in accordance with the provisions of section 121 (Joint Board to meet cost of additional dredging due to existence of bridge or works) of this Order, in respect of additional dredging carried out before the opening of the bridge;

(c) all sums (including preliminary engineering and surveying fees) paid under section 127 (Costs of Order) of this Order; and

(d) such sums as may be required to meet the administrative expenses of the Joint Board (including interest on money borrowed by them under the provisions of section 73 (Temporary borrowing by Joint Board) of this Order) from the commencement of this Order until the opening of the bridge.

Confirming financial arrangements relative to undertaking.

65. The general arrangements relating to the financing of the construction of the bridge and of the undertaking as set forth in the Second Schedule to this Order are hereby confirmed and made binding:

Provided that in the event of any inconsistency between the provisions of the said schedule and the provisions of this Part of this Order, the provisions of this Part of this Order shall prevail.

Advances by Councils to Joint Board.

66.—(1) The Councils shall advance to the Joint Board, and shall on requisition as hereinafter provided remit to the Joint Board, towards the capital expenditure—

(a) the sum of two million five hundred thousand pounds together with the amount of interest accrued and expenses incurred

thereon from the date or dates of the borrowing by the Councils for the purpose of making the advances to the opening of the bridge; and

- (b) such further sum not exceeding one-quarter of the amount by which the capital expenditure exceeds two million five hundred thousand pounds up to a maximum amount of five hundred thousand pounds as may be necessary (together with the said sum of two million five hundred thousand pounds and the sum not exceeding one million five hundred thousand pounds to be lent to the Joint Board by the Secretary of State as provided by this Order) to meet the capital expenditure up to a maximum amount of four million five hundred thousand pounds.

(2) Unless otherwise agreed by the Councils, the said sums shall be advanced by the Councils in the proportions (in this Order referred to as “the agreed proportions”) following, that is to say:—

In the case of—

(a) the Corporation	sixty-three per centum
(b) Fife County Council	twenty-seven per centum
(c) Angus County Council	ten per centum.

(3) (a) The Joint Board shall pay to the Councils interest on the sums to be advanced from time to time by the Councils to the Joint Board as may be agreed by the Joint Board and the Councils so as to reimburse the Councils for all interest payments borne by them on the moneys borrowed by them for the purpose of making the advances.

(b) Such payments of interest to the Councils shall be made not later than the dates on which the corresponding interest payments fall to be made by the Councils in respect of the moneys borrowed by them for the purpose of making the advances.

(4) In the case of each of the Councils, the Council's contribution towards the capital expenditure shall be deemed to be expenditure payable wholly out of rates and shall be deemed to have been incurred by that Council for the purpose of the construction of a new classified road within the area of that Council.

67. All expenditure incurred by the Councils after the sixteenth day of May nineteen hundred and sixty, in, or in connection with, the carrying out, by or at the instance of the Councils, of bores and investigations of the line and site of the piers of the proposed bridge and of experimental work with the tidal model of the port and harbour of Dundee belonging to the Harbour Trustees, or in any other manner with a view to ascertaining the effect as regards silting, erosion or the creation of shoals, of the erection in or on the banks of the Firth of Tay of piers, abutments or other structures shall for the purposes of this Part of this Order be deemed to form part of the capital expenditure and shall be repaid by the Joint Board to the Councils, or any of them by which such expenditure was defrayed, within one year from the commencement of this Order.

Certain expenditure by Councils to be deemed part of capital expenditure.

PART VI
—cont.

Capitalisation
by Joint Board
of interest and
expenses on
advances by
Councils.

Requisitions
for Councils'
contributions
towards
capital
expenditure.

68. The Joint Board may during the period prior to the opening of the bridge charge as capital expenditure the payments of interest on the sums advanced by the Councils under the provisions of this Order and the expenses incurred by the Councils in connection with the borrowing of moneys for the purpose of making such advances.

69.—(1) Subject to the provisions of this Order, the Joint Board shall at such times as they deem expedient cause a requisition to be sent to each of the Councils.

(2) Such requisition shall—

(a) specify the amount required to be advanced to the Joint Board by that Council as part of that Council's contribution towards the capital expenditure;

(b) state the purpose for which the money requisitioned is required; and

(c) specify the time at which the money so requisitioned is to be remitted to the Joint Board.

(3) The amount specified in any such requisition shall, at or before the date for remitting the same specified in the requisition (being a date not later than two months after the date of the requisition), be remitted by the Council concerned to the Joint Board and shall be deemed to be a debt due by that Council to the Joint Board as from the said date.

Power of
Councils to
borrow.

70.—(1) Each of the Councils may from time to time borrow such sums as may be required for the purpose of enabling the Council to advance to the Joint Board the Council's contribution towards the capital expenditure.

(2) Subject to the provisions of this Order, any sum borrowed by a Council under this section shall be deemed to have been borrowed for the purpose of defraying expenditure payable wholly out of rates incurred by that Council for the purpose of the construction of a new classified road within the area of that Council.

Redemption of
debt incurred
by Councils.

71. Moneys borrowed by a Council for the purpose of enabling that Council to advance to the Joint Board that Council's contribution towards the capital expenditure shall be wholly repaid within a period of sixty years from the opening of the bridge (or within such shorter period as may be appropriate having regard to the period shorter than sixty years (if any) determined by the Joint Board under the provisions of section 74 (Repayment by Joint Board of moneys borrowed from Councils and from Secretary of State) of this Order for the repayment of money borrowed by them) and shall be repaid by them on an annuity basis (that is to say) by equal yearly or half-yearly instalments of principal and interest combined, or by means of a sinking fund, or partly by one of these methods and partly by the other of them:

Provided that for the purposes of this Order any of the Councils may notwithstanding anything in any enactment defer for the period not exceeding one year after the opening of the bridge and no longer any repayment of instalments of principal moneys borrowed by them and advanced to the Joint Board under the provisions of this Order.

72.—(1) The Joint Board may from time to time borrow from the Secretary of State such sums, not exceeding three-quarters of the amount by which the capital expenditure exceeds two million five hundred thousand pounds up to a maximum amount of one million five hundred thousand pounds, as may, together with the sums to be advanced by the Councils under section 66 (Advances by Councils to Joint Board) of this Order, be sufficient to meet the capital expenditure up to a maximum amount of four million five hundred thousand pounds.

PART VI
—cont.
Borrowing by
Joint Board
from Secretary
of State.

(2) The sums to be borrowed by the Joint Board from the Secretary of State as aforesaid shall be advanced in such manner that the amount from time to time borrowed shall bear to the sums from time to time advanced by the Councils in respect of the sum of five hundred thousand pounds in accordance with the provisions of section 69 (Requisitions for Councils' contributions towards capital expenditure) of this Order the proportion of three to one.

(3) The rate of interest payable by the Joint Board on the sums to be borrowed from time to time by the Joint Board from the Secretary of State as aforesaid shall be the current rate of interest chargeable at the date or dates of borrowing on loans for a comparable period from the local loans fund to local authorities on the security of local rates or such other rate as the Secretary of State may with the consent of the Treasury determine, and interest calculated at such rate shall be paid as and when the revenues of the undertaking are sufficient to pay the same in accordance with the provisions of section 81 (Application of revenues of undertaking) of this Order.

73.—(1) The Joint Board may borrow such sums as may be required by the Joint Board to provide temporarily for—

Temporary
borrowing by
Joint Board.

(a) current expenditure of an annual nature; and

(b) capital expenditure pending the receipt of advances from the Councils or loans from the Secretary of State;

required to be incurred for the purposes of the undertaking.

(2) All moneys borrowed under paragraph (a) of subsection (1) of this section shall be repaid before the expiry of the financial year in which such moneys have been borrowed and all moneys borrowed under paragraph (b) of subsection (1) of this section shall be repaid as soon as reasonably practicable after the advances or loans, in anticipation of which the moneys have been so borrowed, have been received by the Joint Board.

74.—(1) All moneys advanced by the Councils to the Joint Board in pursuance of section 66 (Advances by Councils to Joint Board) of this Order, together with interest accrued thereon and expenses incurred by the Councils relative thereto, shall be repaid by the Joint Board within a period of sixty years from the opening of the bridge (or within such shorter period as the Joint Board may, with the consent of the Secretary of State and of the Councils, at any time determine as being appropriate having regard to the revenue of the undertaking) on an annuity basis (that is to say) by equal yearly or half-yearly instalments of capital and interest combined, or by means of a sinking fund, or partly by one of these methods and partly by the other.

Repayment by
Joint Board of
moneys
borrowed from
Councils and
from Secretary
of State.

(2) The payments to be made by the Joint Board to the Councils under subsection (1) of this section in respect of the repayment of

PART VI
—cont.

advances shall be made not later than the dates on which the corresponding payments fall to be made by the Councils in respect of the redemption of moneys borrowed by them for the purpose of making the advances.

(3) All payments made by the Joint Board to the Councils under subsection (1) of this section shall be deemed to be capital payments.

(4) All moneys borrowed by the Joint Board from the Secretary of State in pursuance of section 72 (Borrowing by Joint Board from Secretary of State) of this Order, together with interest accrued thereon, shall be repaid by the Joint Board within such period and by such methods as the Secretary of State may with the consent of the Treasury at any time prescribe as being appropriate having regard to the revenue of the undertaking.

As to excess
capital
expenditure
and
deficiencies in
revenue.

75.—(1) In the event of the capital expenditure exceeding the sum of four million five hundred thousand pounds, the amount by which the expenditure exceeds that figure (hereinafter called “the excess expenditure”) shall be defrayed in accordance with a scheme as provided for in section 76 (Schemes made by order of Secretary of State) of this Order.

(2) If in any of the first three years after the opening of the bridge the revenue received by the Joint Board from tolls under this Order, and all other income of the Joint Board, is not sufficient to meet the purposes (a), (b), (c), (d) and (e) specified in section 81 (Application of revenues of undertaking) of this Order, the deficiency may, if the Joint Board deem it expedient, be met by borrowing from the Councils.

(3) The Joint Board may, at such times as they deem it expedient, cause a requisition to be sent to each of the Councils in respect of such sums as may be necessary to meet such deficiency and the provisions of section 69 (Requisitions for Councils’ contributions towards capital expenditure) of this Order shall, with any necessary adaptations and modifications, extend and apply to requisitions by the Joint Board or the purposes of this section.

(4) Each of the Councils may from time to time borrow such sums as may be required for the purpose of enabling them to advance to the Joint Board the sums specified in any requisition made under the provisions of this section and the provisions of subsection (3) of section 66 (Advances by Councils to Joint Board), section 70 (Power of Councils to borrow), section 71 (Redemption of debt incurred by Councils) and subsections (1), (2) and (3) of section 74 (Repayment by Joint Board of moneys borrowed from Councils and from Secretary of State) of this Order shall, with any necessary adaptations and modifications, extend and apply with respect to any moneys borrowed by the Councils and advanced to the Joint Board under the provisions of this section as if such moneys formed part of the capital expenditure.

(5) All sums advanced by the Councils to the Joint Board shall be advanced in the agreed proportions.

(6) If, before the end of the third year after the opening of the bridge, the Joint Board are of the opinion that a deficiency in the revenue as aforesaid will occur in the fourth year, or in any subsequent year or

years after the opening of the bridge, the deficiency shall be met in accordance with a scheme as provided for in section 76 (Schemes made by order of Secretary of State) of this Order.

PART VI
—cont.

76.—(1) Any such scheme as is referred to in the foregoing section shall be agreed upon between the Joint Board and the Councils and approved by order made by the Secretary of State or, in the event of failure to agree, in accordance with an order made by the Secretary of State and may provide that such sums as may be necessary to meet the excess expenditure or the deficiency as the case may be, may be borrowed either wholly from the Secretary of State or the Councils or partly from the Secretary of State and partly from the Councils and may confirm or vary the order of ranking specified in section 81 (Application of revenues of undertaking) of this Order.

Schemes made
by order of
Secretary of
State.

(2) Any such scheme may authorise the Councils to borrow money and to advance such money to the Joint Board and may apply, subject to such adaptations and modifications as may be necessary, the provisions of this Part of this Order with respect to the borrowing of money by the Councils, the advancing or lending of money to the Joint Board and the repayment thereof by the Joint Board together with interest thereon and expenses incurred in connection with any such advances:

Provided that where any such scheme provides for sums being borrowed by the Joint Board from the Councils, the amount to be advanced by the Councils to the Joint Board shall be advanced in the agreed proportions.

(3) The power to make orders conferred on the Secretary of State by this section shall be exercisable by statutory instrument and no such order shall be made unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(4) Any such order may be amended or revoked by a subsequent order made in like manner and subject to the like conditions.

77. The financial year of the Joint Board shall be the year commencing on the sixteenth day of May and ending on the fifteenth day of May in the year immediately following.

Financial year
of Joint Board.

78.—(1) The Joint Board shall establish and administer a fund to be called "the general fund".

General fund

(2) All money received by the Joint Board whether on capital or revenue account shall be credited to and form part of the general fund.

(3) The money received and to be credited as aforesaid shall include (but without prejudice to the generality of the preceding subsection) interest and other annual proceeds from time to time received by the Joint Board on the investments or balances forming part of any funds established by them.

(4) All interest on moneys borrowed and other payments, whether on capital or revenue account, made and incurred by the Joint Board in carrying into execution the powers and provisions of this Order shall be paid or transferred out of the general fund.

PART VI
—cont.

(5) Such payments or transfers shall include (but without prejudice to the generality of the preceding subsection) all sums required by law to be paid, applied or transferred or which the Joint Board may determine to apply or transfer to any funds established by them.

(6) Nothing in this section shall authorise the Joint Board to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

General reserve
fund.

79.—(1) The Joint Board may establish and maintain a fund to be called “the general reserve fund”.

(2) There shall be transferred to the general reserve fund, out of the general fund, such sums as the Joint Board may, with the consent of the Secretary of State, from time to time determine.

(3) The amount standing to the credit of the general reserve fund shall not exceed one million pounds, or such other amount as may be agreed between the Joint Board and the Secretary of State.

(4) The general reserve fund shall be applicable to meet the cost of major works of improvement or renewal of the undertaking and any deficit on revenue account.

Investment of
general reserve
fund.

80. Moneys at any time standing to the credit of the general reserve fund shall, from time to time, be invested in or upon any investments in which trustees are for the time being authorised to invest trust funds.

Application of
revenues of
undertaking.

81.—(1) The revenue received by the Joint Board from tolls under this Order, and all other income of the Joint Board shall be applied for the purposes and in the order following and not otherwise and, so far as appropriate, in the agreed proportions:—

- (a) In defraying the expense of the administration, management, carrying on, operation, maintenance and repair of the undertaking, including the payment of any sums to be paid to the Harbour Trustees in accordance with the provisions of section 121 (Joint Board to meet cost of additional dredging due to existence of bridge or works) of this Order in respect of additional dredging carried out after the opening of the bridge;
- (b) In payment of the interest on money borrowed by the Joint Board under the powers of section 73 (Temporary borrowing by Joint Board) of this Order;
- (c) In payment of any sums to be paid to the Harbour Trustees under the provisions of paragraph (ii) of subsection (5) of section 46 (Abandonment of ferry) of this Order;
- (d) In repayment of the loan charges on the sum of two million five hundred thousand pounds, together with the interest accrued and expenses incurred by the Councils in connection therewith from the date or dates of borrowing to the opening

of the bridge, advanced to the Joint Board by the Councils in pursuance of the provisions of section 66 (Advances by Councils to Joint Board) of this Order;

- (e) In repayment of the loan charges on the sum of five hundred thousand pounds (or so much thereof as has been advanced by the Councils to the Joint Board), together with the interest accrued and expenses incurred by the Councils in connection therewith from the date or dates of borrowing to the opening of the bridge, advanced to the Joint Board by the Councils in pursuance of the provisions of section 66 (Advances by Councils to Joint Board) of this Order;
- (f) In payment of annual sums for the repayment in accordance with the provisions of subsection (4) of section 74 (Repayment by Joint Board of moneys borrowed from Councils and from Secretary of State) of this Order of moneys lent by the Secretary of State to the Joint Board in pursuance of the provisions of section 72 (Borrowing by Joint Board from Secretary of State) of this Order, together with the interest accrued thereon from the date or dates of lending to such date or dates as the revenues received are sufficient to meet such interest and in repayment of the loan charges on any sums advanced to the Joint Board by the Councils in pursuance of subsection (2) of section 75 (As to excess capital expenditure and deficiencies in revenue) of this Order, together with the interest accrued and expenses incurred by the Councils in connection with any such advances;
- (g) In repayment of the loan charges on any sums advanced to the Joint Board by the Councils to meet any excess expenditure or deficit as the case may be in accordance with any scheme made by order of the Secretary of State in terms of section 76 (Schemes made by order of Secretary of State) of this Order, together with the interest accrued thereon and expenses incurred by the Councils in connection therewith from the date or dates of borrowing to the date or dates which may be specified in the said scheme;
- (h) In payment of annual sums for the repayment of any sums lent to the Joint Board by the Secretary of State to meet any excess expenditure or deficit as the case may be in accordance with any scheme made by order of the Secretary of State in terms of section 76 (Schemes made by order of Secretary of State) of this Order, together with the interest accrued thereon from the date or dates of lending to the date or dates which may be specified in the said scheme;
- (i) In making contributions to any general reserve fund established by the Joint Board under section 79 (General reserve fund) of this Order;
- (j) If the Joint Board think fit in acceleration of the redemption of capital moneys advanced by the Councils or borrowed from the Secretary of State as provided by the words beginning " or within such shorter period " in subsection (1) of section 74 (Repayment by Joint Board of moneys borrowed from Councils and from Secretary of State) of this Order.

PART VI
—cont.

(2) For the purposes of this section “loan charges” means the annual payments in respect of the redemption of moneys borrowed by the Councils, including the interest thereon and expenses of the Councils in connection therewith.

Accounts.

82.—(1) The Joint Board shall cause the accounts of the general fund and of all other funds established by them to be kept in such a manner as—

- (a) to distinguish capital from revenue; and
- (b) to show all revenue and expenditure, whether on capital or revenue account, in respect of the financial year to which the accounts relate.

(2) In the accounts of the Joint Board there shall be carried to the credit of the general reserve fund established by them sums equivalent to the interest received by them on the investments or balances forming part of that fund.

(3) Further sums in respect of such interest shall not be so carried to the credit of the general reserve fund as from the date upon which that fund reaches the maximum amount authorised by this Order.

Accounts to be
made up
yearly.

83.—(1) Immediately after the end of each financial year, the accounts of the Joint Board for that year shall be brought to a balance and a balance sheet shall be prepared with respect thereto.

(2) The accounts and balance sheets shall be made up so as to exhibit a complete statement showing with regard to each account the income and expenditure and the assets and liabilities.

(3) The accounts shall be completed and signed by the treasurer of the Joint Board on or before the thirty-first day of August first occurring after the end of the financial year to which the accounts relate.

Audit of
accounts.

84. The provisions of Part X (which relates to the audit of accounts of local authorities) of the Act of 1947 with respect to the audit of the accounts of a local authority shall, with all necessary modifications, apply to the accounts of the Joint Board in like manner as they apply to the accounts of a local authority.

Audited
accounts to be
laid before
Joint Board.

85.—(1) The audited abstract of the accounts together with the auditor’s report thereon shall be submitted to a meeting of the Joint Board to be held not later than the thirty-first day of October first occurring after the end of the financial year to which the accounts relate.

(2) The said accounts, if and as approved by the Joint Board, shall be—

- (a) signed by the chairman of the meeting and by the clerk of the Joint Board; and
- (b) deposited with the clerk of the Joint Board, or such other officer as the Joint Board may designate.

86. As soon as practicable after the meeting of the Joint Board to which the said abstract of accounts and the auditor's report thereon have been submitted, the clerk of the Joint Board shall send a copy thereof to each of the Councils and to the Secretary of State.

PART VI

—cont.

Copies of audited accounts to be sent to Councils and to Secretary of State.

PART VII

TOLLS

87.—(1) As from the opening of the bridge the Joint Board shall demand, take and recover in respect of traffic using the bridge, the tolls specified in a schedule of tolls to be approved by the Secretary of State as hereinafter provided in this section.

Schedule of tolls to be fixed by Secretary of State.

(2) Not more than twelve months nor less than six months before the probable date of the opening of the bridge the Joint Board shall submit to the Secretary of State for his approval a schedule of the tolls proposed to be demanded, taken and recovered by the Joint Board in respect of traffic using the bridge.

(3) The Secretary of State may approve such schedule with or without modifications.

88.—(1) If at any time after the expiry of twelve months from the opening of the bridge—

Revision of tolls.

(a) the Secretary of State, after consultation with the Joint Board and after taking into consideration any representations made to him by the Joint Board, is of opinion; or

(b) it is represented in writing to the Secretary of State—

- (i) by any representative body of traders or of owners or users of vehicles or by any person who in the opinion of the Secretary of State is a proper person for the purpose; or
- (ii) by any of the Councils; or
- (iii) by the Joint Board;

that, in the circumstances then existing, all or any of the authorised tolls should be revised, the Secretary of State may, if he thinks fit, make an order revising all or any of the authorised tolls and may fix the date as from which such order shall take effect.

(2) As soon as may be after the receipt by the Secretary of State of a representation pursuant to paragraph (b) of subsection (1) of this section from any body or person other than the Joint Board, the Secretary of State shall send a copy of the representation to the Joint Board.

(3) Before making an order under the provisions of this section, the Secretary of State shall give to the Joint Board notice of his intention to make such order and of the effect thereof.

(4) Every such order shall remain in force until it expires or is revoked or modified by a further order made by the Secretary of State in pursuance of this section.

PART VII
—cont.

(5) For the purposes of this section “ authorised tolls ” means the tolls for the time being authorised to be demanded, taken and recovered by the Joint Board in pursuance of this Order, or any order made under this section.

Notice of fixing or revision of tolls and inquiries.

89.—(1) The Joint Board shall as soon as may be after—

- (a) the submission by them to the Secretary of State of a schedule of tolls in pursuance of subsection (2) of section 87 (Schedule of tolls to be fixed by Secretary of State) of this Order;
- (b) the receipt by them of a notice from the Secretary of State of his intention to make an order in pursuance of paragraph (a) of subsection (1) of section 88 (Revision of tolls) of this Order; or
- (c) the making of any representation by them or the receipt by them of a copy of any representation made in pursuance of paragraph (b) of subsection (1) of the said section 88;

publish a notice with respect thereto in the Edinburgh Gazette and in such one or more newspapers as the Secretary of State may specify.

(2) Such notice shall, as the case may require, state—

- (a) (i) that a schedule of tolls has been submitted by them to the Secretary of State, the places at which copies of the proposed schedule may be inspected free of charge and copies thereof purchased and the price of such copies;
- (ii) that such notice of the intention of the Secretary of State to make an order has been received by them and the general effect thereof; and
- (iii) that a representation has been made to the Secretary of State as aforesaid and the general effect thereof; and
- (b) the date (being not less than forty-two days and not more than forty-eight days after the first publication of the notice) by which objection to the said proposed schedule, or to the proposal of the Secretary of State, or to the representation (as the case may be), may be made in writing to the Secretary of State.

(3) Before exercising his powers under subsection (3) of the said section 87, or making an order under the said section 88, the Secretary of State shall, if requested to do so in writing by the Joint Board, or by any of the Councils, or by any body who made objection as aforesaid, and has not withdrawn such objection, and in any other case if he thinks it necessary or desirable, cause a local inquiry to be held, and the provisions of section 355 of the Act of 1947 shall apply to any such inquiry.

Schedule of tolls to be exhibited.

90. The Joint Board shall keep continuously exhibited in a conspicuous place at or near the places where the tolls authorised by this Order to be demanded and taken shall be payable, a schedule of the tolls in force for the time being.

91. Notwithstanding anything in this Part of this Order, the Joint Board may demand, take and recover in respect of vehicles using the bridge in special circumstances, or for any special services rendered in connection therewith such reasonable fees or charges as may from time to time be fixed by the Joint Board.

PART VII
—cont.
Special charges, etc. for vehicles in special circumstances.

92.—(1) The tolls by this Order authorised to be demanded and taken shall be paid to such persons and at such places and in such manner as the Joint Board may prescribe.

As to payment of tolls.

(2) The Joint Board may recover such tolls by action in any court of competent jurisdiction.

93. The Joint Board may in exchange for the payment of any toll hand a ticket or token to any person intending to pass over or on the bridge, and any person to whom a ticket or token is so handed may be required, on demand, to deliver up such ticket or token to the toll collector or other person appointed by the Joint Board to collect the same at such place or places as the Joint Board may from time to time determine.

Tickets or tokens.

94. If a collector appointed by the Joint Board to receive the tolls by this Order authorised to be demanded and taken requires any person before using the bridge to pay the tolls due by him for the use he proposes to make of the bridge and that person refuses or neglects to pay such tolls or any part thereof the collector may refuse to permit the person so in default to use the bridge and may by himself, or with such assistance as he shall think necessary, stop and prevent the person so in default from using the bridge.

Persons may be prevented from using bridge on refusal to pay tolls.

95.—(1) The Joint Board may, subject to the approval of the Secretary of State, compound with any person using the bridge for his passage or for the passage of any other person or of any traffic over the bridge on such terms, and for such period, as may be agreed between the Joint Board and that person.

Power to compound for payment of tolls.

(2) If the Joint Board make a composition agreement with any person under this section, every other person using the bridge in like manner and in like circumstances may compound for the tolls payable by him upon like terms to those contained in such agreement.

96. The Joint Board may, from time to time, provide, set up, maintain and remove such toll houses, offices and other conveniences at or upon the bridge and the approaches thereto as they may consider to be necessary or convenient for the purposes of the undertaking.

Power to provide toll houses, etc.

97. If any person wilfully—

- (a) refuses, neglects or fails to pay; or
- (b) avoids payment of;

Penalty for failure to pay tolls.

PART VII
—cont.

any toll due by him by virtue of this Order, he shall, without prejudice to any remedy of the Joint Board for the recovery of such toll, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Exemption
from tolls.

98.—(1) Nothing in this Order shall prejudice any existing right of Her Majesty (including the exemptions and rights contained in section 184 of the Army Act, 1955, and section 184 of the Air Force Act, 1955).

(2) Nothing in this Order shall extend to authorise any tolls to be demanded or received from any person—

- (a) when on duty as a member of the naval forces of the Crown;
- (b) when on duty as a constable as defined in the Police (Scotland) Act, 1956;
- (c) when on duty as a member of one of the civil defence forces as defined in the Civil Defence Act, 1948;
- (d) when on duty as a member of a fire brigade maintained in pursuance of the Fire Services Act, 1947;
- (e) when on duty as an authorised officer or employee of the Corporation in connection with the inspection, maintenance, repair, renewal or replacement of any apparatus on the bridge belonging to the Corporation;
- (f) when in charge of a mail bag (as defined by the Post Office Act, 1953).

(3) The exemption conferred by this section shall also apply to—

- (a) any vehicle when being used in the service of the naval forces of the Crown or returning after being so used;
- (b) any other vehicle when being used in the service of the Crown or of the authority in whose service the person is engaged (as the case may be) by a person to whom exemption is granted by the last foregoing subsection or returning after being so used, and
- (c) any ambulance or other means of transport provided by the Secretary of State under the National Health Service (Scotland) Act, 1947.

(4) Nothing in this Order shall extend to authorise any tolls to be demanded or received—

- (a) from any member or any officer or servant of the Joint Board,
or
- (b) in respect of any vehicle of which he is in charge,

on any occasion on which the member, officer or servant (as the case may be) is engaged in carrying out the duties of his office or employment.

(5) If any person wilfully and with intent to defraud claims or takes the benefit of any exemption conferred by this section as aforesaid, without being entitled thereto, he shall be guilty of an offence and shall for every such offence be liable on summary conviction to a fine not exceeding twenty pounds.

PART VII
—cont.

99. So soon as all the payments comprehended in paragraphs (c) to (i) inclusive of subsection (1) of section 81 (Application of revenues of undertaking) of this Order have been made, the power to demand, take and recover tolls conferred by this Order shall cease and determine: Cesser of tolls.

Provided that the said power shall not be determined until adequate provision has been made for the continued administration, management, carrying on, operation, maintenance and repair of the undertaking, including the payment of any sums to be paid to the Harbour Trustees in accordance with the provisions of section 121 (Joint Board to meet cost of additional dredging due to existence of bridge or works) of this Order, in respect of additional dredging carried out after the opening of the bridge.

PART VIII

BYELAWS

100.—(1) The Joint Board may make byelaws (in this Part of this Order referred to as “the byelaws”)— Power to make byelaws.

- (a) for preventing injury or damage to the bridge;
- (b) for regulating the conduct of persons using the bridge;
- (c) for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines, carriages; vehicles and animals or other classes of traffic and for ensuring that road traffic shall not be unreasonably delayed;
- (d) for prohibiting the conveyance upon the bridge of any goods which may in the opinion of the Joint Board be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon or endanger the safety of the bridge or the passenger and other traffic carried thereon;
- (e) relating to the issue and inspection of tickets or tokens and the collection of tolls; and
- (f) generally for regulating and controlling the use of the bridge.

(2) If any person contravenes any byelaw made under this Order, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds and to a daily fine not exceeding forty shillings.

101.—(1) The byelaws shall be authenticated by being sealed with the common seal of the Joint Board and signed by the clerk of the Joint Board and shall not have effect until they are confirmed by the Secretary of State. Procedure for making byelaws.

PART VIII
—cont.

(2) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation, of the places where a copy of the byelaws may be inspected and of the authority to whom objections may be notified shall be given in a newspaper circulating in the areas of the Councils, or in such other manner as the Secretary of State, on the application of the Joint Board, may determine to be sufficient in the circumstances.

(3) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the Joint Board and at the offices of each of the Councils and shall at all reasonable hours be open to public inspection without payment.

(4) The Joint Board shall, on application, furnish to any person a copy of the byelaws or of any part thereof, on payment of such sum not exceeding sixpence for every hundred words contained in the copy as the Joint Board may determine.

(5) Any person aggrieved by any of the byelaws may, within one month after publication of the notice required to be given under subsection (2) of this section, notify in writing his objection and the ground of his objection to the Secretary of State, who shall consider the same before confirming the byelaws.

(6) The Secretary of State may, if he considers it necessary or desirable, before confirming the byelaws cause a local inquiry to be held.

(7) The Secretary of State may confirm with or without modification, or may refuse to confirm the byelaws and may fix the date on which the byelaws are to come into operation and, if a date is not so fixed, the byelaws shall come into operation at the expiration of one month from the date of their confirmation.

(8) The Joint Board shall, as soon as practicable after receiving intimation of the confirmation of the byelaws by the Secretary of State, cause a notice of such confirmation of the date on which the byelaws are to come into operation and of the places where a copy of the byelaws as confirmed may be inspected, be given in a newspaper circulating in the areas of the Councils or in such other manner as the Secretary of State may determine to be sufficient in the circumstances.

(9) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the Joint Board and at the offices of each of the Councils and shall at all reasonable hours be open to public inspection without payment and a copy thereof shall on application be furnished to any person on payment of such sum not exceeding one shilling for every copy as the Joint Board may determine.

Evidence of
byelaws.

102. The production of a copy of the byelaws, upon which is endorsed a certificate purporting to be signed by the clerk of the Joint Board stating—

(a) that the byelaws were made by the Joint Board;

- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State;
- (d) the date (if any) fixed by the Secretary of State for the coming into operation of the byelaws;

PART VIII
—cont.

shall, until the contrary is proved, be evidence of the facts stated in the certificate and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

PART IX

MISCELLANEOUS

103.—(1) (a) On the application of the Joint Board the Secretary of State may, by order, extend the periods referred to in section 60 (Period for compulsory purchase of lands) and section 41 (Period for completion of works) of this Order or either of such periods.

Extension of
time may be
authorised.

(b) Any such period which has been extended under the provisions of this subsection may, from time to time, be further extended by an order made by the Secretary of State on the application of the Joint Board under this subsection.

(2) (a) An order under this section shall be subject to special parliamentary procedure and accordingly an order under this section shall be deemed to be an order made in pursuance of an Act passed after the passing of the Statutory Orders (Special Procedure) Act, 1945.

(b) In the application of section 10 of the said Act to an order under this section, there shall be substituted for the requirements of the empowering enactment referred to in the said section 10, such requirements as to the service of notices and as to the time within which and the manner in which objections may be made to any application made by the Joint Board in pursuance of subsection (1) of this section as may be specified by the Secretary of State.

104. If, in the case of any road in the vicinity of the works and leading to or forming a junction with any of the works, the Joint Board are satisfied that the widening and improvement thereof would facilitate the flow of traffic to and from the bridge they may (in the event of any scheme of widening and improvement of such road or any portion thereof being carried out by the road authority having jurisdiction over such road or portion thereof in the exercise of the powers vested in them as road authority in accordance with plans, sections and specifications previously agreed upon between the Joint Board and such road authority), with the approval of the Secretary of State, defray the cost of the carrying out of any such scheme, or make such contribution to the said cost as may be agreed between the Joint Board and such road authority.

Power of Joint
Board to meet
the cost of, or
contribute to
improvement of,
certain roads.

PART IX
—cont.Power to
provide car
parks, etc.

105.—(1) The Joint Board may, on any land for the time being vested in or leased by them, provide, maintain and manage car parks and may exercise all or any of the following powers upon and in respect of the whole or any part of any such land and upon and in respect of any car park provided by them under the powers of this section:—

- (a) they may lay out such land and adapt the same for use as a car park and may construct and provide roads, paths, ramps, steps and gardens;
- (b) they may provide and maintain cloakrooms, shelters, offices, information bureaux and displays, lavatories and conveniences;
- (c) they may make reasonable charges for the use of any car park provided by them as aforesaid or of any building or structure provided in connection therewith;
- (d) they may make byelaws as to the use of any such car park and, in particular, as to the vehicles or classes of vehicles which may be entitled to use the same, or any part thereof, and the conditions upon which any such car park may be used;
- (e) they may set aside part of such lands for the purpose of a station for public service vehicles; and
- (f) they may provide, maintain, equip and carry on refreshment rooms and—
 - (i) may manage the same themselves and provide and sell refreshments of all kinds (other than excisable liquors); or
 - (ii) may grant to any person on such terms and conditions and for such period as they think fit the right to provide and sell refreshments of all kinds at such refreshment rooms.

(2) (a) If any person contravenes any byelaw made under paragraph (d) of subsection (1) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(b) Section 101 (Procedure for making byelaws) and section 102 (Evidence of byelaws) of this Order shall extend and apply with respect to byelaws made under paragraph (d) of subsection (1) of this section.

(3) The Joint Board may enter into and carry into effect agreements with the road authority of the area in which any such car park is situated for the maintenance and management of such car park by such road authority and may delegate their powers under this section to such road authority and they may lease, sell, feu or otherwise dispose of any such car park to such road authority.

(4) The powers conferred on the Joint Board by this section shall be exercisable only with the consent of the Secretary of State.

Power to
Joint Board to
regulate traffic
on bridge.

106. Section 26 of the Road Traffic Act, 1960 (which deals with traffic regulation orders outside the London Traffic Area) shall apply to the Joint Board with respect to the bridge and Work No. 2 as if the Joint Board were a county council or a town council in Scotland

and the Joint Board may accordingly make traffic regulation orders in respect of any of the matters specified in subsection (3) of the said section and the provisions of the said Act of 1960 with respect to traffic regulation orders shall, with any necessary adaptations, extend and apply to traffic regulation orders made by the Joint Board as aforesaid.

PART IX
—cont.

107. The Joint Board may enter into any contract, obligation or agreement necessary for the discharge of any of their functions and may grant and execute such deeds as may be necessary therefor.

Obligations and
contracts.

108. A member or officer of the Joint Board shall not be personally liable for the fulfilment of any obligation undertaken or contract or agreement made by the Joint Board or for the repayment of any money borrowed by the Joint Board.

Members and
officers of
Joint Board
not to be
personally
liable for
fulfilment of
obligations, etc.

109.—(1) The Joint Board may, if they think fit, pay allowances at such rates as they may fix in respect of travelling and other personal expenses necessarily incurred and time necessarily lost from ordinary employment by members of the Joint Board in attending meetings of the Joint Board or of any committee or sub-committee thereof.

Payment by
Joint Board of
travelling
expenses, etc.
of members.

(2) In fixing allowances under this section, the Joint Board shall comply with the provisions of the Local Government (Travelling Allowances, etc.) (Scotland) Regulations for the time being in force.

110.—(1) All proceedings for the recovery of penalties authorised to be imposed for offences against this Order, or against any byelaw made under this Order, may be proceeded with and conducted under and in conformity with the Summary Jurisdiction (Scotland) Act, 1954.

Recovery and
application of
penalties.

(2) Every fine or penalty recovered on a prosecution under this Order, or under any byelaw made under this Order (other than a fine or penalty imposed on the Joint Board), shall be paid to the Joint Board and by the treasurer carried to the credit of the general fund of the Joint Board.

111. Notwithstanding anything contained in any Act, the undertaking shall not be assessed to any rate as defined in section 43 of the Valuation and Rating (Scotland) Act, 1956:

Undertaking
to be exempt
from rates.

Provided that this section shall not extend to any dwelling-houses provided by the Joint Board under section 10 (Dwelling-houses for officers) or to any refreshment rooms provided under paragraph (f) of subsection (1) of section 105 (Power to provide car parks, etc.) of this Order or so far as relating to the domestic water rate to any other subjects provided under the said section 105.

PART IX

—cont.

Provisions as to
local inquiries,
etc.

112. The Secretary of State may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Order and the provisions of section 355 of the Act of 1947 shall have effect with regard to any such inquiry.

Authentication
of notices by
Joint Board.

113. Any notice, order, demand, requisition or other such document required or authorised by this Order, or by any Act incorporated with or any byelaw made under this Order, to be sent, delivered or served by the Joint Board shall be signed by the clerk of the Joint Board, or authenticated in such other manner as the Joint Board may direct.

Service of
notices by
Joint Board.

114.—(1) Any notice, order, demand, requisition or other such document by the Joint Board, required or authorised by this Order or by any Act incorporated with or any byelaw made under this Order may be served—

(a) by being sent by post or delivered to or at the residence, or place of business, of the person to whom it is addressed:

Provided that—

(i) in the case of a person employed on any ship or vessel it shall be delivered to some person on board thereof and connected therewith;

(ii) a notice to treat given under section 17 of the Lands Clauses Consolidation (Scotland) Act, 1845, if served by post, shall be served by registered post or by recorded delivery service;

(b) where the notice or other document as aforesaid relates to premises and the Joint Board are unable, after reasonable inquiry, to ascertain the address of the person upon whom it should be served by addressing it to him—

(i) by name, if his name is known; or

(ii) if his name is not known, by the description of “owner” or “occupier” of the premises (naming them) to which it relates;

and by delivering it to some person on the premises or, if there is not a person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

(2) Service of a copy of any such notice, order, demand, requisition or other document shall be deemed to be service of the principal document.

(3) Service of any such notice, order, demand, requisition or other document may be proved by a certificate under the hand of the person who posted or delivered or affixed the same attested by one witness who was present at such posting, delivery or affixing.

Service of legal
proceedings
and notices on
Joint Board.

115.—(1) Any legal proceedings against the Joint Board shall be deemed to have been duly served on the Joint Board if served on the clerk of the Joint Board.

(2) Any notice, order, demand, requisition or other document required or authorised by this Order, or by an Act incorporated with this Order, to be sent, delivered or served to or upon the Joint Board or to or upon the clerk of the Joint Board shall be addressed to the Joint Board, or to the clerk of the Joint Board (as the case may be), and shall be left at or sent by post to the offices of the Joint Board.

PART IX
—cont.

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

- (a) any private legislation; and
- (b) any special or other statutory order;

Power to promote and oppose private legislation, etc.

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.

117.—(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 city and in the counties of Angus and Fife.

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

(2) Such notice shall be in addition to the ordinary notice required to be given for the convening of a meeting of the Joint Board.

(3) The resolution shall forthwith be submitted to the Secretary of State for authority to proceed.

(4) The Joint Board shall not proceed with the promotion until the Secretary of State notifies the Joint Board that authority is given.

(5) 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.

(6) 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.

(7) 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.

PART IX
—cont.

As to expenses
of promoting
and opposing
private
legislation,
etc.

118.—(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.

(2) Such expenses 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.

(3) 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.

Agreements.

119. The Joint Board, on the one hand, and the Councils or any of them, on the other hand, may enter into and carry into effect agreements for or with respect to any of the purposes or provisions of this Order.

Settlement of
differences.

120. Subject to the provisions of this Order, any difference which arises between the Councils or any of them or between one or more of the Councils and the Joint Board under the provisions of this Order, shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed by the Sheriff of Perth and Angus.

Joint Board to
meet cost of
additional
dredging due
to existence
of bridge or
works.

121.—(1) If in any year after the commencement of the construction of the bridge or after the opening of the bridge it is necessary for the Harbour Trustees, in order to maintain the depth of water in the channels leading to their quays and docks or at the berths alongside such quays which obtained before the commencement of such construction, to carry out dredging operations additional to those which would normally have been carried out by them in that year had the construction of the bridge not been commenced or had the bridge not been opened, and such additional dredging operations are necessitated by reason of silting which had taken place in the said channels or berths during that year due to the operations of the Joint Board in connection with the construction of the bridge or due to the existence of the bridge they shall, not later than three months after the expiry of the said year, give notice in writing to the Joint Board of the cost of such additional dredging and the additional expense reasonably incurred by the Harbour Trustees in carrying out such additional dredging after taking into account the saving (if any) of the cost of dredging carried out by the Harbour Trustees before the commencement of this Order for the purposes of the ferry undertaking as defined in section 46 (Abandonment of ferry) of this Order shall be recoverable from the Joint Board by the Harbour Trustees.

(2) In the event of any difference arising between the Joint Board and the Harbour Trustees under subsection (1) of this section such difference shall be referred to an arbiter to be agreed upon between

the parties or, in case of failure to agree, to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

PART IX
—cont.

122. As from the date of the acquisition by the Joint Board under the powers of this Order of the former dock known as King William IV Dock (being the properties numbered 118, 119 and 120 on the deposited plans) subsection (3) of section 43 (Grants, conveyances, etc., to continue in force) of and Schedule I to the Dundee Harbour and Tay Ferries Order, 1952, shall have effect as if in the proviso to subsection (1) of section 5 (Power to close King William IV Dock, etc.), of the Dundee Harbour and Tay Ferries Order, 1933, as set out in the said schedule a reference to the Joint Board were substituted for the reference to the Trustees:

Outfall ducts
at King
William IV
Dock.

Provided that there shall be set off against the purchase price or compensation to be paid to the Harbour Trustees in respect of the said properties, as representing the value of the discharge of the obligations contained in the said proviso, the sum of three thousand pounds.

123. For the protection of the Harbour Trustees the following provisions shall, notwithstanding and without prejudice to anything in this Order, and unless otherwise agreed in writing between the Harbour Trustees and the Joint Board, apply and have effect (that is to say):—

For protection
of Harbour
Trustees.

- (1) If at any time after the opening of the bridge the Harbour Trustees reasonably deem it necessary due to the existence of the bridge or to any works of the Joint Board below high water mark to carry out any alterations to the lighting and buoys of the navigation channel of the Firth of Tay and carry out such alterations the reasonable cost incurred by the Harbour Trustees in carrying out such alterations shall be paid by the Joint Board:
- (2) If for any reason the carrying out or completion of any work of the Joint Board below high-water mark has to be suspended the Joint Board shall take all reasonable and practicable measures to ensure that such work is left and maintained so that no greater interference would be caused to the navigation channels of the Firth of Tay than would result from the existence of the bridge:
- (3) The Harbour Trustees shall not be liable in respect of any damage which may be occasioned to the bridge or to any works of the Joint Board below high-water mark by the Harbour Trustees, their officers or servants, arising from any dredging operations conducted by the Harbour Trustees for the maintenance of the channels leading to their quays and docks or at the berths alongside such quays:

Provided always that nothing in this section shall absolve the Harbour Trustees in respect of any such damage arising from negligence or carelessness on the part of their officers or servants or others duly appointed by the Harbour Trustees to carry out the said operations:

PART IX
—cont.

(4) If any difference arises between the Harbour Trustees and the Joint Board under this section, the same shall be determined by an arbiter to be agreed upon between the parties or, in case of failure to agree, to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers.

Saving for
powers of
Treasury.

124. It shall not be lawful for the Councils to exercise the powers of borrowing conferred by this Order otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Crown rights.

125. 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 Her Majesty's Government, except to such extent as Her 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 Her Majesty, in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of the said commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for
town and
country
planning.

126. 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.

127. The costs, charges and expenses incurred by the Councils preliminary to 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 paid by the Joint Board.

SCHEDULES

FIRST SCHEDULE

(referred to in section 4 (Establishment and constitution of Joint Board, etc.) of this Order)

PART I

PROVISIONS WITH RESPECT TO THE ELECTION, TENURE OF OFFICE AND QUALIFICATIONS OF MEMBERS OF THE JOINT BOARD, ETC.

1.—(1) Subject to the provisions of this Order the term of office of a member of the Joint Board shall be three years commencing on the first day of June and ending on the thirty-first day of May and not later than the month of May in every year in which a member of the Joint Board falls to retire in ordinary course the Council by which such member was elected shall elect a member to hold office for the three years next following the expiry of the period of office of the retiring member.

Election and term of office of members.

(2) If any of the Councils fails to elect first members or a first member of the Joint Board it shall be competent for the other members of the Joint Board to carry this Order into execution and if a Council fails subsequently to elect a member of the Joint Board at the proper time for his election the member of the Joint Board elected by such Council who then falls to retire shall continue in office until his successor is appointed so long always as he is qualified to be a member of the Joint Board.

2. The first election of members of the Joint Board to be made by the Councils shall be made by each Council at a meeting of the Council to be held within two months after the commencement of this Order and, subject to the provisions of this Order, the members so elected shall continue in office until the thirty-first day of May third occurring after the date of their election.

First election of members.

3. Where an election of a member of the Joint Board has been made, the clerk of the Council by which the election was made shall by writing under his hand certify the election to the clerk of the Joint Board and every such certificate shall be conclusive evidence of such election:

Intimation of election of members.

Provided that in the case of an election made in accordance with the provisions of paragraph 2 (First election of members) of this Part of this schedule the clerk of each Council shall intimate the names of the members elected by his Council to the town clerk of the city.

4. A person shall be qualified to be a member of the Joint Board if he is a member of the Council by which he was elected and if a member of the Joint Board ceases to be a member of the Council by which he was elected, or is disqualified from being a member of such Council, he shall cease to be a member of the Joint Board.

Qualifications of members.

5. A person who is a member of two or more Councils shall not be qualified to represent more than one of them and, if the same person shall be appointed a member of the Joint Board by more than one

Members of two or more Councils to represent one only.

1ST SCH.
—cont.

Council, he shall, within one month after the second appointment, choose under which appointment he shall serve and the other appointment shall be deemed void.

Disability of members for voting on account of interest in contracts.

6. The provisions of section 73 of the Act of 1947 shall apply to members of the Joint Board in like manner as they apply to members of a Council to which that section applies.

Resignation of members.

7. A member of the Joint Board may resign his office as such member by notice in writing addressed to the clerk of the Joint Board.

Failure of member to attend meetings.

8. If a member of the Joint Board fails to attend any meeting of the Joint Board for six consecutive months (counting from the date of the meeting from which he first absented himself), he shall be deemed to have resigned his office as a member of the Joint Board at the expiration of that period.

Removal of members.

9. Any member of the Joint Board may be removed at any time by resolution of the Council by which he was appointed.

Casual vacancies.

10. If any member of the Joint Board dies, or resigns, or is removed from office or ceases to be qualified to be a member of the Joint Board, the Council by which he was elected may, at any time after the happening of such event, elect another person to be a member of the Joint Board in his place and the person so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Eligibility for re-election.

11. A person ceasing to hold office to which he is elected by virtue of the provisions of this Order shall, if otherwise qualified, be eligible for re-election.

Tenure of office, etc. of chairman and vice-chairman.

12. The chairman and vice-chairman of the Joint Board shall be elected annually at a meeting of the Joint Board to be held in the month of June in each year and the persons elected to these offices shall, if otherwise qualified, respectively hold office until their successors shall have been elected:

Provided that—

- (1) the Joint Board shall, at their first meeting, elect a chairman and vice-chairman to hold office respectively until a chairman and vice-chairman shall have been elected at the meeting of the Joint Board to be held in the month of June first occurring after the date of the first meeting of the Joint Board; and
- (2) in the event of a casual vacancy occurring in either of the said offices, the Joint Board may elect a member to fill the vacancy and the member so elected shall hold office until his successor shall have been elected at the meeting of the Joint Board to be held in the month of June first occurring after the date of his election.

PART II

1ST SCH.
—cont.

PROVISIONS AS TO MEETINGS AND PROCEEDINGS

1. The Joint Board shall hold their first meeting at Dundee on a date to be fixed by the lord provost of the city, notice of which shall be given by the town clerk of the city to the Councils and subsequent meetings of the Joint Board shall be held at such places, on such days and at such times as the Joint Board may from time to time appoint.

Place and time
of meetings.

2. The clerk of the Joint Board shall call a meeting of the Joint Board at any time, on being required so to do by the chairman or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting and signed by three members of the Joint Board.

Special
meetings.

3.—(1) Meetings of the Joint Board shall be convened by the town clerk of the city until the Joint Board have appointed a clerk afterwards by the clerk of the Joint Board.

Convening
meetings.

(2) Every meeting shall be convened by circular delivered to each member of the Joint Board, or sent by post to his residence, five clear days at least before the day of the meeting:

Provided that—

(a) where it appears to the chairman that an item of business demands special urgency, a meeting of the Joint Board shall, if he so requires, be called by the clerk of the Joint Board to be held at a time not less than forty-eight hours from the issue of the notice, so however that any resolution passed at such a meeting shall not be valid and binding on the Joint Board unless a majority of the whole members of the Joint Board are present at the meeting;

(b) want of notice to any member of the Joint Board shall not affect the validity of a meeting.

4. To constitute a meeting of the Joint Board there shall be present not less than five members of the Joint Board representative of at least two of the Councils.

Quorum.

5. At every meeting of the Joint Board the chairman of the Joint Board shall preside but, if he is not present at the time appointed for the meeting, the vice-chairman, if present, shall preside and, if neither the chairman nor the vice-chairman is present, the members then present shall choose one of their number to preside at that meeting.

Chairman
of meetings.

6.—(1) All acts of, and all questions coming and arising before, the Joint Board or any committee or sub-committee of the Joint Board shall be done and decided by a majority of the members of the Joint Board or committee or sub-committee as the case may be present and voting at a meeting of the Joint Board or committee or sub-committee as the case may be.

Decisions on
questions.

(2) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote as well as a deliberative vote:

1ST SCH.
—cont.

. Provided that if, at any meeting, neither the chairman nor the vice-chairman be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

Minutes.

7.—(1) Minutes of the proceedings of a meeting of the Joint Board shall be drawn up by or on behalf of the clerk of the Joint Board.

(2) Such minutes shall be signed at the meeting by the person presiding thereat or shall be submitted to the next ensuing ordinary meeting of the Joint Board for approval as a record of the meeting and signed by the person presiding at that next ensuing meeting.

(3) Without prejudice to any of the other provisions of this schedule, any minute purporting to be signed as aforesaid shall be received in evidence without further proof.

(4) Subject to any standing orders of or other directions by the Joint Board, the provisions of the preceding sub-paragraphs shall apply with respect to any committee or sub-committee of the Joint Board in like manner as they apply with respect to the Joint Board.

(5) Until the contrary is proved—

- (a) a meeting of the Joint Board, or of any committee or sub-committee thereof, in respect of the proceedings whereof a minute has been made and signed in manner above provided shall be deemed to have been duly convened and held;
- (b) all the members present at the meeting shall be deemed to have been duly qualified; and
- (c) where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee as the case may be shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Standing orders.

8. Subject to the provisions of this Order, the Joint Board may make or adopt standing orders for the regulation of their proceedings and business and may vary or revoke such standing orders.

Committees and sub-committees.

9.—(1) The Joint Board may appoint from among their own number such and so many committees either of a general or a special nature, consisting of such number of persons as they think fit, for the purpose of any of the functions exercisable by the Joint Board and may delegate, with or without restrictions or conditions as they think fit, any of their powers or duties to any such committee:

Provided that there shall be excluded from the delegation to any committee appointed by the Joint Board the following, that is to say:—

- (a) the power of requisitioning moneys from the Councils;
- (b) the power of incurring capital expenditure;

- (c) the incurring of any expenditure not provided for in the annual estimates of the Joint Board, unless and until such expenditure is reported to and approved of by the Joint Board in the form of a supplementary estimate:

Provided that, in the case of urgency, such expenditure, where passed by the committee, may be incurred on the authorisation of the chairman and vice-chairman of the Joint Board and subject to report to the Joint Board;

- (d) the enactment, alteration or revocation of any byelaws;
(e) the power to fix or revise tolls;
(f) the appointment or dismissal of the clerk or treasurer or other principal officer of the Joint Board.

(2) Any committee appointed by the Joint Board shall have power to refer any matter falling within the province of the committee to a sub-committee but, except with the approval of the Joint Board, the committee shall not delegate any matter to a sub-committee.

10. A deed to which the Joint Board are a party shall be held to be validly executed on behalf of the Joint Board if it is sealed with the common seal of the Joint Board and subscribed on behalf of the Joint Board by two members and the clerk thereof, whether attested by witnesses or not.

Execution
of deeds.

11.—(1) The proceedings of the Joint Board, or of a committee or sub-committee thereof, shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member thereof or by any member voting on or taking part in the consideration or discussion of any question when he is not entitled to do so.

Vacancies, etc.
not to
invalidate
proceedings.

(2) If the proceedings of a meeting of the Joint Board, or of a committee or sub-committee thereof, are, notwithstanding anything in this Order, open to challenge on the ground that the meeting has not been duly convened, such proceedings shall be validated by confirmation of the minutes of the meeting at a subsequent meeting duly convened by the Joint Board, committee or sub-committee as the case may be.

12.—(1) The Secretary of State may from time to time, at the request of the Joint Board, by order make such additions to or alterations in Part II of this schedule as may be found necessary or desirable.

Revision of
Part II of
schedule.

(2) The power to make orders conferred on the Secretary of State by this paragraph of this schedule shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any such order may be amended or revoked by a subsequent order made in like manner and subject to the like conditions.

SECOND SCHEDULE

(Referred to in section 65 (Confirming financial arrangements relative to undertaking) of this Order)

FINANCIAL ARRANGEMENTS RELATIVE TO UNDERTAKING

The following provisions shall apply and have effect with respect to the financing of the construction of the bridge and relative works by the Joint Board:—

- (1) The Councils will advance to the Joint Board—
 - (a) the sum of two million five hundred thousand pounds, together with the amount of interest accrued thereon from the date or dates of the advances to the date of the opening of the bridge; and
 - (b) such further sum, not exceeding five hundred thousand pounds, together with interest accrued thereon from the date or dates of the advances to the opening of the bridge as may be necessary to meet, along with the sum to be lent by the Secretary of State as hereinafter mentioned, the capital expenditure up to a maximum sum of four million five hundred thousand pounds:
- (2) The money advanced by the Councils to the Joint Board shall be repaid on a sixty-year annuity basis, that is, by equal yearly or half-yearly instalments of principal and interest combined, or by means of a sinking fund, or partly by one of these methods and partly by the other of them, or within such shorter period as the Joint Board may, with the consent of the Secretary of State and of the Councils, at any time determine as being appropriate having regard to the revenue of the undertaking:
- (3) Repayment of the money advanced by the Councils under paragraph (1) (a) of this schedule shall be a first charge on the net revenues of the undertaking and repayment of the money lent under paragraph (1) (b) of this schedule shall be a second charge on such revenue:
- (4) (a) The Secretary of State will lend to the Joint Board such sum, not exceeding one million five hundred thousand pounds, as may together with the sums to be advanced by the Councils as aforesaid be necessary to meet the capital expenditure up to a maximum sum of four million five hundred thousand pounds:
 - (b) Interest on such loan will be calculated and payable at the current rate of interest chargeable at the date or dates of lending on loans for a comparable period from the local loans fund to local authorities on the security of local rates or such other rate as the Secretary of State may, with the consent of the Treasury, determine, and the payment of interest and repayment of the loan shall be a charge on the net revenue of the undertaking and shall, for the purposes of the payment of interest and repayment, rank next after the sums advanced to the Joint Board by the Councils as aforesaid:

- (5) The money lent by the Secretary of State to the Joint Board shall be repaid within such period and by such methods as the Secretary of State may at any time prescribe as being appropriate having regard to the revenue of the undertaking.
- (6) The sums advanced to the Joint Board by the Councils under paragraph (1) (b) of this schedule shall bear to the sums lent by the Secretary of State under paragraph (4) (a) of this schedule the proportions of one to three:
- (7) For the purposes of this schedule “ net revenue of the undertaking ” means the balance of the revenue received by the Joint Board from tolls and of all other income of the Joint Board after meeting—
- (a) the expense of the administration, management, carrying on, operation, maintenance and repair of the undertaking including the payment of any sums to be paid to the Harbour Trustees in accordance with the provisions of section 121 (Joint Board to meet cost of additional dredging due to existence of bridge or works) of the Order in respect of additional dredging carried out after the opening of the bridge;
- (b) the payment of interest on money borrowed by the Joint Board under the powers of section 73 (Temporary borrowing by Joint Board) of the Order; and
- (c) the payment of any sums to be paid to the Harbour Trustees under the provisions of paragraph (ii) of subsection (5) of section 46 (Abandonment of ferry) of the Order:
- (8) In the event of the capital expenditure exceeding the sum of four million five hundred thousand pounds, the amount by which the expenditure exceeds that figure shall be defrayed in accordance with a scheme as provided for in section 76 (Schemes made by order of Secretary of State) of the Order:
- (9) In the event of there being a deficiency in the revenue of the undertaking in any of the first three years after the opening of the bridge, such deficiency shall be met by borrowing from the Councils in accordance with the provisions of section 75 (As to excess capital expenditure and deficiencies in revenue) of the Order:
- (10) If before the end of the third year after the opening of the bridge the Joint Board are of the opinion that a deficiency in the revenue of the undertaking will occur in the fourth or any subsequent year after the opening of the bridge such deficiency shall be met in accordance with a scheme approved or made by the Secretary of State in accordance with the provisions of section 76 (Schemes made by order of Secretary of State) of the Order.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation (Scotland) Act, 1845	8 & 9 Vict. c. 19.
Railways Clauses Consolidation (Scotland) Act, 1845	8 & 9 Vict. c. 20.
Telegraph Act, 1863	26 & 27 Vict. c. 112.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Post Office Act, 1908	8 Edw. 7 c. 48.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5 c. 57.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Statutory Orders (Special Procedure) Act, 1945	9 & 10 Geo. 6 c. 18.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6 c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6 c. 41.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6 c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6 c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6 c. 53.
Civil Defence Act, 1948	12 & 13 Geo. 6 c. 5.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6 c. 66.
Post Office Act, 1953	1 & 2 Eliz. 2 c. 36.
Summary Jurisdiction (Scotland) Act, 1954	2 & 3 Eliz. 2 c. 52.
Army Act, 1955	3 & 4 Eliz. 2 c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2 c. 19.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2 c. 26.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2 c. 60.
Road Traffic Act, 1960	8 & 9 Eliz. 2 c. 16.

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10 & 11 ELIZ. 2 Ch. xxxiii

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