

A.D. 1929.

SCHEDULE.

ROSS AND CROMARTY (DORNIE
BRIDGE &c.)

Provisional Order to authorise the county council of the county of Ross and Cromarty to construct and maintain a bridge over Loch Long at Dornie and other works to re-construct extend and improve certain ferry piers in the county of Ross and Cromarty to acquire lands to borrow moneys and for other purposes.

WHEREAS the county council of the county of Ross and Cromarty (hereinafter referred to as "the County Council") and the district committee of the south-western district of that county (hereinafter referred to as "the District Committee") are the local and road authorities for the district of the said county in which Loch Long is situate and in which the ferry piers at Stromeferry and North Strome are also situate :

And whereas the existing facilities for traffic across Loch Long are inadequate and it is expedient in order to meet the needs of the traffic of the present day that a road bridge should be constructed over the said loch :

And whereas application will be made to the Minister of Transport for a grant towards the expenditure incurred in respect of the said bridge and the works connected therewith and the County Council have agreed to meet the remainder of such cost :

And whereas it is expedient that the ferry piers hereinbefore referred to should be re-constructed extended and improved :

And whereas it is expedient that the County Council should be authorised to construct the said bridge and other works hereinbefore referred to and that the County Council should be empowered to borrow money for the purposes thereof :

And whereas estimates have been prepared by the County Council 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 :— A.D. 1929. —

	£
Purchase of lands and servitudes -	2,000
Bridge over Loch Long and relative works - - - - -	21,265
Ferry pier extensions and widenings and relative works - - -	2,700
Subsidiary works - - - -	1,000

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

And whereas it is expedient that further provision should be made in reference to the maintenance of ferry piers as hereinafter in this Order contained :

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 and also a book of reference 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 in the office at Dingwall of the sheriff clerk of the county of Ross and Cromarty and the same are in this Order referred to as the deposited plans sections and book of reference :

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

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

1. This Order may be cited as the Ross and Short title. Cromarty (Dornie Bridge &c.) Order 1929.

[Ch. xv.] *Ross and Cromarty* [20 GEO. 5.]
(*Dornie Bridge &c.*) *Order Confirmation Act, 1929.*

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Commence-
ment of
Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.”

Incor-
poration of
Acts.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Order are incorporated with and form part of this Order (that is to say) :—

The Lands Clauses Acts except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845;

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

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be under the seal of the County Council and shall be sufficient without the securities mentioned in the said section.

This Order shall be deemed a special Act within the meaning of the Acts wholly or partially incorporated herewith.

Inter-
pretation.

4. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction—

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

(b) The following words and expressions shall have the meanings assigned to them in this section (that is to say) :—

“ Bridge ” means Work No. 2 hereinafter described;

“ County ” means the county of Ross and Cromarty;

“County Council” means the county council of the county; A.D. 1929.

“District Committee” means the district committee of the south-western district of the county”;

“Lochs” means Loch Long and Loch Carron both situate in the county;

“Works” and “the undertaking” mean the works by this Order authorised and the works connected therewith and include the bridge;

“Sheriff” means the Sheriff of Ross Cromarty and Sutherland and includes his substitutes.

In the Acts wholly or partially incorporated with this Order—

The expressions “the company” “the undertakers” and “the promoters of the undertaking” and other like expressions mean for the purposes of this Order the County Council;

The expressions “railway” “work” and “the undertaking” or other like expressions in the Lands Clauses Acts and in the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 incorporated with this Order mean for the purposes of this Order the works by this Order authorised and the expression “centre of the railway” in the last-mentioned provisions means for the purposes of this Order any part of those works.

5. Subject to the provisions of this Order the County Council may make and the District Committee may maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter mentioned together with all such carriage-ways approaches abutments arches piers embankments works steps gates culverts sewers drains bridge-keeper's house and other buildings piles fenders booms dolphins buoys beacons engines and other plant works and conveniences as it may be necessary or convenient to construct and maintain in connection therewith and

Power to execute works.

A.D. 1929. the County Council may enter upon take appropriate
--- and use such of the lands delineated on the deposited
plans and described in the deposited book of reference
as may be required for those purposes The works
are :—

Work No. 1 A new road wholly in the parish of Kintail and the county of Ross and Cromarty commencing at a point in the centre of Dornie Main Street where a line drawn in continuation of the centre of Shiel Road Dornie would intersect the centre of Dornie Main Street extending thence in a westerly direction and along the ferry pier at Dornie for a distance of thirty-three yards or thereabouts and there terminating on the said ferry pier ;

Work No. 2 A bridge (over Loch Long) partly in the parish of Kintail and partly in the parish of Lochalsh both in the county of Ross and Cromarty commencing in the parish of Kintail at the point of termination of Work No. 1 hereinbefore described extending thence in a westerly direction and terminating in the parish of Lochalsh on the foreshore of Loch Long at a point on the said foreshore one hundred yards or thereabouts north from the seaward end of the ferry pier at Ardelve ;

Work No. 3 A new road wholly in the parish of Lochalsh and the county of Ross and Cromarty commencing at the point of termination of Work No. 2 hereinbefore described extending thence in a westerly and north-westerly direction and terminating by a junction with the existing road from Balmacara to the ferry pier at Ardelve at a point on the said road one hundred and seventy yards or thereabouts measured along the said ferry pier and road from the seaward end of the said ferry pier ;

Work No. 4 A widening (of solid work) of the existing south pier (at Stromeferry) on the west side thereof wholly in the parish of Lochalsh and county of Ross and Cromarty commencing at a point thirty-four feet or thereabouts measured in a northerly direction from the

north-west corner of the building known as "Stromeferry Post Office" extending thence in a northerly direction one hundred and thirty feet or thereabouts across the foreshore and bed of the sea adjacent thereto and there terminating at the northern or seaward end of the said south pier;

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Work No. 5 An extension seawards (of open work) of the existing south pier (at Stromeferry) as proposed to be widened wholly in the parish of Lochalsh and county of Ross and Cromarty commencing at the termination of Work No. 4 hereinbefore described extending thence in a northerly direction for a distance of thirty feet or thereabouts across the bed of the sea and there terminating;

Work No. 6 A regrading of a portion of the approach road to the existing north pier (at Strome) by excavation and the formation of a new roadway wholly in the parish of Lochcarron and county of Ross and Cromarty commencing at a point thirty-five feet or thereabouts measured in a north-westerly direction from the north-east corner of the building known as "Strome Hotel" extending thence in an easterly direction for a distance of one hundred and twenty-three feet or thereabouts in the line of the existing approach road and there terminating;

Work No. 7 A reconstruction (of solid work) of the existing north pier (at Strome) including a widening on the west side thereof wholly in the parish of Lochcarron and county of Ross and Cromarty commencing at the termination of Work No. 6 hereinbefore described extending thence in a south-easterly direction for a distance of eighty-six feet or thereabouts along the said north pier and across the foreshore and terminating at the south-eastern or seaward end of the said north pier;

Work No. 8 An extension seawards (of open work) of the existing north pier (at Strome) as proposed to be reconstructed and widened wholly in the parish of Lochcarron and county of Ross and

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Cromarty commencing at the termination of Work No. 7 hereinbefore described extending thence in a south-easterly direction for a distance of thirty feet or thereabouts across the bed of the sea and there terminating.

Deviation.

6. In the construction of the works the County Council may deviate vertically from the levels shown on the deposited sections to any extent not exceeding as regards the bridge two feet upwards or downwards and as regards the other works five feet upwards or downwards and they may deviate laterally from the lines shown on the deposited plans to any extent not exceeding the limits of deviation shown upon those plans. Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Board of Trade.

Subsidiary
works
affecting
Loch Long
and Loch
Carron.

7. Subject to the provisions of this Order the County Council may make on or in the banks bed soil and foreshore of the lochs or either of them and elsewhere in connection with the works and at or near any works or erections to be made or put up by the County Council for or connected with the construction of the works and may place and keep in the lochs and elsewhere temporarily all such piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs subways buildings and other works and conveniences as they may find necessary or expedient for or in connection with the construction of the works or in connection with the working of the ferry between Ardelve and Dornie :

Provided that nothing in this section shall exonerate the County Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Subsidiary
works.

8. Subject to the provisions of this Order and within the limits of deviation defined on the deposited plans the County Council may make junctions with and may alter the line or level of any street or way interfered with by or contiguous to the works and may alter and interfere with any steps walls gateways railings

windows passages pipes and pavements and they may execute any works for the protection of any adjoining land or buildings Any pipes paving metalling or materials in on or under any street so altered shall vest in the County Council In the exercise of the powers conferred by this section the County Council shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of such powers such compensation in case of difference to be settled in manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 with reference to the acquisition of land compulsorily.

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9. The powers of the County Council for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Period for compulsory purchase of lands.

10. If the works by this Order authorised are not completed within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted for executing those works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

11. Any person who wilfully obstructs any person acting under the authority of the County Council in setting out the lines of the works or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

12. Any sewers drains or works laid or constructed by the County Council in connection with the works for the purpose of draining or carrying away surface water therefrom or otherwise may be connected with any available loch river stream or watercourse or with any sewer or drain and the County Council may accordingly but within the limits of deviation shown on the deposited plans lay down maintain and alter or remove any conduits pipes and other works and make any convenient connections with any such loch river stream watercourse sewer or drain.

Connection of drains &c. with streams &c.

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Prohibiting
works on
bridge.

13. Notwithstanding anything in any Act to the contrary it shall not be lawful for any person to enter upon break up or interfere with any part of the bridge or the carriageway over the same for the purpose of executing any work whatsoever therein thereon or thereunder except with the consent of the County Council in writing under their common seal and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the County Council may determine. Provided that nothing in this section shall affect any rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1926.

Provision
of opening
span &c.

14.—(1) In constructing the bridge the County Council shall provide an opening span having a clear width of not less than forty feet at the level of high-water mark of ordinary spring tides and a clear headway (when closed) of not less than four feet above high-water mark as aforesaid.

(2) The bridge shall at all times be maintained opened and worked by the County Council so as to give priority to vessels requiring to pass through the opening span of the bridge over road traffic requiring to use the bridge but this provision shall not apply to vessels which by lowering their masts or funnels are able to pass under such opening span or other spans of the bridge.

(3) If any vessel is wilfully or negligently detained at the bridge or unreasonably obstructed the County Council or the person in charge of the bridge shall be liable to a penalty not exceeding ten pounds which shall be recoverable by the owner or person in charge of such vessel.

(4) If the master or person having command or charge of any vessel shall be guilty of wilful neglect or unreasonable delay in passing or preparing to pass through the said opening span he shall be liable to a penalty not exceeding five pounds for each offence.

Power to
make bye-
laws as to
bridge.

15.—(1) The County Council may and if required by the Minister of Transport shall make byelaws—

(a) for regulating controlling and limiting the use of the opening span of the bridge and the

time and mode of vessels passing through the same and the notice to be given by the master or other person having command or charge of any such vessel and any such vessel shall not be entitled to the benefit of subsection (3) of the section of this Order the marginal note of which is "Provision of opening span &c." unless the byelaws are and have been complied with by the master or person having command or charge of the vessel; A.D. 1929.
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- (b) for preventing injury and damage to the opening span;
- (c) for regulating the duties and conduct of all persons and the officers and servants of the County Council who shall be employed in connection with the opening span;
- (d) for preventing persons navigating vessels from negligently or wilfully obstructing the working of the opening span and for preventing any person from negligently or wilfully obstructing the approaches to the opening span or doing anything to hinder or interfere with the proper working of the same;
- (e) for regulating the traffic along the bridge and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines carriages and vehicles or other classes of traffic and for providing that the bridge may be temporarily closed to road traffic for repairs or other emergencies and for ensuring that road traffic shall not be unreasonably delayed;

and such byelaws may impose reasonable penalties for the breach thereof not exceeding the sum of ten pounds for each offence.

(2) Any offence against any of the said byelaws or the provisions of the section of this Order of which the marginal note is "Provision of opening span &c." may be prosecuted and any fine or penalty together with the expenses of the process may be recovered at the instance of the procurator-fiscal of the county before the sheriff under the provisions of the Summary

A.D. 1929. — Jurisdiction (Scotland) Act 1908 and Acts amending the same Every fine or penalty (other than a fine or penalty payable by the County Council) shall be paid to the County Council and be applied by them towards the upkeep of the bridge.

As to allowance and confirmation of byelaws.

16.—(1) Not less than one month before submitting to the Minister of Transport for allowance and confirmation any byelaws made under the provisions of this Order the County Council shall advertise in some newspaper circulating in the county the intention of the County Council to make such byelaws and shall deliver a copy thereof to any person making application for a copy on payment of a sum not exceeding one shilling per copy and before allowing and confirming any such byelaws the said Minister shall consider any representations with reference thereto which may be made to him by any person appearing to the Minister to be affected by such byelaws within six weeks from the date of the publication of such advertisement.

(2) No such byelaws shall come into operation until the same shall have been allowed and confirmed by the Minister of Transport Provided that in the case of any byelaws which the Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the Minister and the allowance and confirmation of any such byelaws by the Minister or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section.

As to vesting and maintenance of certain works.

17. Subject to the provisions of this Order Works Nos. 1 2 and 3 by this Order authorised when completed shall vest in the County Council and shall form part of the public highways under the jurisdiction of the County Council and the District Committee and shall be subject to the statutory provisions relating to such highways.

Provision as to ferry pier at Dornie.

18. As from the commencement of the construction of the bridge the existing ferry pier at Dornie shall be permanently closed and the County Council and District Committee shall be and are hereby relieved from all or any obligation (statutory or otherwise) to maintain the said ferry pier Provided that the provisions of

the section of this Order the marginal note of which is A.D. 1929.
“Abatement of work abandoned or decayed” shall
apply to the said pier. Provided further that during the
construction of the bridge the County Council shall
provide a temporary landing stage at Dornie reasonably
adequate and suitable as a substitute for the said pier
for ferry purposes. Any question which may arise
as to the adequacy or suitability of the said landing
stage shall be finally determined by the Minister of
Transport on the application of any person interested.

19.—(1) A person shall not in any circumstances Limit of
drive a locomotive or motor car or other mechanically speed of
propelled vehicle on the bridge and the approaches vehicles.
thereto at a speed exceeding—

- (a) twenty miles per hour in the case of a vehicle
propelled by mechanical power weighing not
more than two tons unladen and not used for
the purpose of drawing more than one vehicle
(such vehicle with its locomotive not to exceed
in weight unladen four tons);
- (b) twelve miles per hour in the case of a vehicle
propelled by mechanical power weighing more
than two tons and not more than three tons
unladen and not used for the purpose of drawing
more than one vehicle (such vehicle with its
locomotive not to exceed in weight unladen
four tons);
- (c) five miles per hour in the case of any other
locomotive or motor car or other mechanically
propelled vehicle.

(2) If any person acts in contravention of the
foregoing provisions of this section he shall be liable
on summary conviction to a fine not exceeding ten
pounds.

(3) Where a person is prosecuted for an offence
under this section he shall not be convicted unless he is
warned of the intended prosecution at the time the
offence is committed or unless notice of the intended
prosecution is sent to him or to the owner of the loco-
motive or motor car or other vehicle within such time
after the offence is committed not exceeding twenty-one
days as the court think reasonable.

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(4) The County Council shall place notices in a conspicuous place at each approach to the bridge as to the provisions of subsection (1) of this section.

Power to
erect
fenders &c.

20. Subject to the provisions of this Order the County Council may from time to time set up and erect maintain and repair proper fenders jetties or other works for the protection of the bridge and for guiding vessels through the spans or arches thereof.

Sale of
materials.

21. Subject to the provisions of the section of this Order of which the marginal note is "Crown rights" all materials removed by the County Council from any street road or other place altered by them under the powers of this Order or from the subsoil thereunder or otherwise obtained by them in the execution of any works under the powers of this Order shall vest in the County Council who may use the same or any part thereof for the purposes of any such works. The County Council shall sell or dispose of all such materials as aforesaid as may not be permanently required for any such purposes and shall credit the proceeds of any such sale or disposal against the costs and expenses of and in relation to the execution of any works authorised by this Order and the acquisition of any lands and servitudes therefor.

Power to
dredge.

22. For the purposes of the works the County Council may excavate dredge scour and deepen to such extent as they may deem necessary the shore and bed of the lochs or either of them and may remove and carry away any sand silt chalk gravel clay or other substance or obstruction so excavated or dredged and sell or dispose of the same as they may think fit. Provided that no materials excavated or dredged under the provisions of this section shall be deposited in any place below high-water mark of ordinary spring tides otherwise than in such position and under such restrictions as may be fixed by the Board of Trade :

Provided that the powers of the County Council under this section shall be exerciseable subject to the provisions of the section of this Order of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of

His Majesty may be given subject to such restrictions and conditions including the payment by the County Council to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the County Council under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

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23. Without prejudice to any other statutory powers vested in the County Council and the District Committee or either of them the County Council and the District Committee may according to their respective powers 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 water-courses gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing 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 water gas sewage or electricity or telephonic communication in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with any telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General.

Power to
alter roads
&c. tem-
porarily.

24.—(1) Subject to the provisions of this Order any work authorised by this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject

Works
below
high-water
mark to be
subject to
approval of
Board of
Trade.

A.D. 1929. to such restrictions and regulations as the said Board
 — may prescribe before such work is begun.

(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 Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the County Council and the amount of such cost shall be a debt due from the County Council to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Lights on
works
during con-
struction.

25.—(1) The County Council shall at or near such part of the works as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same 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 Board of Trade shall from time to time require or approve.

(2) If the County Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent
lights on
works.

26. The County Council after the completion of the works shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning 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 or approve. If the County Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction they so fail.

27.—(1) In case of injury to or destruction or decay of the works or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the County Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken.

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 Provision
 against
 danger to
 navigation.

(2) If the County Council fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

28.—(1) Where any work constructed by the County Council under the powers of this Order and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the County Council at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides 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 Board of Trade may think proper.

Abatement
 of work
 abandoned
 or decayed.

(2) If during the period of thirty days from the date when the notice is served upon the County Council they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the County Council and the amount of such expense shall be a debt due from the County Council to the Crown and shall be

A.D. 1929. recoverable either as a debt due to the Crown or summarily as a civil debt.

Survey of
works by
Board of
Trade.

29. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of any work constructed by the County Council under the powers of this Order which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the County Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the County Council to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Life-saving
apparatus
may be
attached
to bridge.

30. The officers of the coast-guard and all other persons for the time being actually employed in connection with the life-boat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the bridge spars or other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the bridge.

Lifebuoys
to be kept.

31. The County Council shall at all times keep at convenient places on the bridge and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Persons
under
disability
may grant
servitudes
&c.

32. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the County Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals 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.

33. Whereas in the construction of the works authorised by this Order or otherwise in exercise of the powers of this Order it may happen that portions only of the lands and properties shown on the deposited plans and described in the schedule to this Order may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the said lands and properties and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the official arbiter or other authority to be appointed under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the County Council the portions only of the said properties so required without the County Council being obliged or compellable to purchase the whole or any greater portion thereof the County Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested by severance or otherwise.

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 Owners may be required to sell parts only of certain lands and buildings.

34. In addition to the lands authorised to be taken as aforesaid the County Council may by agreement purchase any lands not exceeding two acres for the purpose of making depôts and other buildings and conveniences in connection with the works. Provided that the County Council shall not create or permit a nuisance on such last-mentioned lands.

Power to acquire additional lands by agreement.

35. 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 sixteenth day of November one thousand nine hundred and twenty-eight if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary

Compensation in cases of recently altered buildings.

A.D. 1929. — and was made or created with a view to obtaining or increasing compensation under this Order.

Power to
acquire
servitudes.

36. Notwithstanding anything contained in this Order or shown on the deposited plans the County Council shall not be required to purchase or acquire any part of the shore or bed of the lochs or to acquire any greater right or interest therein than the servitude or right of constructing and maintaining the works in on and over the same but the County Council may purchase and acquire and the owners of and other persons interested in the said shore and bed shall sell to the County Council if required such servitude or right as aforesaid and the provisions of the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of any such servitude or right as fully as if the same were land within the meaning of this Order.

As to
private
rights of
way over
lands taken
com-
pulsorily.

37. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the County Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 with reference to the acquisition of land compulsorily.

Power to
dispose of
lands.

38. Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 the County Council may from time to time sell feu lease 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 as to the County Council may seem fit. Provided that the proceeds of the sale of any lands by the County Council shall only be applied to the purposes of the undertaking to which capital is properly applicable including the redemption of debt.

Correction
of errors in

39. If there be any omission misstatement or wrong description of any lands or of the owners lessees or

occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the County Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited in the office of the sheriff clerk of the county and such certificate shall be kept by such sheriff clerk with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the County Council to exercise the powers of this Order in accordance therewith.

A.D. 1929.

—
deposited
plans and
book of
reference.

40. The County Council may borrow—

Power to
borrow.

- (1) (a) For the acquisition of lands servitudes and other rights and for the construction of Work No. 1 Work No. 2 and Work No. 3 and works connected therewith by this Order authorised such sum or sums of money as may be necessary for those purposes not exceeding in the whole the sum of twenty-four thousand pounds;

(b) For the acquisition of lands servitudes and other rights and for the construction of Work No. 4 Work No. 5 Work No. 6 Work No. 7 and Work No. 8 and works connected therewith by this Order authorised such sum or sums of money as may be necessary for those purposes not exceeding in the whole the sum of three thousand pounds; and

(c) For the construction of subsidiary works such sum or sums of money as may be necessary for that purpose not exceeding in the whole the sum of one thousand pounds;

- (2) With the sanction of the Secretary of State (but not otherwise) such further sums as may be requisite for the before-mentioned purposes

A.D. 1929.
—

or for the general purposes of the undertaking; and

- (3) Such sum as may be required for the payment of the costs charges and expenses of or in connection with the obtaining and confirming of this Order;

upon the security of the assessments which they are authorised to levy under the provisions of the Roads and Bridges (Scotland) Act 1878 as read with the Local Government (Scotland) Act 1889 and any Act amending the said Acts and the County Council may assign so much or such part as may be required of such assessments as security for the money which may be so borrowed under the authority of this section. Provided that the moneys which the County Council may borrow in terms of this section shall be reduced by the amount of any contribution received from the Ministry of Transport.

Power of
Secretary
of State in
relation to
borrowing.

41. In relation to any sanction to be given by the Secretary of State to the borrowing of moneys under this Order the Secretary of State shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889.

Periods of
repayment
of borrowed
money.

42. The County Council shall pay off all moneys to be borrowed by them for the purposes and under the powers of this Order within the respective periods following (that is to say) :—

As to the moneys borrowed for constructing the works and for the purchase of lands and other property and rights authorised by this Order within forty years from the date or dates of borrowing the same;

As to moneys borrowed with the sanction of the Secretary of State within such period and by such methods as the Secretary of State may prescribe;

As to money borrowed for paying the costs charges and expenses of and in relation to this Order and the confirmation thereof within five years from the commencement of this Order.

43.—(1) The County Council shall have power— A.D. 1929.

(a) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or Power to re-borrow.

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the County Council in repaying moneys previously borrowed and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The County Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The County Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

44. The County Council may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the County Council according to the usage of bankers in Scotland to the extent of the aggregate amount which the County Council are at the time authorised to borrow or any part thereof and may make and grant mortgages and assignations of the undertaking in security of the payment of the amount County Council may borrow on cash account.

A.D. 1929. of such credit or of the sums advanced from time to time on such cash account with interest thereon. Provided always that the whole sums due and owing by the County Council on such cash account and borrowed by them on mortgage shall never when taken together exceed the aggregate amount of the sums by this Order authorised to be borrowed.

Mode of
repayment
of borrowed
moneys.

45. The County Council shall pay off all moneys borrowed by them under this Order either by means of a sinking fund formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Sinking
fund.

46.—(1) If the County Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed and maintained either—

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the County Council or be

deposited in bank the County Council being at liberty A.D. 1929.
from time to time to vary and transpose such investments. —

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the County Council towards the equal annual payments to the fund.

(4) The County Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the County Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the County Council.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the County Council in addition to the payments provided for by this Order.

(7) If it appears to the Secretary of State or to the County Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall

A.D. 1929. — be the duty of the County Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the County Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the County Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the County Council may with the consent of the Secretary of State reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the County Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the County Council may with the consent of the Secretary of State discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the County Council may determine.

(12) The period at which the payments into the sinking fund shall commence shall be within one year from the date of borrowing.

Annual
return to
Secretary
of State
with respect
to sinking
fund.

47. The treasurer of the County Council shall within four months after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund under this Order transmit to the Secretary of State a return in such form as may be prescribed by the Secretary of State and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart

in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary of State as a debt to the Crown is recoverable. If it appear to the Secretary of State by any such return or otherwise that the County Council have failed to pay any instalment or to set apart the sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary of State may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the inner house of the Court of Session in Scotland pronounced in a summary application presented for that purpose. A.D. 1929.

48. All sums borrowed by the County Council under this Order on mortgage or cash account or otherwise shall be applied only to purposes to which capital is properly applicable. Application of moneys borrowed.

49. The County Council may accept and apply towards or for the benefit of Works Nos. 1 2 and 3 by this Order authorised any moneys which may be contributed by gift to them for those purposes. Power to accept contributions.

50. No person lending or paying money to the County Council under this Order shall be bound to inquire as to the observance by them of any of the provisions of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money or any part thereof. Protection of lenders.

51. Subject to the provisions of this Order the purposes of this Order shall be deemed to be purposes for which the County Council are authorised to borrow money by section 58 of the Roads and Bridges (Scotland) Act 1878. Application of Roads and Bridges (Scotland) Act 1878.

A.D. 1929. Act 1878 and the provisions of that Act as read with the
— Local Government (Scotland) Act 1889 and the Roads
and Bridges (Scotland) Amendment Act 1892 and any
Act amending the said Acts relating to assessment and
borrowing shall with the necessary variations apply to
the purposes of this Order.

Power to 52. The County Council may from time to time make
make and carry out agreements with any company body or
agreements. person with reference to the carrying out of any of the
purposes of this Order not herein specially provided for.

As to main- 53. Subject to the provisions of this Order and
tenance notwithstanding anything in the Highland Roads and
of ferry Bridges Act 1862 the Ross and Cromarty Roads Act 1866
piers. or in any other Act or Order contained all ferry piers for
the time being vested in the County Council (including
the ferry piers at Stromeferry and North Strome as the
said piers may be re-constructed extended or improved)
shall be deemed to be highways within the meaning of
the Roads and Bridges (Scotland) Act 1878.

Crown 54. Nothing in this Order shall affect prejudicially
rights. any estate right power privilege or exemption of the
Crown and in particular nothing herein contained shall
authorise the County Council to take use or in any
manner interfere with any portion of the shore or bed of
the sea or of any river channel creek bay or estuary or
any land heritages subjects or rights of whatsoever
description belonging to His Majesty in right of His
Crown and under the management of the Commissioners
of Crown Lands or of the Board of Trade respectively
without the consent in writing of the Commissioners of
Crown Lands or the Board of Trade as the case may be
on behalf of His Majesty first had and obtained for that
purpose.

Costs of 55. All costs charges and expenses of and incidental
Order. to the preparing for obtaining and confirming this Order
or otherwise in relation thereto shall be paid by the
County Council out of money to be borrowed for that
purpose under the authority of this Order.

The SCHEDULE referred to in the foregoing Order. A.D. 1929.

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

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN WITHOUT
TAKING THE WHOLE.

Parish.	Numbers on deposited plans.
Parish of Lochalsh	- 2 2 3 6.
Parish of Kintail -	- 9 25.
Parish of Lochcarron	- 1 2 3.

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