
STATUTORY INSTRUMENTS

1996 No. 749 (S.82)

ROADS, SCOTLAND
LOCAL GOVERNMENT, SCOTLAND

The Forth and Tay Road Bridge Order
Confirmation Acts (Modification) Order 1996

<i>Made</i>	- - - -	<i>11th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 59(5) and 181(1) and (2)(c) of the Local Government etc. (Scotland) Act 1994(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Forth and Tay Road Bridge Order Confirmation Acts (Modification) Order 1996 and shall come into force on 1st April 1996.

(2) In this Order—

“the 1947 Act” means the Forth Road Bridge Order Confirmation Act 1947(2);

“the 1950 Act” means the Forth Road Bridge Order Confirmation Act 1950(3);

“the 1991 Act” means the Tay Road Bridge Order Confirmation Act 1991(4).

Modification of the Order contained in the Schedule to the 1947 Act

2.—(1) The Order contained in the Schedule to the 1947 Act is modified as follows.

(2) In section 4(1)(b) (interpretation)—

(a) after the definition of “Act of 1929”, there shall be inserted the following definition:—

““the 1994 Act” means the Local Government etc. (Scotland) Act 1994;”;

(1) 1994 c. 39.

(2) 1947 c.iv. The 1947 Act was extended and applied and was also amended and repealed in part by the [Forth Road Bridge Order Confirmation Act 1950 \(c.xxiv\)](#), the [Forth Road Bridge Order Confirmation Act 1958 \(c.vi\)](#) and the [Forth Road Bridge Order Confirmation Act 1961 \(c.xxi\)](#).

(3) 1950 c.xxiv. The 1950 Act was repealed in part by the said Act of 1958.

(4) 1991 c.iv.

- (b) for the definition of “corporation”, there shall be substituted the following definition:—
 ““City of Edinburgh Council” means the City of Edinburgh Council constituted under section 2 of the 1994 Act;”;
- (c) for the definitions of “Councils”, “Dunfermline Town Council” and “Fife County Council”, there shall be substituted the following definitions:—
 ““Councils” means the City of Edinburgh Council, the Fife Council, the Midlothian Council and the West Lothian Council;
 “Fife Council” means the Fife Council constituted under section 2 of the 1994 Act;”;
- (d) the definition of “Kirkcaldy Town Council” shall cease to have effect;
- (e) for the definition of “Midlothian County Council”, there shall be substituted the following definition:—
 ““Midlothian Council” means the Midlothian Council constituted under section 2 of the 1994 Act;”;
- (f) for the definition of “West Lothian County Council”, there shall be substituted the following definition:—
 ““West Lothian Council” means the West Lothian Council constituted under section 2 of the 1994 Act;”.
- (3) For section 6(3) (constitution) there shall be substituted as follows:—
 “(3) The Joint Board shall consist of fourteen members of whom seven shall be elected by the City of Edinburgh Council, five by the Fife Council, one by the Midlothian Council and one by the West Lothian Council.”.
- (4) In section 98(2) (level of allowances), for the words “county council”, there shall be substituted the words “local authority”.
- (5) In paragraph 1(1) of Part I of the First Schedule(5) (election, tenure of office etc.), for the words “Of the nine members” to the end of that sub-paragraph, there shall be substituted the words—
 “: Provided—
 (a) that not later than 30th April 1996, each Council shall elect a member or members to hold office in accordance with section 6(3) above until 31st May 1999;
 (b) that the proviso to paragraph 4 below shall apply in the period from 31st March 1996 to 1st May 1996 notwithstanding that regional and district councils cease to exist in terms of section 1(3)(b) of the 1994 Act; and
 (c) that if, in the said period, any member of a Joint Board dies or resigns or ceases to be qualified to be such a member (other than as a result of the said councils so ceasing to exist) that vacancy may (notwithstanding the terms of paragraph 8 below) be filled by the Joint Board itself electing a person to fill that vacancy.”.
- (6) In paragraph 4 of Part II of the First Schedule (provisions as to meetings and proceedings), for the word “seven”, there shall be substituted the word “six”.

Modification of the Order contained in the Schedule to the 1950 Act

3. For section 22(2) of the Order contained in the Schedule to the 1950 Act (amendment of provisions relating to terms of office), there shall be substituted as follows:—

“(2) Subject to paragraphs 4 and 8 of Part I of the First Schedule to the Order of 1947, a member of the Joint Board in office at or from 1st June 1999 shall hold office from 1st June

(5) Part I of the First Schedule was amended by the 1950 Act, section 22.

first occurring following an ordinary election of councillors in terms of section 5 of the 1994 Act until 31st May first occurring following the next ordinary election of councillors.”.

Modification of the Order contained in the Schedule to the 1991 Act

4.—(1) The Order contained in the Schedule to the 1991 Act is modified as follows.

(2) In section 2 (interpretation)—

(a) in the definition of “council”, for the word “either”, there shall be substituted the word “any”;

(b) for the definition of “councils”, there shall be substituted the following definition:—

““councils” means the Dundee City Council, the Fife Council and the Angus Council;” and

(c) for the definition of “water authorities”, there shall be substituted the following definition:—

““water authorities” means the East of Scotland Water Authority and the North of Scotland Water Authority”.

(3) For section 3(3) (constitution) there shall be substituted, as follows:—

“(3) The Joint Board shall consist of twelve members, of whom six shall be members of the Dundee City Council, five shall be members of the Fife Council and one shall be a member of the Angus Council.”.

(4) In sections 5(4), 7, 32, 44(1)(b)(ii), and 45(3), and in paragraph 1(2) of Part I of Schedule 1, for the words “either of the councils” there shall be substituted in each case the words “a council”.

(5) In section 10 (superannuation), for the words “Tayside Regional”, there shall be substituted the words “Dundee City”.

(6) In section 24 (policing, etc., of bridge)—

(a) for the words “Tayside Region” to “Regional Council”, there shall be substituted the words “the Tayside combined police area and the Tayside Joint Police Board⁽⁶⁾”; and

(b) for the words “the said council” wherever they occur, there shall be substituted the words “Tayside Joint Police Board”.

(7) In section 33(2) (advances by councils to Joint Board), for the words—

“(a) Tayside Regional Council —	fifty eight per centum;
(b) Fife Regional Council —	forty two per centum”;

there shall be substituted the words—

“(a) Dundee City Council —	one-half;
(b) Fife Council —	five-twelfths;
(c) Angus Council —	one-twelfth”.

(6) The Tayside Joint Police Board was constituted by the Tayside Combined Police Area Amalgamation Scheme Order 1995 (S.I.1995/2643). See article 3(1) of that Order for the meaning of the Tayside combined police area.

(8) In sections 76 (agreements) and 77 (settlement of differences), for the word “either”, there shall be substituted in each case the word “any”.

(9) In Part I of Schedule 1 (election, tenure of office etc)—

(a) in paragraph 1(1)—

(i) for the word “four” in both places where it occurs, there shall be substituted the word “three”; and

(ii) for the proviso to that sub-paragraph, there shall be substituted as follows:—

“Provided—

(a) that not later than 30th April 1996, each council shall appoint a member to hold office in accordance with section 3(3) above from 1st May 1996 until 31st May 1999;

(b) that, notwithstanding paragraph 3 below, any person who on 31st March 1996 holds office as a member of the Joint Board by virtue of being a member of Tayside Regional Council or Fife Regional Council shall continue to hold office as a member of the Joint Board until 30th April 1996; and

(c) that if, in the period from 1st April 1996 to 30th April 1996, any member of a Joint Board dies or resigns or ceases to be qualified to be such a member (other than as a result of the said Regional Councils ceasing to exist in terms of section 1(3)(b) of the Local Government etc. (Scotland) Act 1994) that vacancy may (notwithstanding paragraph 9 below) be filled by the Joint Board itself appointing a person to fill that vacancy.”;

(b) in paragraph 4—

(i) for the words “both councils” in both places where they occur, there shall be substituted the words “more than one council”;

(ii) after the word “second”, there shall be inserted the words “or later”; and

(iii) for the words “the councils, the”, there shall be substituted the words “each of those councils, any”; and

(c) in paragraph 10—

(i) for the word “four”, there shall be substituted the word “three”; and

(ii) for the words “the regional council elections held in terms of section 4 of the Act of 1973”, there shall be substituted the words “an ordinary election of councillors held in terms of section 5 of the Local Government etc. (Scotland) Act 1994”.

St Andrew’s House,
Edinburgh
11th March 1996

James Douglas-Hamilton
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Order)

The Order reconstitutes the membership of the Forth and Tay Road Bridge Joint Boards in consequence of the reorganisation of local government in Scotland effected by the Local Government etc. (Scotland) Act 1994 and makes a number of consequential amendments to the legislation governing each Board.

The Order provides for the Forth Road Bridge Joint Board to comprise 14 members, of whom seven shall be elected by the City of Edinburgh Council, five by the Fife Council, one by the Midlothian Council and one by the West Lothian Council.

The Order similarly provides for the Tay Road Bridge Joint Board to comprise twelve members, of whom six shall be members of the Dundee City Council, five shall be members of the Fife Council and one shall be a member of the Angus Council.

For both Boards, the Order makes arrangements for a transitional period during which the new members shall be appointed.