
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2002 No.

The Forth Estuary Transport Authority Order 2002

Citation and commencement

- 1.—(1) This Order may be cited as the Forth Estuary Transport Authority Order 2002.
- (2) This Order shall come into force on 1st April 2002.

Interpretation

2. In this Order—
 - “the Act” means the Transport (Scotland) Act 2001;
 - “appointed day” means 1st April 2002;
 - “the Authority” means the joint board constituted by article 6 of this Order;
 - “bridge” means the Forth Road Bridge and any road or other property belonging to the existing board;
 - “Constituent local authorities” means City of Edinburgh Council, Fife Council, Perth & Kinross Council and West Lothian Council;
 - “existing board” means the Forth Road Bridge Joint Board constituted in terms of the Forth Road Bridge Order Confirmation Act 1947(1); and
 - “the toll orders” means the Forth Road Bridge (Toll Period) Extension Order 1997(2) and the Forth Road Bridge (Revision of Tolls) Order 1997(3).

Dissolution of existing board

3. The existing board shall be dissolved.

Transfer of property, rights and liabilities to the Authority

- 4.—(1) All property, rights or liabilities of the existing board shall transfer to and vest in the Authority.
- (2) Without prejudice to the generality of article (1) above the employees of the existing board shall transfer to and become employees of the Authority. Such transfer shall be a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 1981(4).

Financial arrangements

5. For the purposes of the Local Government Superannuation (Scotland) Regulations 1987(5) the appropriate superannuation fund in relation to the pensionable employees (as defined in said

(1) 1947 ch.iv.
(2) An Order made on 30th January 1997.
(3) An Order made on 8th July 1997.
(4) S.I.1981/1794; amended by S.I. 1987/442 and by the Trade Union Reform and Employment Rights Act 1993 (c. 19) section 33.
(5) S.I 1987/1850 to which there are amendments not relevant to this Order.

Regulations) of the Authority shall be the Lothian Pension Fund administered by City of Edinburgh Council.

Constitution of joint board

6.—(1) There is hereby constituted a joint board consisting of 10 members to be appointed from the membership of the constituent local authorities as follows—

- (a) 4 shall be appointed by City of Edinburgh Council;
- (b) 4 shall be appointed by Fife Council;
- (c) 1 shall be appointed by Perth and Kinross Council; and
- (d) 1 shall be appointed by West Lothian Council.

(2) The joint board shall be incorporated with a common seal and shall be known as the Forth Estuary Transport Authority.

(3) Schedule 1 to this Order (which contains provisions with respect to the appointment and tenure of members of the Authority and meetings and proceedings of the Authority) shall have effect.

Functions of the Authority

7.—(1) The Authority shall be responsible for the management, maintenance and operation of the bridge.

(2) The Authority may develop, support and fund such schemes and measures including roadworks, traffic management and public transport services, which it considers appropriate to reduce road traffic congestion on the bridge or to encourage an increase in the use of public transport across the Firth of Forth.

(3) In order to implement any schemes or measures to which paragraph 2 applies the Authority may enter into an agreement with any local transport authority, organisation, company or person they consider appropriate.

Byelaws

8.—(1) The Authority may make byelaws—

- (a) for preventing injury or damage to the bridge;
- (b) for regulating the conduct of persons using the bridge;
- (c) for the management, regulation, direction and control of traffic using the bridge;
- (d) for prohibiting certain classes of vehicle from using the bridge; and
- (e) for providing that the bridge may be temporarily closed to traffic for repairs or in cases of emergency or for other reasons considered necessary by the Authority.

(2) The byelaws shall be authenticated by being sealed with the common seal of the Authority and signed by the clerk of the Authority and shall not have effect until they are confirmed by the Scottish Ministers.

(3) Any byelaws made by the existing board prior to the coming into force of this Order shall continue to have effect after the appointed day as though made by the Authority.

(4) Any byelaws made by the existing board or by the Authority may be varied by the Authority as they deem necessary.

(5) Any byelaws made or varied by the Authority shall follow the procedures for byelaws set out in section 202 of the Local Government (Scotland) Act 1973(6).

(6) 1973 c. 65; section 202 was modified by S.I. 1984/918.

Power of Authority to regulate traffic on the bridge

9. The Authority shall be deemed to be a roads authority as defined in section 151(1) (interpretation) of the Roads (Scotland) Act 1984(7) and shall be the roads authority in respect of that part of the road spanning the bridge, more particularly described in Schedule 2 to this Order and as such may make traffic regulation orders under sections 1,2 and 4 of the Road Traffic Regulation Act 1984(8), experimental traffic orders under section 9 and temporary prohibitions or restrictions under section 14 of the said Act and may give directions and make orders under section 82(2) and section 84 respectively of that Act which shall, with any necessary adaptations, apply to all such orders and directions made by the Authority as aforesaid.

General transfer of functions

10.—(1) The functions exercisable by the existing board immediately before the appointed day under any enactment shall, on and after the appointed day, transfer to and be exercisable by the Authority.

(2) So far as may be necessary for the purpose or in consequence of the exercise of functions by the Authority by virtue of article (1) above, any enactment and any other instrument or document shall be read as if reference to a joint board (however described) were or included references to the Authority.

Power to compound for payment of tolls

11.—(1) The Authority may subject to the approval of the Scottish Ministers compound with any person using the bridge for passage over the bridge on such terms and for such period as may be agreed between the Authority and that person provided that if the Authority make a composition agreement with any person under this section every other person using the bridge in like circumstances may compound for the tolls payable upon like terms to those contained in such agreement.

(2) Any agreement entered into by the existing board and another person under article 67 of the Forth Road Bridge Order Confirmation Act 1947 shall continue in force after the appointed day as though that agreement were between the Authority and that person.

Power to provide car parks etc

12.—(1) The Authority 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 article—

- (a) they may lay out such land and adapt the same for use as a car park and 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;

(7) 1984 c. 54. The words in the definition of “roads authority” were substituted by the Local Government etc (Scotland) Act 1994 (c. 39) section 180(1), Schedule 13 paragraph 135(10)(a)(iii); S.I. 1996/323 article 4(1)(c).

(8) 1984 c. 27 as amended by the Roads (Scotland) Act 1984.

- (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) manage the same themselves and provide and sell refreshments of all kinds (other than exciseable liquors); or
 - (ii) grant to any person on such terms and conditions and for such period as they think fit the right to provide and sell such refreshments of all kinds at such refreshment rooms.

(2) The Authority may enter into and carry into effect agreements with the roads authority of the area in which any such car park is situated or other person for the maintenance and management of such car park by such roads authority or other person.

(3) The powers conferred on the Authority by this article shall be exercisable only with the consent of the Scottish Ministers.

Bridge to be exempt from rates

13.—(1) Notwithstanding anything contained in any Act, the bridge shall not be assessed to any rate as defined in section 43 of the Valuation and Rating (Scotland) Act 1956(9).

(2) This article shall not extend to any refreshment rooms provided under article 12(1)(f) of this Order or so far as relating to non-domestic water rates or to any other subjects provided under article 12.

Subsidiary powers

14.—(1) Without prejudice to any powers exercisable apart from this article but subject to the provisions of this Order and any other enactment passed before or after this Order, the Authority shall have power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

Incidental and supplementary provisions

15. Without prejudice to Articles 10 and 11 above, anything done before the appointed day by, or on behalf of, or in relation to, the existing board for the purposes of or in connection with the property, rights and liabilities transferred by article 4 of this Order shall, on and after the appointed day, be treated as having been done by, or on behalf of, or in relation to, the Authority and—

- (a) any legal proceedings by the existing board, or in relation to which it is a party, for the purposes of, or in connection with, the said property, rights and liabilities may be continued by, or in relation to, the Authority; and, accordingly references to the existing board in any process or other document issued, prepared or employed for the purposes of any such proceedings before any court, tribunal or other body shall be taken as referring to the Authority;
- (b) every contract or agreement whether written or not, to which the existing board is a party for the purposes of, or in connection with, the said property, rights and liabilities shall have effect in relation to such property, rights and liabilities as if the Authority was the party thereto in place of the existing board and as if for each reference therein to the existing board there was substituted a reference to the Authority; and

(9) 1956 c. 60.

- (c) every deed, bond, instrument and other document relating to the said property, rights and liabilities shall have effect in relation to such property, rights and liabilities as if, where the existing board is a party thereto the Authority was substituted as that party and as if for each reference therein to the existing board there was substituted a reference to the Authority.

Amendments and repeals

- 16.**—(1) Schedule 3 (which makes modifications of enactments) shall have effect.
- (2) The enactments specified in Schedule 4 are repealed to the extent specified in that Schedule.

Authorised to sign by the Scottish Ministers

St Andrews House,
Edinburgh
2002