

## SCHEDULE 1

Article 6(3)

### **Appointment of members of the Authority and period of office**

1.—(1) Subject to paragraph 2 below, each of the members first appointed as members of the Authority shall hold office from and after the appointed day until the first meeting of the authority which appointed that member after the next ordinary election of councillors of that authority.

(2) The members of the Authority other than the first members shall be appointed by each constituent local authority at the first meeting of that authority after the ordinary election of councillors of that authority.

(3) Subject to paragraph 2 below, the members of the Authority other than the first members shall hold office for the period from the date of their appointment until the first meeting of the constituent local authority appointing them after each ordinary election of councillors.

(4) The proceedings of the Authority shall not be invalidated by any vacancy or vacancies among its members or by any defects in the method of appointment of any of its members.

(5) Any member of the Authority may be represented at any meeting of the Authority by a substitute member appointed in accordance with sub-paragraph (6) below.

(6) A constituent local authority may, subject to sub-paragraph (8) below, appoint one of its members to be a substitute member for any member of the Authority who is also a member of that constituent local authority.

(7) A substitute member shall have the same powers at a meeting of the Authority as the member whom he is representing would have had at that meeting.

(8) A person may not be appointed as a substitute member of the Authority if he is a member of the Authority.

### **Cessation of membership of the Authority**

2.—(1) On any member of the Authority ceasing to be a member of the constituent local authority which appointed him he shall cease to be a member of the Authority.

(2) A member of the Authority may resign his membership at any time. Such resignation shall—

- (a) be in writing;
- (b) be intimated to the head of the paid service of the constituent local authority by which he was appointed and to the clerk to the Authority; and
- (c) take effect on the date on which the clerk to the Authority receives such intimation or on such later date as may be specified in that intimation.

(3) A member of the Authority who resigns his membership shall cease to be a member of the Authority on the date on which his resignation takes effect.

(4) A member of the Authority shall cease to be a member of the Authority if and when the constituent local authority by which he was appointed so decides.

(5) If any person ceases to be a member of the Authority, the constituent local authority which appointed him shall as soon as possible appoint a member in his place unless in the opinion of the constituent local authority the appointment should be deferred until the next appointment of members of the Authority.

### **Convener and vice-convener**

3.—(1) The convener of the Authority shall be—

- (a) for the period beginning with the appointed day and ending with 30th June 2003 selected by the Authority from the 4 members appointed by City of Edinburgh Council;
  - (b) for the period beginning with 1st July 2003 and ending with 30th June 2005 selected by the Authority from the 4 members appointed by Fife Council;
  - (c) on and after 1st July 2005 selected by the Authority on a rotational basis from the 4 members of City of Edinburgh Council followed by the 4 members of Fife Council and shall serve for a period of 2 years.
- (2) The vice-convener of the Authority shall be—
- (a) for the period beginning with the appointed day and ending with 30th June 2003 selected by the Authority from the 4 members appointed by Fife Council;
  - (b) for the period beginning with 1st July 2003 and ending with 30th June 2005 selected by the Authority from the 4 members appointed by City of Edinburgh Council;
  - (c) on and after 1st July 2005 selected by the Authority on a rotational basis from the 4 members of Fife Council followed by the 4 members of City of Edinburgh Council and shall serve for a period of 2 years.
- (3) If either the convener or vice-convener is unable for any reason to exercise their respective functions for a period in excess of 6 months the post will be regarded as vacant and the Authority shall appoint a replacement in accordance with sub-paragraphs (1) and (2) above.

#### **Officers of the Authority**

- 4.—(1) The Authority shall appoint a clerk and a treasurer.
- (2) The clerk and the treasurer shall hold and vacate office as such in accordance with the terms of the instruments by which they are respectively appointed and, notwithstanding the terms of the instrument of appointment, the Authority may terminate their appointment at any time.
- (3) 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.
- (4) For the period beginning with the appointed day until a clerk and treasurer have been appointed, the persons who are immediately before the appointed day clerk and treasurer of the existing board shall respectively be the clerk and the treasurer to the Authority.
- (5) The Authority may appoint such other staff as may be required for the discharge of the functions of the Authority under this order.
- (6) Where under an agreement with the Authority, any constituent local authority places its own staff at the disposal of the Authority, the Authority shall make annually such payments as may from time to time be agreed with that authority for the services of that staff.

- 5.—(1) The first meeting of the Authority shall be held no later than 5th April 2002.
- (2) The Authority shall hold such meetings as it shall consider necessary for the disposal of its business at such place or places as it may from time to time fix.
- (3) The clerk shall send copies of the minutes of meetings of the Authority to the constituent local authorities for their information.
- (4) The Authority shall have power to make or adopt standing orders regulating its procedures and business.
- (5) The quorum of the Authority shall be 4 members provided that the members present shall not all be members appointed by the same constituent local authority.
- (6) All questions coming or arising before the Authority shall be decided by a majority of the members of the Authority present and voting thereon at a meeting of the Authority.

(7) In the case of an equality of votes the person presiding at the meeting of the Authority shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a member of the Authority to any particular office or sub-committee, in which case the decision shall be by lot.

6.—(1) The Authority may appoint from its membership such committees as it may from time to time consider necessary or desirable and may refer to such committees such matters as the Authority may from time to time specify by minute or in its standing orders.

(2) Any member of a committee of the Authority may be represented at any meeting of that committee by a substitute member appointed in accordance with sub-paragraph (3) below.

(3) A constituent local authority may, subject to sub-paragraph (5) below, appoint one of its members to be a substitute member for any member of a committee who is also a member of that authority.

(4) A substitute member shall have the same powers at a meeting of a committee as the member whom he is representing would have had at that meeting.

(5) A person may not be appointed as a substitute member of a committee if he is a member of that committee.

## SCHEDULE 2

Article 9

### DESCRIPTION OF ROAD

That length of road, partly within the boundary of the City of Edinburgh Council and partly within Fife Council, from a point on the north side of the Forth Road Bridge, at the commencement of the unclassified southwards continuation of the A90, 690 metres or thereby south of the southmost abutment of the bridge over the roundabout at which the A90 crosses over the B981 to a point on the south side of the Forth Road Bridge on the A90, 160 metres or thereby north of the northmost face of the overbridge carrying the roundabout on which the A8000 and A904 meet, including those lengths of the slip roads within these points which form part of the A90 and give access to and from the above roundabout on the south side of the Forth Road Bridge, a distance measured along the said length of road approximately 3.15 kilometres.

## SCHEDULE 3

Article 16(1)

### MODIFICATION OF ENACTMENTS

#### *Forth Road Bridge Order Confirmation Act 1947*

1. In section 101 of the Order contained in the Schedule to the Forth Road Bridge Order Confirmation Act 1947<sup>(1)</sup> the words “of any of his functions...” to the end of the section shall be omitted and there shall be substituted “of the exercise of any functions of the Forth Estuary Transport Authority and the provisions of section 210 of the Local Government (Scotland) Act 1973<sup>(2)</sup> shall have effect with regard to any such inquiry”.

(1) 1947 ch.iv. The functions of the Minister were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 1973 c. 65.

*Forth Road Bridge Order Confirmation Act 1958*

2. After section 46 of the Order contained in the Schedule to the Forth Road Bridge Order Confirmation Act 1958<sup>(3)</sup> there shall be inserted—

**“Exemptions**

**46A.** Nothing in this Order shall extend to authorise any tolls to be demanded or received in respect of:—

- (a) a police vehicle, identifiable as such by writing or markings on it or otherwise by its appearance, if being used for police purposes;
- (b) a vehicle which is exempt from vehicle excise duty under—
  - (i) paragraph 4 (fire engines),
  - (ii) paragraph 6 (ambulances),
  - (iii) paragraph 18 (vehicles adapted for invalids),
  - (iv) paragraph 19 (vehicles for use by or for certain disabled people), or
  - (v) paragraph 20 (vehicles used for carriage of disabled people by recognised bodies),

of Schedule 2 to the Vehicle Excise and Registration Act 1994<sup>(4)</sup>.

**Refusal or failure to pay tolls**

**46B.—(1)** A person who without reasonable excuse refuses or fails to pay, or who attempts to evade payment of, a toll which that person is liable to pay by virtue of the toll orders commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If it appears to a person employed for the purpose of collecting tolls that a person has, without reasonable excuse, refused or failed to pay a toll which is due to be paid by virtue of the toll orders, the person collecting tolls may refuse to permit the person so in default to use the bridge, and may with such assistance as necessary, stop and prevent the person so in default from using the bridge.”.

*The Forth Road Bridge (Toll Period) Extension Order 1997*

3. In article 2 of the Forth Road Bridge (Toll Period) Extension Order 1997<sup>(5)</sup> “of 5 years” shall be omitted and “expiring on 31st March 2006” shall be substituted.

SCHEDULE 4

Article 16(2)

REPEALS

| <i>Short Title</i>           | <i>Extent of Repeal</i>  |
|------------------------------|--|
| Forth Road Bridge Order 1947 | The Whole Order, other than sections 2, 4(1) (a), the definitions of “bridge” and “Joint Board” in section 4(1)(b) and section 101 |

<sup>(3)</sup> 1958. c.vi.

<sup>(4)</sup> 1994 c. 22.

<sup>(5)</sup> An Order made on 30th January 1997.

| <i>Short Title</i>                                     | <i>Extent of Repeal</i>   |
|--|---|
| Forth Road Bridge Order Confirmation Act 1950 (c.xxiv) | The Whole Act   |
| Forth Road Bridge Order Confirmation Act 1954 (c.x)    | The Whole Act   |
| Forth Road Bridge Order 1958                           | The Whole Order including section 43(2) with the exception of sections 1,2, 30 and 34 and the remainder of Part V Tolls |
| Forth Road Bridge Order Confirmation Act 1960 (c.iii)  | The Whole Act   |
| Forth Road Bridge Order Confirmation Act 1961 (c.xxi)  | The Whole Act   |