



CHAPTER xxi

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to the Forth Road Bridge. [19th July, 1961.]

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 Forth Road Bridge Order Confirmation Act, 1961. Short title.

SCHEDULE

FORTH ROAD BRIDGE

Provisional Order to authorise the Forth Road Bridge Joint Board to acquire additional lands and to construct further works; to confer further powers on the said Board; and for other purposes.

Whereas by the Forth Road Bridge Order 1947 the Forth Road Bridge Joint Board (hereinafter respectively referred to as "the Order of 1947" and "the Joint Board") was established and was authorised to construct a bridge over the Firth of Forth and relative works and to acquire lands for such purposes and further powers were conferred on the Joint Board by the Forth Road Bridge Order 1950, the Forth Road Bridge Order 1954, the Forth Road Bridge Order 1958 and by the Forth Road Bridge Order 1960:

And whereas, with a view to improving the traffic facilities relative to the said bridge and works, it is expedient that the Joint Board should be authorised to acquire additional lands for the several purposes mentioned in this Order and to construct the additional works described in this Order:

And whereas estimates have been prepared of the cost of the acquisition of lands, minerals and permanent rights for the said works and for the purposes mentioned in this Order and in respect of the execution of the works authorised by this Order and such estimates are as follows:—

Purchase of lands, minerals and permanent rights,	£10,000
For the construction of Works Nos. 17 and 18,	£1,050,000

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 were duly deposited with the sheriff clerk of the county of Fife 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 it is expedient that the construction of certain of the works authorised by the Order of 1947 should be abandoned as provided in this Order:

And whereas it is expedient, with a view to facilitating the flow of traffic to and from the bridge, that the provisions contained in this Order with respect to the widening and improvement of a portion of the Barnton to South Queensferry road (A.90), the construction of a new road leading to the approaches to the bridge, or the widening

or duplication of the existing bridge over the river Almond at Cramond and relative road works by or on behalf of the road authorities concerned should be enacted and that the Joint Board should be authorised to meet or contribute to the cost of any such widening and improvement and of such new road or bridge and road works:

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

And whereas the purposes aforesaid 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 as the Forth Road Bridge Order, 1961. Short and collective titles.

(2) This Order shall be construed as one with the Forth Road Bridge Orders 1947 to 1960, and the Forth Road Bridge Orders 1947 to 1960 and this Order may be cited together as the Forth Road Bridge Orders, 1947 to 1961.

2. In this Order unless the context otherwise requires— Interpretation.

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

(b) words and expressions to which meanings are assigned by the Forth Road Bridge Order 1947 (in this Order referred to as “the Order of 1947”) shall, subject to the provisions of this Order, have the same respective meanings; and

(c) the expression “Orders of 1947 to 1960” means the Forth Road Bridge Orders 1947 to 1960 and “Order of 1950”, “Order of 1958” and “Order of 1960” mean the Forth Road Bridge Order 1950, the Forth Road Bridge Order 1958 and the Forth Road Bridge Order 1960 respectively.

3.—(1) For the purposes of the Orders of 1947 to 1960 and this Order the expression— Definition of Lands Clauses Acts.

“Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act, 1931, the Lands Tribunal Act, 1949, and the Town and Country Planning (Scotland) Acts, 1947 to 1959, and the definition of the said expression in section 4 (Interpretation) of the Order of 1947, the proviso to paragraph (b) of section 3 (Interpretation) of the Order of 1950 and the second proviso to paragraph (b) of section 2 (Interpretation) of the Order of 1958 are hereby repealed.

PART I
—cont.

(2) Until sections 1 to 3 of the Lands Tribunal Act, 1949, come into force as regards Scotland, “the tribunal” shall be construed as meaning an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections 3, 5 and 6 of the last-mentioned Act shall apply subject to the necessary modifications in relation to the determination of any question under the Orders of 1947 to 1960 or this Order by an arbiter so appointed.

Incorporation
of Acts.

4.—(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):—

the Lands Clauses Acts (except sections 84 and 120 to 124 of the Lands Clauses Consolidation (Scotland) Act, 1845);

sections 6 and 16 of the Railways Clauses Consolidation (Scotland) Act, 1845, 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, and so much of section 14 of that Act as relates to the making of tunnels instead of cuttings and viaducts instead of solid embankments:

Provided that—

(a) in the application of the said section 14 to the Joint Board, for the words “authorised by such certificate as aforesaid from the Board of Trade” there shall be substituted the words “the consent of the Secretary of State has been obtained”; and

(b) the reference to “the said plan and section” in the said section 14 shall be deemed to be a reference to the plans and sections deposited with reference to this Order.

(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 authorised by this Order shall be deemed to be the works or the undertaking or the railway; and

(d) any part of the works authorised by this Order shall be deemed to be the centre of the railway;

all as the case may require.

PART II

LANDS

Power to
acquire further
lands.

5. 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—

(a) for the purposes of the works authorised by this Order; and

(b) for the purposes of the works authorised by the Order of 1947.

PART II

—cont.

6. The powers of the Joint Board under this Order for the compulsory purchase of lands for the purposes of this Order and of the Order of 1947 shall cease on the thirty-first day of December nineteen hundred and sixty-three.

Period for compulsory purchase of lands.

7. The following provisions of the Order of 1947 shall extend and apply with respect to the acquisition by the Joint Board of the lands which the Joint Board are authorised by this Order to enter upon take and use to the same extent as if the said provisions were with all necessary modifications re-enacted in this Order (that is to say):—

Application of provisions of Order of 1947 as to acquisition of lands.

- Section 48 (Persons under disability may grant servitudes &c.);
- Section 49 (Extinction of private rights of way over lands compulsorily acquired);
- Section 50 (Power to enter upon lands and buildings for survey and valuation) (as extended by section 10 (Further powers as to entry on lands) of the Order of 1960);
- Section 51 (Power of entry on lands compulsorily acquired);
- Section 52 (Benefits to be set off against compensation);
- Section 55 (Agreements with owners of property);
- Section 56 (Power to reinstate owners of property);
- Section 59 (Power to retain sell &c. lands).

8.—(1) In determining any question of disputed compensation or purchase money in respect of land acquired under this Order the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the nineteenth day of November nineteen hundred and sixty; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

(2) For the purposes of this section, “the tribunal” means the arbiter or other authority to whom any question of disputed purchase money or compensation under this Order is referred.

9.—(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 ten days’ notice to the owner, lessee and occupier of the land in question, may apply to the sheriff of the county of Fife for the correction thereof.

Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the said 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 of the House of Commons and with the sheriff clerk of the county of Fife and with the clerk to the Joint Board 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.

PART II
—cont.Acquisition and
utilisation of
further lands.

(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.

10.—(1) The Joint Board may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require for the purpose of forming junctions between any of the works authorised by this Order and any roads and streets and of improving the said works and may utilise any such land, and any other land vested in them, for any of such purposes and for the purposes of section 16 (Subsidiary works) of the Order of 1947.

(2) 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, within the meaning of section 113 of the Town and Country Planning (Scotland) Act, 1947, of any railway, canal, dock, harbour, gas or electricity undertakers.

PART III

NEW WORKS

Power to
execute works.

11. 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 other works and conveniences as it may be necessary or convenient to construct and maintain in connection therewith. The works hereinbefore referred to are—

Work No. 17 A roadway situated in the parish of Dunfermline the burgh of Dunfermline and the parish of Inverkeithing in the county of Fife commencing at a point in the parish of Dunfermline two hundred and fifty yards or thereabouts north-north east of Sunnybank House and terminating in the burgh of Dunfermline at Admiralty Road near Craig Street, Rosyth;

Work No. 18 A diversion of Masterton Road situated partly in the burgh of Dunfermline and partly in the parish of Dunfermline (incorporating a widening and improvement of the private road leading from the said road to Middlebank House) commencing by a junction with the said road at a point three hundred and eighty yards or thereabouts south of the entrance to Masterton House and terminating by a junction with the said road at a point two hundred yards or thereabouts south of Sunnybank House.

Vesting and
maintenance
of roads.

12.—(1) As from the respective dates of the opening for traffic of the several works authorised by this Order, or of any portion of the said works, the said works or portion thereof opened to traffic (in this section referred to as "the transferred works") shall cease to form part of the undertaking and, subject to the provisions of subsection (5) of this section, so much of the transferred works as lies within the burgh of Dunfermline shall be transferred to and vested in the

Dunfermline town council and so much of the transferred works as lies outwith the said burgh shall be transferred to and vested in the Fife county council.

PART III
—cont.

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

(3) (a) As from the date on which any portion of the transferred works situated on embankments not less than twenty-five feet in height has been transferred to the Dunfermline town council or the Fife county council as the case may be until the date of completion of the transferred works aforesaid any expenditure incurred by the Dunfermline town council, or the Fife county council as the case may be, with the approval of the Joint Board and the Secretary of State on and in connection with the maintenance of any portion of the transferred works aforesaid, and the final resurfacing of the roadways comprised therein, shall be repaid by the Joint Board to the Dunfermline town council or the Fife county council as the case may be.

(b) All such expenditure shall be deemed to be capital expenditure incurred by the Joint Board and shall be defrayed accordingly in the manner provided by the Order of 1958.

(4) All property transferred to and vested in the Dunfermline town council, and the Fife county council respectively, 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 purposes of enabling the Dunfermline town council and the Fife county council respectively 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, or 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 Dunfermline town council or the Fife county council as the case may be.

(5) The expression "the date of completion of the transferred works aforesaid", where used in this section, means the date on which the roadways comprised in the transferred works situated on embankments not less than twenty-five feet in height referred to in paragraph (a) of subsection (3) of this section have been finally resurfaced.

(6) The final resurfacing shall not be carried out until the embankments carrying the said roadways have consolidated and the date of such consolidation and the dates upon which the final resurfacing is to be commenced and is to be deemed to have been completed shall be agreed between the Joint Board and the Dunfermline town council, or the Fife county council as the case may be, or (failing agreement) shall be determined by the Secretary of State.

13. In the construction of the works authorised by this Order 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 and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding thirty feet upwards and twenty feet downwards.

Power to deviate.

PART III

—cont.

Application of
provisions of
Order of 1947
to new works.

14.—(1) The following provisions of the Order of 1947 shall extend and apply to the Joint Board in respect of the works authorised by this Order, and to the said works, to the same extent as if the said provisions were, with all necessary modifications, re-enacted in this Order (that is to say):—

- Section 16 (Subsidiary works);
- Section 18 (Power to alter roads &c. temporarily);
- Section 19 (Penalty for obstructing works);
- Section 20 (Connection of drains &c. with streams &c.);
- Section 23 (Vesting and disposal of materials);
- Section 33 (Accommodation for workmen &c.);
- Section 37 (For further protection of Postmaster-General);
- Section 39 (For protection of electricity undertakers).

(2) In the application of the foregoing provisions of the Order of 1947 references to “the works” to “the deposited plans” and to “the deposited book of reference” shall be deemed to be references to the works authorised by this Order and to the plans and book of reference respectively deposited with reference to this Order and references to “railway company” shall be deemed to be references to the British Transport Commission.

Period for
completion
of works.

15. If the works are not completed by the thirty-first day of December nineteen hundred and sixty-six 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.

Power to stop
up roads.

16. The Joint Board may, subject to the provisions of this Order, for the purposes of and in connection with the works authorised by the Order of 1947, and by this Order, stop up any road or portion of road shown upon the deposited plans as intended to be stopped up and shall make compensation to the owners and occupiers of any lands injuriously affected by the exercise of the powers of this section, such compensation in case of difference to be determined by an official arbiter under the Acquisition of Land (Assessment of Compensation) Act, 1919.

Vesting of
solum of roads
etc. stopped up
etc.

17.—(1) On the stopping up of any roads, or portions of roads, under the powers of the immediately preceding section of this Order the solum of the roads, or portions of roads, so stopped up shall—

- (a) so far as forming part of the site of the works authorised by the Order of 1947 and by this Order vest in the Joint Board; and
- (b) so far as situated elsewhere vest in the persons whose lands immediately adjoin thereto;

and 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.

(2) The Joint Board shall be entitled on the stopping up of any roads, or portions of roads, as aforesaid to appropriate and remove the causeway setts, road metal, paving material, kerbs, water channels, gullies, or other materials forming such roads, or portions of roads, together with the lamp posts situated thereon.

PART III

—cont.

18. The construction of Work No. 1 and Work No. 6 authorised by the Order of 1947 (for which Works Nos. 17 and 18 authorised by this Order are respectively in substitution) shall not be proceeded with and the powers of the Joint Board in relation to the construction of the said Works Nos. 1 and 6 shall cease and determine.

Certain works authorised by Order of 1947 not to be constructed.

19. Section 13 (Power to execute works) of the Order of 1947 shall apply and have effect in relation to the Works Nos. 7 and 10 authorised by the Order of 1947 as if the limits of deviation shown on the respective deposited plans referred to in the Order of 1947, and in the Order of 1958, had been extended by the inclusion therein of the lands referred to in paragraph (b) of section 5 (Power to acquire further lands) of this Order and the Joint Board may, accordingly, make and maintain the said works authorised by the Order of 1947 within the said limits of deviation as so extended.

Additional lands may be used for construction of works authorised by Order of 1947.

PART IV

MISCELLANEOUS

20.—(1) Notwithstanding anything in the Order of 1947, or in the plans and sections deposited with reference to the said Order, it shall be lawful for the Board, in constructing the bridge carrying the roadway Work No. 5 authorised by the said Order over the Dalmeny-Craigbrae-Standing Stone road, to construct the said bridge with a span of thirty-six feet.

As to construction of bridge over Dalmeny Road and means of communication between parts of Spencerfield Farm.

(2) Notwithstanding anything in the Order of 1947 or in the plans and sections deposited with reference to the said Order, the Joint Board, in the construction of Work No. 7 authorised by the Order of 1947, shall not be required to construct the accommodation bridge under the said Work No. 7 in the vicinity of Spencerfield Cottages shown on the sections deposited with reference to the Order of 1947 provided that they make, under the powers vested in them, such suitable alternative means of communication between the lands on the north side of the said Work No. 7 and the lands on the south side of the said Work No. 7, with access to the Inverkeithing-Kirkcaldy Road (A.92) at or near the east end of Spencerfield Cottages as may be agreed upon between the Joint Board and the proprietor for the time being of Spencerfield Farm, or as, failing agreement, may be determined by an arbiter to be mutually agreed upon between the Joint Board and such proprietor or, failing agreement, to be appointed on the application of either party by the sheriff of the county of Fife, and the Joint Board may, in addition to the portion of the said road to be stopped up as shown on the said deposited plans, stop up so much of the said road as lies between the western end of the portion of the said road to be stopped up as shown on the said deposited plans and the access aforesaid with the said road.

21. In the event of—

(a) the West Lothian county council carrying out, under the powers vested in them as road authority, a scheme of widening and improvement of the portion of the Barnton to South Queensferry road (A.90) between the existing bridge carrying

Power of Joint Board to meet or contribute to cost of certain road works, etc.

PART IV
—cont.

the said road over the river Almond at Cramond and the point of termination of Work No. 5 authorised by the Order of 1947 or any point on the said Barnton to South Queensferry Road; or

(b) the said county council (so far as the new road or the bridge and road works hereinafter mentioned would be situated within the county of West Lothian) and the corporation of the city of Edinburgh (so far as the said new road or the said bridge and road works would be situated within the city and royal burgh of Edinburgh) constructing under the powers vested in them respectively as road authorities either—

(i) a new road (including a new bridge over the river Almond) from a point in the city on the said Barnton to South Queensferry road in the vicinity of the existing bridge carrying the said road over the river Almond to the point of termination of Work No. 5 authorised by the Order of 1947 or to a point on the said Barnton to South Queensferry road within the said county; or

(ii) a widening and improvement of the said Barnton to South Queensferry road from a point in the city on the said road in the vicinity of the said existing bridge together with a widening or duplication of the said existing bridge;

or any of such works with the approval of the Secretary of State and in accordance with plans, sections and specifications previously agreed upon between the Joint Board and the said county council, in the case of the scheme referred to in paragraph (a) of this section, and between the Joint Board and the said county council and the said corporation for their respective interests, in the case of the new road or the bridge and road works, as the case may be, referred to in paragraph (b) of this section, the Joint Board may defray the cost of carrying out the said scheme and of constructing the said new road or the said bridge and road works, as the case may be, or may make such contributions to the cost thereof as may be agreed, in the case of the said scheme, between the Joint Board and the said county council and, in the case of the said new road or the said bridge and road works, as the case may be, between the Joint Board and the said county council and the said corporation.

Certain expenditure to be part of initial capital expenditure.

22.—All expenditure incurred by the Joint Board in the exercise of the powers conferred on them by this Order, so far as properly attributable to works of a capital nature, together with a sum equal to the amount paid by the Joint Board in pursuance of section 31 (Costs of Order) of this Order, shall, for the purposes of the Order of 1958, be deemed to form part of the initial capital expenditure referred to in and defined by section 23 (Definitions for Part IV of Order) of the Order of 1958.

Extension of time may be authorised.

23.—(1) (a) On the application of the Joint Board the Secretary of State may, by order, extend the period referred to in section 6 (Period for compulsory purchase of lands) and section 15 (Period for completion of works) of this Order or either of such periods.

(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.

PART IV
—cont.

(2) The provisions of subsection (2) of section 6 (Further extensions of time may be authorised) of the Forth Road Bridge Order 1954 shall apply to any order made under this section as if such order were an order made under section 6 of the said Order of 1954.

24. Section 41 (For protection of London and North Eastern and Forth Bridge Railway Companies) of the Order of 1947 shall be read and have effect as if—

For protection
of British
Transport
Commission.

- (a) for the references therein to Work No. 1 authorised by the Order of 1947 there were substituted references to Work No. 17 authorised by this Order;
- (b) for the references therein to the railway companies as therein defined there were substituted references to the British Transport Commission;
- (c) for the reference in paragraph (a) of subsection (1) thereof to the section of the Order of 1947 the marginal note of which is "Vesting and maintenance of roads" there were substituted, in relation to Work No. 17 authorised by this Order, a reference to section 12 (Vesting and maintenance of roads) of this Order; and
- (d) the following provisions were substituted for the provisions of paragraph (a) of subsection (6) of the said section 41:—

(i) Work No. 17 Viaduct of ten spans at and on the west of Inverkeithing North Junction in the construction of which the southmost span carrying the road over the two existing main lines of railway of the Commission shall be a clear square span of not less than forty-eight feet. Provision shall be made for two future additional lines to pass through the span lying immediately to the north of the southmost span.

(ii) Two bridges each of one span carrying the subsidiary roads comprised in Work No. 17 over the said main lines of railway in the construction of which each span shall be a clear square span of not less than thirty-two feet. If at any time hereafter the Commission are desirous of altering or widening their railway by the construction of additional lines any reconstruction extension or adaptation of these bridges shall be carried out at the cost of the appropriate authority.

(iii) The appropriate authority shall when required by the Commission to do so and at their own expense provide and convey to the Commission any lands necessary for the purpose of constructing such future additional lines so far as the same will be situated under the said viaduct or bridges.

(iv) Upon the stopping up of the road on the existing bridge of two spans carrying the Kirkgate over the existing lines and sidings the said existing bridge shall be demolished at the cost of the appropriate authority.

PART IV
—cont.

(v) In the construction of the said viaduct and overline bridges the appropriate authority shall provide overhead lateral clearances as follows:—

The viaduct where it crosses the Commission's railway and each bridge shall have a clear headway of not less than sixteen feet three inches above the highest rail level of the existing lines respectively;

The interval between each existing main line and the nearest future additional line shall be not less than eleven feet clear;

All lateral clearances of the abutments and piers shall be in accordance with the "Desirable standard requirements of the Minister of Transport in regard to railway construction" for the time being in force;

If the construction of any of the said works shall necessitate the permanent alteration of any of the existing lines of the Commission such alterations shall be carried out at the cost of the appropriate authority who shall at their expense provide and convey to the Commission any lands necessary for the purpose.

For protection
of Scottish
Gas Board.

25. Section 22 (For protection of Scottish Gas Board) of the Order of 1958 shall extend and apply for the protection of the Scottish Gas Board to and in respect of any road, or portion of road, stopped up by the Joint Board under the powers of this Order in which there are any mains pipes or other works or apparatus belonging to the Scottish Gas Board in the same way and to the same effect as if any such road, or portion of road, was a stopped-up road as defined in the said section.

Amendment of
section 42 of
Order of 1947.

26. Section 42 (For protection of the Scottish National Housing Company Limited) of the Order of 1947 shall apply and have effect, and shall be deemed always to have applied and had effect, as if the said section had provided that the provisions thereof should apply and have effect unless otherwise agreed in writing between the Scottish National Housing Company Limited and the Joint Board.

Repeal of
section 43 of
Order of 1947.

27. Section 43 (For protection of Scottish Bricks Limited) of the Order of 1947 is hereby repealed.

Crown rights.

28. 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 an 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, heritage, 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.

29. Notwithstanding the provisions contained in section 28 (Crown rights) of this Order, or in any public statute, but, subject as hereinafter in this section provided, Her Majesty and Her lessees for their respective interests may work any minerals belonging to Her Majesty in right of Her Crown under or adjacent to lands and works authorised by this Order to be taken or constructed but in the event of any such right being at any time intended to be exercised sections 70 to 78 (both inclusive) of the Railways Clauses Consolidation (Scotland) Act, 1845, as amended by the Mines (Working Facilities and Support) Act, 1923, and the First, Second and Third Schedules to such last-mentioned Act, as the same are incorporated with and modified by the Order of 1947 shall apply in relation to such minerals and as if the Crown Estate Commissioners were the mine owners, or royalty owners, as the case may be, and so that any compensation payable by the Joint Board to or for the benefit of Her Majesty as the mine owner, or royalty owner, or payable to the Joint Board by Her Majesty as such owner shall be payable to or by the said commissioners as the case may be.

PART IV
—cont.
Crown minerals.

30. 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.

Saving for
town and
country
planning.

31. The costs, charges and expenses, preliminary to and of and incidental to the preparing for, obtaining, and confirming of this Order, or otherwise in relation thereto shall be paid by the Joint Board.

Costs of 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.
Railway Clauses Consolidation (Scotland) Act, 1845	8 & 9 Vict. c. 33.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5 c. 57.
Mines (Working Facilities and Support) Act, 1923	13 & 14 Geo. 5 c. 20.
Acquisition of Land (Assessment of Compensation) (Scotland) Act, 1931	21 Geo. 5 c. 11.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5 & Edw. 8 c. 52.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6 c. 42.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6 c. 53.
Lands Tribunal Act, 1949 	12 & 13 Geo. 6 c. 42.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s. 0d. net

PRINTED IN ENGLAND

Forth Road Bridge Order Confirmation Act, 1961

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