



CHAPTER iv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the Forth Road Bridge. [29th April 1947.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners 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: 26 Geo. 5. &
1 Edw. 8. c. 52.

Be it therefore enacted by the King'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 1947. Short title.

SCHEDULE.

FORTH ROAD BRIDGE.

Provisional Order to provide for the construction and maintenance of a road bridge across the Firth of Forth at Queensferry with approach roads in connection therewith to establish a Joint Board for that purpose to make provision for the abandonment of the existing ferry of the London and North Eastern Railway Company between North Queensferry and South Queensferry and for other purposes.

WHEREAS the existing facilities for traffic across the Firth of Forth are inadequate and the construction of a bridge for vehicular and pedestrian traffic and the works connected therewith by this Order authorised would be of public and local advantage:

And whereas the Minister of Transport has agreed to make from the road fund at such time as Parliament decides to approve the necessary financial provision in the grant in aid of the road fund a grant of seventy-five per centum of the approved expenditure incurred on the construction of such a bridge and works and the corporation of the city of Edinburgh the county council of the county of Fife the county council of the county of West Lothian the county council of the county of Midlothian the provost magistrates and councillors of the city and royal burgh of Dunfermline and the royal burgh of Kirkcaldy (hereinafter together referred to as "the Councils") have agreed to contribute towards the remainder of such expenditure as in this Order provided:

And whereas the Minister has also agreed to make from the road fund a grant of seventy-five per centum of the approved cost of obtaining this Order and the Councils have agreed to meet the balance of such cost as in this Order provided:

And whereas it is expedient that a Joint Board of the Councils should be established as in this Order provided and that the Joint Board should be authorised to construct the said bridge and works to take tolls in respect of the use of the said bridge and to exercise the other powers conferred on the Joint Board as in this Order provided:

And whereas it is expedient that the Councils should be empowered to borrow money for the purposes of this Order as in this Order provided and that the other financial provisions contained in this Order should be made:

And whereas estimates have been prepared 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:—

	£		
Purchase of lands and servitudes	125,000
Works Nos. 1 to 10 inclusive	6,075,000

And whereas the works included in such 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 to make provision for the abandonment of the existing ferry of the London and North Eastern Railway Company between North Queensferry and South Queensferry:

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 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 have been deposited with the sheriff clerks of the counties of Fife and West Lothian 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 the purposes of this Order cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936: 26 Geo. 5. &
1 Edw. 8. c. 52.

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

1. This Order is divided into Parts as follows:—

Division of
Order into
Parts.

Part I.—Preliminary.

Part II.—Establishment and constitution of Joint Board.

Part III.—Officers.

Part IV.—Works.

Part V.—Lands.

Part VI.—Tolls.

Part VII.—Finance.

Part VIII.—Byelaws.

Part IX.—Miscellaneous.

PART I.

PRELIMINARY.

2. This Order may be cited as the Forth Road Bridge Order 1947. Short title.

3. This Order shall come into operation on the date on which the Act confirming it is passed and that date is in this Order referred to as "the commencement of this Order."

4.—(1) In this Order unless the context otherwise requires—

Interpretation.

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

PART I.
—cont.

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

19 & 20 Geo. 5.
c. 25.

“ Act of 1929 ” means the Local Government (Scotland) Act 1929 and any Acts amending or extending the same;

“ bridge ” means the bridge over the Firth of Forth (including any carriageways and footways thereon) comprised in Work No. 3 authorised by this Order;

“ classified road ” has the meaning assigned to it by section 77 of the Act of 1929;

“ corporation ” means the corporation of the city of Edinburgh;

“ Council ” means any of the Councils;

“ Councils ” means the corporation the Fife County Council the West Lothian County Council the Midlothian County Council the Dunfermline Town Council and the Kirkcaldy Town Council;

“ Dunfermline Town Council ” means the provost magistrates and councillors of the city and royal burgh of Dunfermline;

“ Fife County Council ” means the county council of the county of Fife;

“ high-water mark ” means high-water mark of ordinary spring tides;

“ Joint Board ” means the Joint Board established by this Order;

“ Kirkcaldy Town Council ” means the royal burgh of Kirkcaldy;

“ 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 and the Town and Country Planning (Scotland) Act 1945;

“ Midlothian County Council ” means the county council of the county of Midlothian;

“ Minister ” means the Minister of Transport;

“ officer ” includes servant;

“ sheriff ” includes sheriff substitute;

“ trustee securities ” means investments in which trustee, are by the law of Scotland authorised to invest and includes any trustee securities created or issued by any of the Councils;

“ West Lothian County Council ” means the county council of the county of West Lothian;

“ works ” and “ undertaking ” mean the works by this Order authorised and the works connected therewith

and include the bridge and as the case may be such of the said works as for the time being remain the property

of the Joint Board.

9 & 10 Geo. 5.
c. 57.

21 Geo. 5. c. 11.
8 & 9 Geo. 6.
c. 33.

(2) The Joint Board shall be deemed to be a public authority within the meaning of and for the purposes of the Acquisition of Land (Assessment of Compensation) Act 1919.

PART I.
—cont.

5.—(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 8 & 9 Vict. c. 19. the Lands Clauses Consolidation (Scotland) Act 1845);

Sections 6 and 16 of the Railways Clauses Consolidation (Scotland) Act 1845 and 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: 8 & 9 Vict. c. 33.

Provided that for the purposes of section 71 of the said Railways Clauses Consolidation (Scotland) Act 1845 (as amended by the Mines (Working Facilities and Support) Act 1923) in so far as it relates to the bridge the area of protection shall as regards mines and minerals lying within five hundred and sixty-five feet of the surface of the ground or the bed of the Firth of Forth (as the case may be) be four hundred feet and as regards mines and minerals lying at a greater depth than five hundred and sixty-five feet below the said surface the area of protection shall be increased by sixty feet for every one hundred feet or part thereof by which the mines and minerals lie deeper below the said surface than five hundred and sixty-five feet. 13 & 14 Geo. 5. c. 20.

(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 shall be deemed to be the works or the undertaking or the railway; and
- (d) any part of the works shall be deemed to be the centre of the railway;

all as the case may require.

PART II.

ESTABLISHMENT AND CONSTITUTION OF JOINT BOARD.

6.—(1) A Joint Board to be called " the Forth Road Bridge Joint Board " shall be and is hereby established for the purpose of exercising subject to the provisions of this Order the powers by this Order conferred on the Joint Board and such powers shall be exercised by the Joint Board accordingly. Establishment and constitution of Joint Board &c.

(2) The Joint Board shall be a body corporate with power to acquire hold and dispose of lands and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

PART II.
—cont.

(3) The Joint Board shall consist of sixteen members of whom nine shall be elected by the corporation three by the Fife County Council one by the West Lothian County Council one by the Midlothian County Council one by the Dunfermline Town Council and one by the Kirkcaldy Town Council.

(4) A chairman and a vice-chairman of the Joint Board shall be appointed by and from the members of the Joint Board but shall not both be persons elected by the same Council.

(5) Subject to the provisions of this Order the provisions of the First Schedule to this Order with respect to the election tenure of office and qualifications of members of the Joint Board and of the chairman and vice-chairman of the Joint Board and with respect to meetings and proceedings of the Joint Board shall have effect.

(6) The proceedings of the Joint Board shall not require the approval of the Councils but not later than the thirty-first day of October in each year the Joint Board shall send to each of the Councils a report of its proceedings for the financial year preceding that date.

PART III.

OFFICERS.

Appointment
of clerk
treasurer &c.

7.—(1) The Joint Board shall appoint a clerk and a treasurer who shall be clerk and treasurer of the Joint Board respectively.

(2) 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.

(3) The Joint Board may appoint such other officers as they think necessary for carrying out the purposes of this Order.

(4) An officer of any of the Councils may also be an officer of the Joint Board.

(5) The Joint Board shall pay to every officer appointed by them such reasonable salary as they may determine.

(6) Every officer appointed by the Joint Board shall hold office during the pleasure of the Joint Board.

Appointment of
deputes.

8.—(1) The clerk or the treasurer of the Joint Board may and if required by the Joint Board shall appoint one or more persons approved by the Joint Board to act as his depute and all things authorised by law to be done by or to the officer appointing the depute may be done by or to any depute so appointed by him.

(2) A depute appointed under this section shall—

(a) notwithstanding that the officer appointing the depute has by reason of death or resignation or other cause ceased to hold office exercise and discharge the powers and duties of the office until the Joint Board otherwise determine;

(b) be deemed to be an officer of the Joint Board;

(c) cease to hold office if either the officer appointing the depute or the Joint Board so determine.

PART III.
—cont.

(3) The Joint Board shall pay to a depute appointed under this section such reasonable salary as they may determine.

9. It shall not be lawful for the Joint Board to appoint to any paid office in the gift or disposal of the Joint Board a person who is or has within six months prior to the date of appointment been a member of the Joint Board or of any of the Councils or a person who is or has within six months prior to the date of appointment been a partner in business of a person who is or has within the said six months been a member of the Joint Board or of any of the Councils.

Member of
Joint Board or a
Council not to
be appointed
an officer.

10.—(1) The Joint Board in the case of the treasurer shall and in the case of any other officer employed by them may require the officer to obtain in name of the Joint Board from any company accepted by the Court of Session as cautioner for a judicial factor appointed by the court security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him to such amount as the Joint Board think sufficient.

Security to be
given by
officers.

(2) If any officer of the Joint Board fails to provide security in accordance with subsection (1) of this section within three months after the date on which the Joint Board have required him to do so he shall be deemed to have resigned from his office at the expiration of the said period of three months.

(3) The Joint Board may defray the premium in respect of any security taken under this section and where the Joint Board do not themselves defray the premium it shall be the duty of the clerk of the Joint Board in the case of the treasurer and of the treasurer in the case of every other officer to satisfy himself that the premiums payable in respect of the security are punctually paid.

(4) Every such deed of security in respect of the treasurer of the Joint Board shall be delivered to and remain in the custody of the clerk of the Joint Board and every such deed of security in respect of any other officer of the Joint Board shall be delivered to and remain in the custody of the treasurer of the Joint Board and shall be produced by the officer to whom it has been delivered to the auditor at the audit of the accounts of the Joint Board and the auditor shall in each case report whether in his opinion security of a sufficient amount has been provided and whether the premiums payable have been duly paid.

11. For the purposes of the Local Government Superannuation (Scotland) Act 1937 the corporation shall be deemed to include the Joint Board and the Joint Board shall as regards officers and servants in their employment be liable for all such obligations under the superannuation scheme administered by the corporation under the Edinburgh Corporation Acts (as defined in section 4 of the Edinburgh Corporation Order 1937) as the corporation are liable for in respect of their own officers and servants and service with the Joint Board shall be deemed to be service with the corporation.

Superannuation
of officers.

1 Edw. 8. &
1 Geo. 6. c. 69.

1 Edw. 8 &
1 Geo. 6.
c. lxxxiv.

PART III.
—cont.Dwelling-
houses for
officers.

12.—(1) The Joint Board may erect purchase or take on lease dwelling-houses for such of the officers employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

(2) Nothing contained in this section shall empower the Joint Board to create or permit a nuisance.

PART IV.

WORKS.

Power to
execute works.

13. 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 approaches and plant and other works and conveniences as it may be necessary or convenient to construct and maintain in connection therewith. The works are—

Work No. 1 A roadway situated partly in the parish of Inverkeithing partly in the parish of Dunfermline and partly in the burgh of Dunfermline commencing by a junction with the Inverkeithing-Cowdenbeath road (A. 90) near Rosebank House and terminating by a junction with Admiralty Road (A. 906) near Craig Street Rosyth;

Work No. 2 A roadway situated partly in the parish of Inverkeithing and partly in the burgh of Dunfermline commencing by a junction with the roadway Work No. 1 hereinbefore described and terminating on St. Margaret's Head near St. Margaret's Quarry;

Work No. 3 A bridge over the Firth of Forth situated partly in the parish of Inverkeithing partly in the burgh of Queensferry and partly in the parish of Dalmeny commencing by a junction with the roadway Work No. 2 hereinbefore described and terminating at a point three hundred yards or thereabouts south of Hopetoun cross roads;

Work No. 4 A roadway situated wholly in the parish of Dalmeny commencing by a junction with the bridge Work No. 3 hereinbefore described and terminating by a junction with the South Queensferry-Kirkliston road (B. 800) near Scotstoun House;

Work No. 5 A roadway situated wholly in the parish of Dalmeny commencing by a junction with the roadway Work No. 4 hereinbefore described and terminating by a junction with the Edinburgh-South Queensferry road (A. 90) near Dolphington Bridge;

Work No. 6 A diversion of Masterton Road situated partly in the burgh of Dunfermline and partly in the parish of Dunfermline commencing by a junction with the said road at a point south of the entrance gates to Masterton House and terminating by a junction with Work No. 10 hereinafter described at a point one hundred yards east of the junction of Kirkgate with Masterton Road;

Work No. 7 A roadway situated partly in the burgh of Dunfermline partly in the burgh of Inverkeithing and partly in the parish of Inverkeithing commencing by a junction with Admiralty Road near Craig Street Rosyth and terminating by a junction with the Inverkeithing-Kirkcaldy road (A. 92) near Spencerfield Cottages;

Work No. 8 A diversion of Castlandhill Road (A. 823) situated partly in the burgh of Dunfermline and partly in the parish of Inverkeithing commencing by a junction with Castlandhill Road (A. 823) near Dunfermline Wynd and terminating by a junction with Castlandhill Road (A. 823) near Seggsburn Cottages;

Work No. 9 A diversion of Echline Road situated wholly in the parish of Dalmeny commencing by a junction with the Echline Road eight hundred yards or thereabouts east of Echline Farm and terminating by a junction with the roadway Work No. 4 hereinbefore described near Scotstoun House;

Work No. 10 A roadway situated partly in the burgh of Dunfermline and partly in the parish of Dunfermline commencing by a junction with the Queensferry Road (A. 823) south of the entrance to Pitreavie Castle and terminating by a junction with Work No. 1 hereinbefore described at a point two hundred yards or thereabouts east of the junction of Kirkgate with Masterton Road:

Provided that—

- (i) so much of Work No. 2 and Work No. 3 as consists of the inclined paths or access roads (near St. Margaret's Quarry) shall be so constructed by the Joint Board as to permit of vehicular traffic passing from and to the Inverkeithing road (A. 90) to and from the roadway (Work No. 2) and the bridge (Work No. 3); and
- (ii) (notwithstanding the provisions of the section of this Order the marginal note of which is "Power to deviate") in the construction of Work No. 3 the Joint Board shall not so deviate such work vertically as to reduce the head-room of the main span of the bridge below one hundred and fifty feet measured from high-water mark of ordinary spring tides.

14. In the construction of the works 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.

Provided that a deviation either lateral or vertical below high-water mark shall not be made without the consent in writing of the Minister.

15. Subject to the provisions of this Order the Joint Board may in connection with and at or near any works to be constructed by the Temporary works affecting Firth of Forth.

PART IV.
—cont.

Joint Board under the provisions of this Order construct place and maintain on in over or under the Firth of Forth and the banks bed and foreshore thereof temporarily such works and conveniences as they may find necessary or expedient.

Subsidiary
works.

16.—(1) Subject to the provisions of this Order and within the limits of deviation shown on the deposited plans the Joint Board may in carrying out the works 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 passages pipes and pavements and they may execute any works for the protection of any adjoining land or buildings.

(2) In the exercise of the powers conferred by this section the Joint Board shall cause as little detriment and inconvenience to any person as circumstances allow and shall make compensation to the owners and occupiers of any lands injuriously affected by the exercise of such powers such compensation in case of difference to be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act 1919.

Power to stop
up roads.

17.—(1) The Joint Board may subject to the provisions of this Order and within the limits of deviation shown upon the deposited plans for the purposes of and in connection with the works stop up any road or portion of road shown upon the said 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 such powers such compensation in case of difference to be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act 1919.

(2) Nothing in this section shall extend to or authorise any interference with a trunk road without the consent in writing of the Minister.

Power to alter
roads &c.
temporarily.

18.—(1) The Joint Board may 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 watercourses gas and water mains and pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference with which they may from time to time find it expedient for any of those purposes so to interfere 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 sewage water gas or electricity or telephonic communication in any such sewer drain watercourse main pipe or apparatus and shall make compensation to all persons injuriously affected by the exercise of such powers such compensation in case of difference to be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act 1919.

(2) Nothing in this section shall extend to or authorise any interference with—

(a) any telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General; or

(b) a trunk road without the consent in writing of the Minister.

19. Any person who—

(a) wilfully obstructs any person acting under the authority of the Joint Board in setting out the lines of the works; or

(b) pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works;

Penalty for obstructing works.

shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds.

20.—(1) Any sewers drains or works laid or constructed by the Joint Board in connection with the works for the purpose of draining or carrying away surface water therefrom or otherwise may be connected with any available river stream or watercourse or with any sewer or drain and the Joint Board 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 river stream watercourse sewer or drain.

Connection of drains &c. with streams &c.

(2) Nothing contained in this section shall entitle the Joint Board to connect any sewers or drains with rivers or streams or watercourses or sewers or drains belonging to any railway company without the consent of such railway company which consent shall not be unreasonably withheld.

(3) Any dispute as to whether a consent under the provisions of this section has or has not been unreasonably withheld shall be referred to an arbiter to be agreed upon between the parties or failing agreement to be nominated by the Court of Session on the application of either party.

21. Subject to the provisions of this Order the Joint Board 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.

Power to erect fenders &c.

22. For the purposes only of the construction and maintenance of the works the Joint Board may excavate dredge scour deepen and remove to such extent as they may deem necessary the shore and bed of the Firth of Forth at and in the vicinity of the works.

Power to dredge &c.

23.—(1) All materials removed by the Joint Board under the powers conferred by the section of this Order the marginal note of which is "Power to dredge &c." and all materials removed by the Joint Board from any street or other place or otherwise obtained

Vesting and disposal of materials.

PART IV.
—cont.

by them in the construction and maintenance of the works shall vest in the Joint Board and the Joint Board may use all or any of the said materials for the purposes of the construction or maintenance of the works or they may sell or otherwise dispose of the said materials as they think fit:

Provided that no part of the said materials shall be deposited below high-water mark without the consent in writing of the Minister having been first obtained.

(2) The proceeds of any sale under this section shall be carried to the credit of the general fund of the Joint Board.

Provisions applicable to the last two preceding sections.

24. The powers of the Joint Board under the sections of this Order of which the marginal notes are "Power to dredge &c." and "Vesting and disposal of materials" shall be exercisable 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 Minister on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Joint Board to the Commissioners of Crown Lands or the Minister of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Joint Board under the section of this Order of which the marginal note is "Vesting and disposal of materials" 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 Minister as the case may be.

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

25.—(1) The Joint Board shall not construct any work authorised by this Order on in under or over tidal waters or tidal lands below high-water mark except in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister 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 Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Joint Board and the amount of such cost shall be a debt due from the Joint Board to the Crown and shall be recoverable accordingly.

Survey of works by Minister.

26. If at any time the Minister deems it expedient for the purposes of this Order to order a survey and examination of any work constructed by the Joint Board under the powers of this Order which shall be on in under or over tidal waters or tidal lands below high-water mark or of the site upon which it is proposed to construct any such work the Joint Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Joint Board to the Crown and shall be recoverable accordingly.

27.—(1) Where any work constructed by the Joint Board under the powers of this Order on or in under or over tidal waters or tidal lands below high-water mark is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Joint Board at their own expense to repair and restore such part of such work as is situated below high-water mark 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 Minister may think proper.

PART IV.
—cont.

Abatement of
work abandoned
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situated above high-water mark and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with navigation or the exercise of public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If the Joint Board fail to comply with any notice under this section within thirty days from the date when the notice is served upon them the Minister may execute the works specified in the notice at the expense of the Joint Board and the amount of such expense shall be a debt due from the Joint Board to the Crown and shall be recoverable accordingly.

28.—(1) The Joint Board during the whole time of the construction alteration or extension of such part of the works as are below high-water mark shall exhibit and keep burning every night from sunset to sunrise at or near the said part of the said works such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister shall from time to time direct.

Lights on
works during
construction.

(2) If the Joint Board fail to comply with any direction given in terms of this section they shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding twenty pounds.

29.—(1) After the completion of the works below high-water mark the Joint Board after consultation with the Forth Conservancy Board shall at or near the bridge and the works below high-water mark 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 Commissioners of Northern Lighthouses shall from time to time direct.

Permanent
lights on works.

(2) All street lamps or other lights upon the bridge which are not required in connection with the navigation of the river shall be subject to the approval of the Commissioners of Northern Lighthouses.

(3) If the Joint Board fail to comply with any directions given by the Commissioners of Northern Lighthouses under this section they shall be guilty of an offence and for every such offence shall be liable on summary conviction to a penalty not exceeding twenty pounds.

PART IV.

—cont.

Provision
against danger
to navigation.

30.—(1) In the case of injury to or destruction or decay of the works or any part thereof so far as the same are constructed on in under or over any tidal waters or tidal lands below high-water mark the Joint Board after consultation with the Forth Conservancy Board 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.

(2) If the Joint Board fail to apply for or to comply with any such directions they shall be guilty of an offence and for every such offence they shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Lifebuoys &c.
to be kept.

31. The Joint Board shall at all times keep at convenient places on the bridge lifebuoys and lifelines in good order and fit and ready for use.

Period for
completion of
works.

32. If the works are not completed by the thirty-first day of December one thousand nine hundred and fifty-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.

Accommodation
for workmen
&c.

33.—(1) The Joint Board shall if and when required by the county councils make provision to the satisfaction of the county councils for the proper housing and sanitary requirements of the persons employed in constructing the works authorised by this Order and for the treatment of cases of sickness (other than infectious disease) and accident occurring among the said persons during the construction of the said works.

(2) In considering what provision ought to be made for the said purposes the county councils shall take into consideration the provision already available in the neighbourhood of or conveniently accessible from the said works.

(3) In the event of any dispute arising between the Joint Board and the county councils as to the amount or nature or situation of the housing accommodation and sanitary requirements to be provided or as to the sufficiency of the provision for the treatment of cases of sickness (other than infectious disease) and accident or as to the time within which such accommodation shall be provided and such provision made or as to the carrying out by the Joint Board of any requirement of the county councils under this section either party may appeal to the Secretary of State and the decision of the Secretary of State shall be final and binding on both parties.

(4) If it appears to the Secretary of State at any time that sufficient provision for the aforesaid purposes is not made the Secretary of State shall have power to require the Joint Board to make provision or additional provision therefor to his satisfaction.

(5) In the event of the Joint Board or the county councils failing to comply with any order or requirement of the Secretary of State under this section they shall be liable to a penalty not exceeding

twenty pounds and to a further penalty not exceeding five pounds for every day during which such failure continues and such penalties shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the Secretary of State in any competent court.

PART IV.
—cont.

(6) The Secretary of State may cause a local inquiry to be held for the purpose of the exercise by him of any of his functions under this section and the provisions of the Second Schedule to the Education (Scotland) Act 1945 shall have effect with regard to any such inquiry.

8 & 9 Geo. 6.
c. 37.

(7) The expression "the county councils" where used in this section means the county council of the county of Fife and the county council of the county of West Lothian or either of the said councils.

34.—(1) As from the respective dates of the opening for traffic of Works Nos. 1 and 2 and 4 to 10 both inclusive 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—

Vesting and
maintenance
of roads.

- (a) those portions of the transferred works comprised in Work No. 7 which are marked on the signed plan "Trunk road to be widened and improved" and "New trunk road" shall respectively remain and become trunk roads within the meaning of the Trunk Roads Acts 1936 and 1946 and shall accordingly be transferred to and vested in the Minister;
- (b) so much of the transferred works as are comprised in Works Nos. 1 2 6 8 and 10 and as lie within the burgh of Dunfermline shall be transferred to and vested in the Dunfermline Town Council;
- (c) so much of the transferred works as are comprised in Works Nos. 1 2 6 8 and 10 and as lie outwith the burgh of Dunfermline shall be transferred to and vested in the Fife County Council; and
- (d) so much of the transferred works as are comprised in Works Nos. 4 5 and 9 shall be transferred to and vested in the West Lothian County Council.

(2) As from the date of the opening for traffic of that portion of Work No. 7 which lies between the Inverkeithing-Cowdenbeath road (A. 90) and the Inverkeithing-Kirkcaldy road (A. 92) and is marked on the signed plan "New trunk road" the trunk roads marked on the signed plan "Trunk roads which shall cease to be trunk roads and for which the Minister shall cease to be highway authority" shall cease to be trunk roads and shall be transferred to and vested in the appropriate local highway authority.

(3) As from the date of the opening for traffic of those portions of the transferred works described in paragraph (a) of subsection (1) of this section the trunk roads marked on the signed plan "Trunk roads to be stopped up"—

- (a) shall cease to be trunk roads;
- (b) may be stopped up; and

PART IV.
—cont.

(c) shall (together with any other portion of Work No. 7 for the transfer of which provision has not otherwise been made) be transferred to and vested in the appropriate local highway authority.

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

(5) (i) 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 a Council until the date of completion of the transferred works aforesaid any expenditure incurred by a Council with the approval of the Joint Board and the Minister 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 Council.

(ii) All such expenditure shall be deemed to be capital expenditure incurred by the Joint Board and shall be defrayed accordingly in the manner hereinafter provided in this Order.

(6) All property transferred to and vested in the Minister or the Fife County Council or the West Lothian County Council or the Dunfermline Town Council or other highway authority by virtue of this section shall vest in them respectively 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 purpose of enabling any of the said persons to complete a title if thought fit to any property transferred to and vested in them respectively by virtue of this section by expediting a notice of title 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 said respective persons.

(7) (i) 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 (i) of subsection (5) of this section have been finally resurfaced. 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 Council concerned or (failing agreement) shall be determined by the Minister.

(ii) The expression "the signed plan" where used in this section means the plan signed in duplicate by Lord Teviot chairman of the commissioners to whom this Order was referred one copy of which has been deposited with the town clerk of Edinburgh on behalf of the Councils and the other with the Minister.

35.—(1) Notwithstanding anything to the contrary in any Act or Order (including this Order) it shall not be lawful for any person to enter upon or interfere with any part of the bridge or to break up the carriageway and footways over the same for the purpose of executing any work whatsoever therein thereon or thereunder except with the written consent of the Joint Board which consent shall not

be unreasonably withheld and in accordance with such terms and conditions either as to the payment of money or other valuable consideration or otherwise as the Joint Board may determine:

PART IV.
—cont.

Provided that with regard to that portion of the bridge which crosses the South Queensferry branch of the London and North Eastern Railway the railway company shall be entitled to make attachments to the said portion of the bridge for any purpose in connection with the electrical working of the said branch subject to the approval of the Joint Board which approval shall not be unreasonably withheld.

(2) Any dispute as to whether a consent or approval under the provisions of this section has or has not been unreasonably withheld shall be determined by the Minister.

(3) Nothing in this section shall affect any rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1943.

36.—(1) The Joint Board shall in constructing the bridge provide for the accommodation of telegraphic lines of the Postmaster-General either a space two feet wide by one foot deep or a space of equivalent content to such last-mentioned space in one of the footways of the bridge. The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General.

For protection
of Postmaster-
General.

(2) If within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Joint Board his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

(3) Any extra expense which the Joint Board may reasonably incur in complying with the provisions of this section shall be borne and paid by the Postmaster-General.

37.—(1) Where in exercise of the powers conferred by the section of this Order the marginal note whereof is "Power to stop up roads" any road or any portion of a road is stopped up the following provisions shall unless otherwise agreed in writing between the Joint Board and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such road or portion of a road at the time of such stopping up:—

For further
protection of
Postmaster-
General.

(a) The Postmaster-General shall have power to remove the line so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Joint Board of his intention to remove the line or that part thereof as the case may be;

(b) The Postmaster-General may by notice to the Joint Board in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of

PART IV.
—cont.

three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(c) The Postmaster-General shall be entitled to recover from the Joint Board the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place (including where the whole width of the road is not stopped up the part which will remain a road and where a road is diverted the new portion of such road) as the Postmaster-General may require;

(d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Joint Board and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any road has been stopped up the Joint Board shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) If in relation to the works authorised by the sections of this Order the marginal notes whereof are "Power to execute works" and "Subsidiary works" (which said sections are hereinafter referred to as "the specified sections") the Joint Board require an alteration in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration.

(4) If in consequence of the exercise or intended exercise by the Joint Board of any of the powers conferred on them by the specified sections the Postmaster-General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any road street or way affected by the exercise or intended exercise by the Joint Board of any of the said powers the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Joint Board shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof:

Provided that—

(a) before making such alteration the Postmaster-General shall give a notice to the Joint Board containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;

(b) the Joint Board may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878

shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Joint Board is to be carried out.

(5) Expressions in this section have the same meaning as in the Telegraph Act 1878.

38. Nothing in this Order shall extend to or authorise any interference with any works or apparatus of the Central Electricity Board without the consent in writing of that board.

For protection of Central Electricity Board.

39. The Joint Board shall not in the construction of the works or in the exercise of any of the powers conferred by this Order interfere with any electric lines or other works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 otherwise than in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and sections 17 and 18 of the schedule to the Electric Lighting (Clauses) Act 1899.

For protection of electricity undertakers.

45 & 46 Vict.
c. 56.
62 & 63 Vict.
c. 19.

40.—(1) As from the date of the opening of the bridge for traffic the ferry across the Firth of Forth between North Queensferry and South Queensferry vested (by virtue of the provisions of the Edinburgh and Glasgow Railway (Queensferry) Act 1863 the North British and Edinburgh and Glasgow Railway Companies Amalgamation Act 1865 and the Railways Act 1921) in the London and North Eastern Railway Company (in this section referred to as "the company") shall be discontinued and abandoned by the company.

Abandonment of ferry by London and North Eastern Railway Company.

26 & 27 Vict.
c. ccxxxvii.
28 & 29 Vict.
c. ccviii.

(2) As from the date of such discontinuance and abandonment the company shall by virtue of this Order be relieved from all or any obligations (statutory or otherwise) to maintain the said ferry and the piers buildings and works connected therewith.

11 & 12 Geo. 5.
c. 55.

(3) The provisions of the section of this Order of which the marginal note is "Abatement of work abandoned or decayed" shall apply to the company and to the piers and any other works below high-water mark in connection with the said ferry as if the company and such piers and works had been referred to therein instead of the Joint Board and any work constructed by the Joint Board under the powers of this Order.

(4) If at any time prior to the date of the opening of the bridge for traffic it becomes necessary to increase the number of vessels or to replace all or any of the vessels operating the said ferry as at the commencement of this Order the company with the consent of the Joint Board (which consent shall not be unreasonably withheld) may purchase or construct or cause to be constructed such additional vessel or vessels as may be necessary for the purpose aforesaid and in the event of the market value of such additional vessel or vessels at the date of the opening of the bridge for traffic being less than the original cost thereof less depreciation at seven and a half per centum per annum the Joint Board shall pay to the company not later than the close of the first full financial year of the Joint Board occurring after the date of the opening of the bridge for traffic the amount of the difference.

PART IV.
—cont.

(5). If any difference arises between the company and the Joint Board under subsection (4) of this section the same shall be determined by an arbiter to be agreed upon between the company and the Joint Board or (failing agreement) to be nominated by the Court of Session on the application of either party.

For protection
of London and
North Eastern
and Forth
Bridge Railway
Companies.

41. For the protection of the London and North Eastern and the Forth Bridge Railway Companies (hereinafter in this section called "the railway companies") the following provisions shall notwithstanding anything contained in this Order or shown upon the deposited plans and sections and unless otherwise agreed in writing between the appropriate authority and the railway companies apply and have effect (that is to say):—

(1) (a) The expression "the appropriate authority" where used in this section means in relation to Work No. 3 the Joint Board and in relation to any portion of Works Nos. 1 2 5 and 7 the Joint Board or the Minister or the Council to which such portion of Works Nos. 1 2 5 and 7 have been transferred in terms of the section of this Order the marginal note of which is "Vesting and maintenance of roads" as the case may be;

(b) The expression "the property of the railway companies" where used in this section shall include any land railway siding road ferry pier slipway buildings or other property or work belonging to the railway companies:

(2) The appropriate authority shall not enter upon take or use either permanently or temporarily or purchase acquire or interfere with the property of the railway companies but the appropriate authority may purchase and take and the railway companies shall sell and grant according to their estate and interest in and subject to all servitude rights affecting the property of the railway companies such servitude or right of using the property of the railway companies as may be necessary for the purpose of constructing using and maintaining Works Nos. 1 2 3 5 and 7 or any of them and the overline bridges forming part of any such works and all works and temporary conveniences connected with such works and overline bridges (all of which works and overline bridges and works and conveniences connected therewith are in this section referred to as "the said works") subject to and in accordance with the provisions of this section:

(3) The appropriate authority shall pay to the railway companies for any servitude or right which they may acquire under the provisions of this section such consideration as may be agreed upon or in the event of difference as may be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act 1919 and for the purpose of any such determination the acquisition of such servitude or right shall be deemed to be a taking of lands within the meaning of section 6 of the Lands Clauses Consolidation (Scotland) Act 1845:

- (4) The appropriate authority shall construct the said works so far as the same will be carried across or over the property of the railway companies in such lines or situations within the limits of deviation shown upon the deposited plans as shall be reasonably approved by the respective engineers of the railway companies (hereinafter referred to as "the engineers"):
- (5) The appropriate authority shall not in the execution maintenance repair or use of the said works or any of them obstruct or hinder or interfere with the free uninterrupted and safe use of the property of the railway companies or with the traffic on their railways except so far as may be necessary for the purposes of the said works and if any such obstruction impeding or interference is caused or takes place the appropriate authority shall notwithstanding any approval as aforesaid pay to the railway companies all reasonable costs and expenses to which they may be put as well as compensation for any loss sustained by them by reason of any such obstruction impeding or interference:
- (6) The appropriate authority shall construct the said works in accordance with the following conditions:—

(a) Work No. 1 Bridge of two spans (i.e. with one intermediate pier) at and on the West of Inverkeithing north junction in the position shown in red on the plan signed in duplicate by Lord Teviot chairman of the commissioners to whom this Order was referred one copy of which plan has been deposited with the town clerk of Edinburgh on behalf of the Councils and the other with the London and North Eastern Railway Company in the construction of which (1) the intermediate pier shall be sited in a position south of the two existing main lines and adjacent thereto (2) the clear square span north of the said intermediate pier shall be not less than forty-three feet and (3) the clear square span south of the said intermediate pier shall be not less than fifty feet which clear spans make provision for two additional future lines one on each side of the two existing main lines.

The demolition of the existing bridge of two spans carrying the Kirkgate over the existing lines and sidings shall be carried out at the cost of the appropriate authority;

(b) Work No. 2 Two bridges each of one span over the single line of the North Queensferry branch railway;

(c) Work No. 3 Bridge of one span over the single line of the South Queensferry branch railway;

(d) Work No. 5 Bridge of four spans (i.e. with three intermediate piers) south of Dalmeny station in the construction of which provision shall be made in addition to all existing lines for the following future additional lines (1) an additional line immediately west of the existing Edinburgh and Aberdeen main lines and (2) an additional line immediately west of the two existing Winchburgh loop

PART IV.
—cont.

lines The three intermediate piers shall be constructed as follows one between the existing Edinburgh and Aberdeen main lines and the existing South Queensferry branch line one immediately west of the future additional line west of the existing Edinburgh and Aberdeen main lines and one immediately east of the two existing Winchburgh loop lines The single line of the South Queensferry branch shall be altered in position clear of the first mentioned pier and the two existing adjoining sidings shall be moved to new positions east thereof;

(e) Work No. 7 Bridge of three spans (i.e. with two intermediate piers) at the north end of Inverkeithing station in the construction of which provision shall be made in addition to all existing lines for two future additional lines one immediately on each side of the existing main lines The two intermediate piers shall be constructed one on each side of the existing main lines and adjacent thereto and the existing siding lines shall be altered in position clear of these piers as necessary.

The roadway from the centre line of the central span shall be continued level for a distance of five hundred feet eastwards.

In the construction of the overline bridges the appropriate authority shall provide overhead and lateral clearances as follows:—

Each bridge shall have a clear headway of not less than fifteen feet above the highest rail level of the existing lines respectively;

The intervals between the lines shall be (1) between each future additional line and the adjoining main line not less than eleven feet clear and (2) between each siding and the adjoining future additional line 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 provided that where any siding adjoins an abutment or pier the lateral clearance shall be not less than seven feet.

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

- (7) Where the abutments piers and supports of the overline bridges are placed on the property of the railway companies they shall be placed in such positions and be subject to such terms and conditions as shall be reasonably prescribed by the railway companies The construction of each overline bridge so far as it is over or upon the property of the railway com-

panies shall when commenced so far as is reasonably practicable be carried on continuously and be completed with the utmost dispatch and all temporary works in connection therewith shall be removed from the property of the railway companies as soon as possible after the permanent works have been completed:

- (8) The appropriate authority shall not less than twenty-eight days before they commence the construction of any part of the said works which will or may be carried across or over or upon the property of the railway companies furnish to the railway companies proper and sufficient plans sections drawings and specifications thereof for the reasonable approval of the engineers:

Provided that if the engineers do not signify their disapproval of any such plans sections drawings and specifications within twenty-one days after they have been submitted to them they shall be deemed to have approved thereof:

- (9) Before the appropriate authority commence the construction of any of the said works any temporary works which may be necessary to ensure the safety of the traffic on the railways of the railway companies may be carried out by the railway companies and the costs and expenses reasonably incurred in connection therewith (including any compensation payable to any workmen or their legal representatives or dependants in respect of the injury or death of such workmen whilst employed by the railway companies in and about such works) shall be repaid to the railway companies by the appropriate authority:
- (10) If by reason of the construction of any of the said works it becomes necessary to add to or alter any signal cabin signal posts signals or signalling apparatus or any telegraph or telephone wires or works on the railway the railway companies may make such additions and alterations and the reasonable expense of such additions and alterations shall be repaid by the appropriate authority Any additional maintenance and renewal costs incurred by reason of such additions and alterations shall be borne by the appropriate authority either by way of annual payment or by a commuted sum to cover all future payments as may be agreed:
- (11) The said works so far as affecting the property of the railway companies and all works necessary or incidental to the execution or construction thereof or affecting the property of the railway companies shall be executed to the reasonable satisfaction of the engineers and the appropriate authority shall bear and pay to the railway companies all reasonable costs charges and expenses incurred in connection with the employment by the railway companies of a sufficient number of inspectors watchmen and signalmen to be appointed by them for inspecting watching lighting and signalling the railway with reference to and during the period of construction renewal or repair of the said works (as the case may be) and for preventing as far as may be all interference obstruction

PART IV.

—cont.

danger or accident arising from any of the operations of the appropriate authority or from the acts or defaults of their contractors or of any person or persons in their employment or otherwise:

- (12) The appropriate authority shall maintain in perpetuity the overline bridges so far as affecting the property of the railway companies and shall maintain all other portions of the said works which may in any manner affect the property of the railway companies in substantial repair and good order and condition to the reasonable satisfaction of the engineers:
- (13) The appropriate authority shall be responsible for and make good to the railway companies all reasonable costs charges losses damages and expenses not otherwise provided for which may be occasioned to the property of the railway companies by reason of the construction maintenance or failure of the said works or any of them over or adjacent to the property of the railway companies or of any act or omission of the appropriate authority or of any person in their employment or of their contractors or which may be occasioned to the railway companies by reason of any accident or mishap affecting the traffic on the property of the railway companies arising out of the construction maintenance or failure of the said works and the appropriate authority shall effectually indemnify the railway companies from all claims and demands upon or against them by reason of such construction maintenance or failure or of any such act or omission:

Provided that the fact that any work or thing has been done in accordance with any plan section or specification approved by the engineers or in accordance with any requirement of the engineers or under their superintendence shall not excuse the appropriate authority from any liability for damage as aforesaid or affect any claim of the railway companies for injury to the property of the railway companies or the traffic thereon save in so far as the same may arise by reason of any such requirement:

- (14) If at any time hereafter the railway companies are desirous of extending widening or altering any part of their railway or sidings affected by the said works or of adapting their railways for working by electrical power the appropriate authority shall give to the railway companies all proper and reasonable facilities for that purpose including the right in connection with such electrification to make attachments to the said works subject to the reasonable approval of the appropriate authority:
- (15) If at any time either during the construction of the said works or after completion of the same the appropriate authority provide lights or illuminated traffic signals on any of the said works such lights or illuminated traffic signals shall be placed so as not to conflict in any way with the signalling arrangements present or future of the railway companies:

- (16) The appropriate authority shall not in the construction alteration maintenance renewal or use of the said works render less convenient the access to any station depot or the property of the railway companies and the appropriate authority shall at all times during the execution of the said works or any of them provide reasonable access for vehicular and pedestrian traffic going to or coming from any existing station depot or pier of the railway companies:
- (17) If as a result of mineral workings or by reason of any defect in the structure or foundations of any of the overline bridges to be constructed over the said railways and sidings of the railway companies any subsidence occurs by which the level of such overline bridge is lowered so that the headway of not less than fifteen feet measured from the upper surface of the rails is not maintained the appropriate authority shall at their own cost when called upon by the railway companies to do so raise or lift the said overline bridge over the railways and sidings of the railway companies to the height required or take such other means as may be necessary to maintain such headway:
- (18) If in the opinion of the railway companies or (in the case of difference) of an arbiter to be appointed as hereinafter provided it is necessary for the railway companies to purchase or pay compensation for any minerals required to be left unworked for the protection or safety of any of the said works constructed under the powers of this Order the appropriate authority shall on demand pay to the railway companies a suitable proportion of the amount paid by the railway companies for or in respect of such minerals together with a like proportion of all costs and expenses reasonably incurred by them in relation to any such purchase or payment of compensation and if the appropriate authority purchase or pay compensation for any such minerals and in the opinion of the appropriate authority or (in case of difference) of an arbiter to be appointed as hereinafter provided the purchase of such minerals affords protection or safety to the railways and works of the railway companies then the railway companies shall on demand pay to the appropriate authority a suitable proportion of the amount paid by the appropriate authority for or in respect of such minerals together with a like proportion of all costs and expenses reasonably incurred by them in relation to any such purchase or payment of compensation:
- (19) Any question or difference between the appropriate authority and the railway companies arising under this section except under subsection (3) hereof shall be referred to and determined by an arbiter to be appointed failing agreement by the President of the Institution of Civil Engineers:

Provided that if in determining any such question or difference any question of law arises the said arbiter shall have power at the request of either party to state a case for the opinion and judgment of the Court of Session and the said court shall determine such question of law.

PART IV.
—cont.

42.—(1) Notwithstanding anything contained in this Order or shown on the deposited plans the Joint Board shall not—

For protection
of Scottish
National
Housing
Company
Limited.

- (a) acquire compulsorily any property belonging to the Scottish National Housing Company Limited (in this section referred to as "the company"); or
- (b) construct any works authorised by this Order on any property belonging to the company;

west of a line (in this section referred to as "the agreed line") commencing at the northmost point of the eastern boundary of the property in Craig Street Dunfermline numbered "12" on the deposited plans thence proceeding southwards in a straight line to the eastmost point of the boundary wall or fence erected between the gardens attached to the houses marked "C" and "D" comprised within the property in Craig Street Dunfermline numbered "13" on the deposited plans thence proceeding southwards in a straight line to the southeast corner of the garden attached to the house in Craig Street Dunfermline marked "K" on the deposited plans thence proceeding in a straight line to the eastmost point of the junction of Craig Street with Admiralty Road and terminating at a point on the south side of Admiralty Road due south of the point last mentioned.

(2) In constructing (immediately to the east of the agreed line) any of the works authorised by this Order the Joint Board shall not alter the centre line of the works so as to bring it nearer to the agreed line than is shown on the deposited plans.

(3) The western side of every embankment required to carry any of the works authorised by this Order constructed immediately to the east of the agreed line shall have a natural angle of inclination and shall be sown with grass seeds and planted with shrubs by the appropriate authority not later than the expiry of twelve months after the roadway on the embankment is opened for traffic and where necessary the grass and shrubs on such embankment shall be renewed from time to time by the appropriate authority.

(4) The expression "the appropriate authority" where used in this section means the Joint Board or the Council to which such embankments shall have been transferred in terms of the section of this Order the marginal note of which is "Vesting and maintenance of roads" as the case may be.

For protection
of Scottish
Bricks Limited.

43. For the protection of Scottish Bricks Limited (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Order or shown on the deposited plans and sections and unless otherwise agreed in writing between the company and the Joint Board apply and have effect (that is to say):—

- (1) The Joint Board shall not acquire compulsorily any portion of the company's brick kilns or the chimney thereof existing at the commencement of this Order:
- (2) In the event of any portion of Work No. 1 authorised by this Order being constructed upon any portion of the com-

pany's property east of the said brick kilns the Joint Board—

PART IV.
—cont.

(a) shall not bring any portion of Work No. 1 nearer to the said brick kilns and the chimney thereof than 30 feet; and

(b) shall for the purpose of affording to the company access to and from the portions of their property on the east and west sides respectively of Work No. 1 provide under that portion of Work No. 1 lying between the Kirkgate on the north and the southern boundary of the company's property on the south a bridge of not more than four spans (each of not less than 33 feet in width) and with a clear headway throughout of not less than 15 feet:

- (3) Unless the company are allowed access at two points (one approximately 180 feet west of the junction of Kirkgate with Masterton Road and the other approximately 1,300 feet east of the said junction of Kirkgate with Masterton Road) to and from—

(a) Masterton Road; or

(b) any new road to be constructed by the Joint Board on the line of Masterton Road (comprising part of Works Nos. 1 and 10 authorised by this Order);

from and to the property occupied by the company on the south side of Masterton Road the Joint Board shall construct for the benefit of the company a service road 20 feet in width immediately to the south of the existing line of Masterton Road. The said service road when completed by the Joint Board and handed over by them to the company shall be maintained by the company:

- (4) The said service road shall commence at a point approximately 180 feet west of the junction of the Kirkgate with Masterton Road and shall terminate by a junction with the Inverkeithing-Cowdenbeath road (A.90) at or near the existing junction thereof with Masterton Road:

- (5) In any event in the construction of Work No. 1 authorised by this Order the Joint Board shall provide under that portion of Work No. 1 to be constructed within a distance of 330 feet south of the northern margin of Masterton Road three bridges of one span each of which—

(a) one shall be not less than 30 feet in width with a clear headway throughout of not less than 12 feet;

(b) one shall be not less than 20 feet in width with a clear headway throughout of not less than 12 feet; and

(c) one shall be not less than 12 feet in width with a clear headway throughout of not less than 9 feet:

- (6) The bridge referred to in paragraph (b) of subsection (2) of this section and the spans referred to in subsection (5) of this section when constructed by the Joint Board shall be maintained by the Joint Board or by the Council to which such

PART IV.
—cont.

works have been transferred in terms of the section of this Order the marginal note of which is "Vesting and maintenance of roads":

- (7) The provisions of the section of this Order the marginal note of which is "Power of entry on lands compulsorily acquired" shall in its application to any lands of the company in respect of which a notice to treat has been served by the Joint Board have effect with the substitution of eight months for fourteen days:
- (8) Nothing in this section shall affect the obligation of the Joint Board to make payment to the company of such compensation in respect of—
- (a) any lands of the company taken or used compulsorily; and
- (b) the disturbance (if any) of the business of the company;

as may be determined by an official arbitrator to be appointed under the Acquisition of Land (Assessment of Compensation) Act 1919:

- (9) Any question or difference between the Joint Board and the company arising under this section shall be referred to and determined by an arbiter to be appointed failing agreement by the President of the Institution of Civil Engineers:

Provided that if in determining any such question or difference any question of law arises the said arbiter shall have power at the request of either party to state a case for the opinion and judgment of the Court of Session and the said court shall determine such question of law.

For protection
of the Forth
Conservancy
Board.

44. For the protection of the Forth Conservancy Board (in this section referred to as "the conservancy board") the following provisions shall apply and have effect unless it is otherwise agreed in writing between the Joint Board and the conservancy board (that is to say):—

11 & 12 Geo. 5.
c. v.

- (1) The expression "the Order of 1920" where used in this section means the Forth Conservancy Order 1920:
- (2) Except as in this Order expressly provided nothing in this Order shall extend to or be construed to extend to prejudice diminish alter or take away any powers rights privileges or authorities vested in or exercisable by the conservancy board or to prohibit defeat alter or diminish any power authority or jurisdiction which at the commencement of this Order the conservancy board did or might lawfully claim use or exercise under and by virtue of the Order of 1920 or any Act or Order extending or amending the same:

Provided that—

- (a) The provisions of section 39 of the Order of 1920 shall not apply to the Joint Board;

(b) All works and operations which the conservancy board are authorised to execute and do from time to time shall be executed and done so as not to cause—

(i) any injury to the bridge; or

(ii) any interruption to the passage or conduct of traffic thereon;

(c) If any such injury or interruption arises from or is in any way due to the works or operations of the conservancy board the conservancy board shall forthwith make good such injury or remove such interruption at the expense of the conservancy board and if the conservancy board fails to make good such injury or remove such interruption the Joint Board may do so and may recover the cost thereof from the conservancy board;

(d) Before the conservancy board—

(i) exercise any of the powers conferred on them by subsections (A) to (F) of section 36 or by section 44 of the Order of 1920; or

(ii) any interruption to the passage or conduct of 39 of the Order of 1920;

at any point within four hundred and fifty yards of the bridge they shall give written notice to the clerk of the Joint Board of their intention to do so. The notice shall be accompanied by a description of the works or operations proposed to be carried out by the conservancy board or their licensee and in carrying out such works and operations the conservancy board or their licensee shall conform to the reasonable requirements of the engineer of the Joint Board for the prevention of injury to the bridge and interruption to the passage or conduct of traffic thereon:

- (3) In the construction and subsequent maintenance working and repair of the bridge and any works in the Firth of Forth or on over or under the banks bed or foreshore thereof the traffic on the Firth of Forth shall not be interfered with except so far as is reasonably necessary:
- (4) The bridge when commenced shall be proceeded with and completed as soon as practicable and the Joint Board shall as soon as possible after the completion of the bridge remove any temporary works erected in the Firth of Forth by them in connection therewith:

Provided that if the Joint Board fail to remove such temporary works within a reasonable period after receipt of a notice from the conservancy board requiring them to do so the conservancy board may remove the same and recover the cost thereof from the Joint Board:

PART IV.
—cont.

(5) If within a period of fifteen years after the opening of the bridge for traffic it is proved—

(a) that the construction of the bridge has resulted in the formation of shoals in the navigable channel of the Firth of Forth under and in the immediate vicinity of the bridge; and

(b) that such shoals are detrimental to navigation; such shoals shall be removed by and at the expense of the Joint Board:

Provided that if the Joint Board fails to remove such shoals the conservancy board may remove the same and recover the cost thereof from the Joint Board:

(6) Any question or difference between the Joint Board and the conservancy board arising under this section shall be referred to and determined by an arbiter to be appointed failing agreement by the President of the Institution of Civil Engineers:

Provided that if in determining any such question or difference any question of law arises the said arbiter shall have power at the request of either party to state a case for the opinion and judgment of the Court of Session and the said court shall determine such question of law.

PART V.

LANDS.

Power to take lands.

45. 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 for the purposes of the works including the improvement and development of any lands fronting or abutting on or adjacent to any street or for the purposes of recoupment or exchange or for any other purposes of this Order.

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

46. Whereas in the construction of the works 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 or referred to in the Second 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 arbitrator 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 Joint Board the portions only of the said properties so required without the Joint Board being obliged to purchase the whole or any greater portion thereof the Joint Board paying for the portions required

by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

PART V.
—cont.

47. Notwithstanding anything contained in this Order (except the section thereof the marginal note of which is "Crown rights") or in any Act incorporated with this Order or shown on the deposited plans the Joint Board shall not be required to purchase or acquire—

Owners may be required to grant servitudes only.

(a) any part of the surface of the properties shown on the said plans which are described or referred to in the Third Schedule to this Order or any greater right or interest therein than a servitude or right of using the subsoil and under surface thereof; or

(b) any part of the shore or bed of the Firth of Forth or any greater right or interest therein than a servitude or right of constructing or maintaining the works on in or over the same;

but the Joint Board may purchase or acquire and the owners of and other persons interested in the said properties shore and bed shall sell to the Joint Board if required such servitude or right as aforesaid and the provisions of the Lands Clauses Acts 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 those Acts.

48. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Joint Board 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 any of the purposes of this Order in or 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.

Persons under disability may grant servitudes &c.

49. 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:

Extinction of private rights of way over lands compulsorily acquired.

Provided that the Joint Board shall make compensation to all parties interested in respect of any such rights and such compensation shall in the case of difference be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act 1919.

50. The Joint Board and their surveyors and officers and workmen and any person duly authorised in writing under the hand of the clerk of the Joint Board may at all reasonable times in the day upon giving on the first occasion twenty-four hours' and on subsequent occasions twelve hours' previous notice in writing to the occupier enter upon and into the lands and buildings by this Order authorised to be taken or used or any of them for the purpose of surveying and valuing the said lands and buildings without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to enter upon lands and buildings for survey and valuation.

PART V.
—cont.Power of entry
on lands
compulsorily
acquired.

8 & 9 Vict. c. 19.

51. Where the Joint Board are by this Order authorised to purchase land compulsorily then at any time after notice to treat has been served they may after giving to the owner and occupier of the land not less than fourteen days' notice in writing enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with the provisions of sections 83 to 88 of the Lands Clauses Consolidation (Scotland) Act 1845 but subject to payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Benefits to be
set off against
compensation.

52. In determining the amount of compensation or purchase money to be paid by the Joint Board in respect of the acquisition under this Order of any part of the lands of any person or any servitude or right in such lands the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands or of any lands in which only a servitude or right is acquired arising out of the execution of the works shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensation
in cases of
recently altered
buildings.

53. 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 first day of January one thousand nine hundred and forty-six 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 and was made or created with a view to obtaining or increasing compensation under this Order.

Application of
Restriction of
Ribbon
Development
Acts 1935 and
1943.

54.—(1) The lands (which expression includes land covered with water and any right in over or under land) in or on which Works Nos. 1 and 2 and 4 to 10 inclusive authorised by this Order are to be constructed except the lands on which there are to be constructed works which will become Trunk roads shall (before during and after such construction) be deemed to be roads for the purposes of the Restriction of Ribbon Development Acts 1935 and 1943 (in this section referred to as "the said Acts") and the provisions of the said Acts shall (subject to the provisions of this section) apply to such lands accordingly.

(2) The functions conferred by the said Acts on highway authorities shall—

- (a) where the lands on which Works Nos. 1 2 6 7 8 and 10 are to be constructed lie within the burgh of Dunfermline be exercised by the town council of Dunfermline;
- (b) where the lands on which Works Nos. 1 2 6 7 8 and 10 are to be constructed lie outwith the burgh of Dunfermline be exercised by the Fife County Council; and
- (c) in the case of the lands on which Works Nos. 4, 5 and 9 are to be constructed be exercised by the West Lothian County Council.

(3) As respects the lands on which there are to be constructed works which will become trunk roads (by virtue of the provisions

of the section of this Order the marginal note of which is " Vesting and maintenance of roads ") the said Acts shall apply as if on the fourth day of April one thousand nine hundred and forty-six there applied to such lands—

- (a) an order made by the Minister under subsection (2) of section 1 of the Trunk Roads Act 1946 declaring such lands to be trunk roads as at the said date; 9 & 10 Geo. 6. c. 30.
- (b) the provisions of section 4 of the Trunk Roads Act 1936; and 1 Edw. 8 & 1 Geo. 6. c. 5.
- (c) the restrictions specified in section 2 of the Restriction of Ribbon Development Act 1935. 25 & 26 Geo. 5. c. 47.

55. Subject to the provisions of this Order the Joint Board may in connection with the powers granted to them by this Order enter into and carry into effect agreements with any owners of property or other persons interested in lands houses or property any part of which is shown on the deposited plans with respect to the purchase by the Joint Board of any such lands houses or property or any rights or servitudes in over or affecting the same for such consideration being a sum of money in gross or a grant of land or partly money and partly land as may be agreed upon between the Joint Board and such owners or other persons. Agreements with owners of property.

56. The Joint Board may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Order or which may be in the neighbourhood of any of the works with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Joint Board may pay or receive money for equality of exchange. Power to reinstate owners of property.

57. The powers of the Joint Board for the compulsory purchase of lands for the purposes of this Order shall cease on the thirty-first day of December one thousand nine hundred and forty-nine. Period for compulsory purchase of lands.

58.—(1) The Joint Board may purchase by agreement any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Order. Power to acquire additional lands by agreement.

(2) In addition to the other lands which the Joint Board are by this Order authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of this Order any lands not exceeding twenty acres.

(3) Nothing in this section shall exonerate the Joint Board from any interdict action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands acquired by them under this section.

59.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 the Joint Board may retain hold and use for such time as they think fit or may from time to time sell feu lease excamb 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 Power to retain sell &c. lands.

PART V.
—cont.

on such terms conditions reservations and restrictions as regards its use (not inconsistent with any condition restriction or obligation binding on the Joint Board and their successors in title) as to the Joint Board may seem fit:

Provided that the proceeds of the sale of any lands by the Joint Board shall only be applied to the purposes of the undertaking to which capital is properly applicable including the redemption of debt.

(2) The Joint Board shall not without the consent of the Secretary of State sell feu lease excamb or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interest but a purchaser feuar or lessee shall not be concerned to enquire whether the consent of the Secretary of State is necessary or has been obtained.

Correction of errors in deposited plans and book of reference.

60. 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 Joint Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county in which such lands are situated 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 said 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 Joint Board to exercise the powers of this Order in accordance therewith.

PART VI.

TOLLS.

Tolls.

61.—(1) Subject to the provisions of this Order the Joint Board shall demand take and recover in respect of all traffic passing over or on the bridge such tolls as may be fixed from time to time by the Joint Board not exceeding those specified in the Fourth Schedule to this Order and in respect of any other services rendered by the Joint Board in connection with the bridge such reasonable charges as they may think fit:

Provided that the tolls from time to time fixed by the Joint Board shall be subject to the approval of the Minister who before giving his approval shall consider any representations that may be made to him.

(2) The power to demand take and recover tolls conferred by this Order shall cease and determine—

(a) on the twenty-eighth day of May immediately following the date upon which the equalisation fund has reached the amount determined by the Minister in pursuance of subsection (1) of the section of this Order of which the marginal note is "Equalisation fund"; or

(b) on the twenty-eighth day of May immediately following the expiration of thirty years from the date on which the bridge is opened for traffic;

PART VI.
—cont.

whichever shall be the earlier:

Provided that for the purpose of enabling the Joint Board to accumulate sufficient moneys to enable them to bring the contingency renewals and equalisation funds up to the respective maximum amounts authorised by this Order the Minister may from time to time on the application of the Joint Board by order authorise the Joint Board to demand take and recover tolls for such longer period than that provided for by this subsection as he may specify in such order.

62. If at any time it is represented in writing to the Minister—

Revision of
tolls.

(a) by any representative body of traders or of owners or users of vehicles or by any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by any of the Councils; or

(c) by the Joint Board;

that in the circumstances then existing all or any of the tolls approved by the Minister under the last preceding section of this Order or all or any of the tolls specified in the Fourth Schedule to this Order should be revised the Minister may if he thinks fit make an order revising all or any of such tolls and may fix the date as from which such order shall take effect and such order shall remain in force until it expires or is revoked or modified by a further order made by the Minister in pursuance of this section:

Provided that before making an order under this section the Minister may if he considers it necessary or desirable cause a local inquiry to be held.

63. In fixing or revising tolls under this Order the Joint Board and the Minister as the case may be shall so regulate the tolls that so far as can be estimated the proceeds thereof together with any other revenues of the Joint Board shall one year with another produce before the twenty-eighth day of May immediately following the expiration of thirty years from the date on which the bridge is opened for traffic the amount required for carrying on the undertaking including without prejudice to the said generality the amount required to bring the contingency fund and the renewals fund and the equalisation fund up to the respective maximum amounts authorised by this Order.

Tolls to be
regulated with
reference to
expenditure.

64. The Joint Board shall keep continuously exhibited in a conspicuous place at or near the places where the tolls authorised by this Order to be demanded and taken shall be payable a list of the tolls in force for the time being.

List of tolls to
be exhibited.

65. The tolls by this Order authorised to be demanded and taken shall be paid to such persons and at such places and in such manner as the Joint Board may by regulations prescribe and the Joint Board may recover such tolls by action in any court of competent jurisdiction.

Regulations as
to payment of
tolls.

PART VI.
—cont.

Persons may be prevented from using bridge on refusal to pay tolls.

66. If a collector appointed by the Joint Board to receive the tolls by this Order authorised to be demanded and taken requires any person before using the bridge to pay the tolls due by him for the use he proposes to make of the bridge and that person refuses or neglects to pay the same or any part thereof the collector may refuse to permit the person so in default to use the bridge and may by himself or with such assistance as he shall think necessary stop and prevent the person so in default from using the bridge.

Power to compound for payment of tolls.

67. The Joint Board may subject to the approval of the Minister compound with any person using the bridge for his passage or for the passage of any other person or of any traffic over the bridge on such terms and for such period as may be agreed between the Joint Board and that person:

Provided that if the Joint Board make a composition agreement with any person under this section every other person using the bridge in like manner and in like circumstances may compound for the tolls payable by him upon like terms to those contained in such agreement.

Power to provide toll houses &c.

68. The Joint Board may from time to time provide set up maintain and remove such toll houses offices and other conveniences at or upon the bridge and the approaches thereto as they may consider to be necessary or convenient for the purposes of the undertaking.

Penalty for failure to pay tolls.

69. If any person wilfully—

- (a) refuses neglects or fails to pay; or
- (b) avoids payment of;

any toll due by him by virtue of this Order he shall without prejudice to any remedy of the Joint Board for the recovery of such toll be guilty of an offence and for every such offence shall be liable on summary conviction to a penalty not exceeding ten pounds.

Exemption from tolls in case of persons in service of Crown &c.

70.—(1) Without prejudice to any existing right of His Majesty and save as provided by the Army Act and the Air Force Act nothing in this Order shall extend to authorise any tolls to be demanded or received from any person when on duty in the service of the Crown or for any animal or vehicle the property of or when being used in the service of the Crown or returning after being so used.

(2) (a) Nothing in this Order shall extend to authorise any tolls to be demanded or received in respect of—

- (i) any ambulance; or
- (ii) any fire engine; or
- (iii) any vehicle used by any police officer acting in the execution of his duty; or
- (iv) the persons carried in or on any ambulance or fire engine or any such police vehicle.

(b) In this section the term "vehicle" shall include—

- (i) a bicycle (ii) a motor bicycle and (iii) a motor cycle and side-car.

(3) If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall be guilty of an offence and for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

PART VII.

FINANCE.

71.—(1) In addition to any moneys to be paid by the Minister to the Joint Board the Joint Board shall be entitled to receive from the Councils and the Councils shall on requisition as hereinafter provided pay to the Joint Board towards the cost of the construction of the works and the acquisition of the lands servitudes and other rights required in connection therewith (in this Order referred to as "the initial capital expenditure") a sum of five hundred thousand pounds under deduction of the amount so far as payable by the Councils of the costs charges and expenses referred to in the section of this Order the marginal note of which is "Costs of Order":

Councils' contributions towards initial capital expenditure.

Provided that unless otherwise agreed by the Councils the said sum shall be contributed by the Councils in the proportions (in this Order referred to as "the agreed proportions") following (that is to say):—

In the case of—

- (a) the corporation sixty-three per centum.
- (b) the Fife County Council nineteen per centum.
- (c) the West Lothian County Council ... three per centum.
- (d) the Midlothian County Council three per centum.
- (e) the Dunfermline Town Council six per centum.
- (f) the Kirkcaldy Town Council six per centum.

(2) The sum to be paid by each Council under this section (in this Order referred to as "the Council's contribution towards the initial capital expenditure") shall be deemed to be expenditure payable wholly out of rates incurred by the Council for the purpose of the construction of a new classified road within the area of the Council.

72.—(1) The Joint Board shall borrow from the Councils and the Councils shall on requisition as hereinafter provided lend to the Joint Board such sums as may be required by the Joint Board for defraying the initial capital expenditure in so far as such expenditure is not otherwise met.

Power of Joint Board to borrow.

(2) Unless otherwise agreed by the Councils any sums required to be borrowed by the Joint Board under this section shall be provided by the Councils in the agreed proportions.

(3) The rate of interest to be charged on any sums lent to the Joint Board by the Councils under this section shall be the rate at which having regard to the period of the loan the Councils might at the time the loan is granted borrow the amount required from the Public Works Loan Commissioners.

73. Subject to the provisions of this Order the Joint Board shall from time to time cause to be estimated the amount of capital moneys required by them to meet the initial capital expenditure and shall in so far as such capital expenditure is not otherwise met cause a requisition to be sent to the Councils requiring them to provide the amount required:

Requisitions for capital moneys.

PART VII.
—cont.

Provided that the Joint Board shall not be entitled to requisition any such capital moneys on loan until they have first requisitioned the whole of the Councils' contributions towards the initial capital expenditure.

Power of
Councils to
borrow.

74.—(1) Each of the Councils may borrow such sums as may be required for either of the following purposes (that is to say):—

- (a) for the purpose of enabling the Council to make payment to the Joint Board of the Council's contribution towards the initial capital expenditure; and
- (b) for the purpose of lending to the Joint Board such sums as the Joint Board may require to borrow from the Council for the purpose of defraying the initial capital expenditure in so far as such expenditure is not otherwise met.

(2) Subject to the provisions of this Order any sum borrowed by a Council under this section shall be deemed to have been borrowed for the purpose of defraying expenditure payable wholly out of rates incurred by the Council for the purpose of the construction of a new classified road within the area of the Council and the whole statutory provisions applicable to the Council in respect of the borrowing of money for such a purpose the security therefor and the redemption thereof shall apply to moneys borrowed by the Council under this section.

Saving for
emergency
restrictions on
borrowing.

8 & 9 Geo. 6.
c. 18.

9 Geo. 6. c. 10.

9 & 10 Geo. 6.
c. 58.

75. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any Defence Regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act or of an order made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Redemption of
borrowed
moneys.

76.—(1) Notwithstanding anything contained in this Order or in any other enactment the provisions of this section shall apply with respect to the redemption of moneys borrowed under the sections of this Order the marginal notes of which respectively are "Power of Joint Board to borrow" and "Power of Councils to borrow."

(2) Moneys borrowed by a Council for the purpose of enabling the Council to make payment to the Joint Board of the Council's contribution towards the initial capital expenditure shall be wholly repaid within a period not exceeding sixty years.

(3) With respect to moneys borrowed by a Council and lent to the Joint Board for the purpose of defraying the initial capital expenditure in so far as such expenditure is not otherwise met—

- (a) Any interest (in this section referred to as "accrued interest") which may accrue on such borrowed moneys between the date on which such borrowed moneys are advanced and the twenty-eighth day of May second occurring after the opening of the bridge for traffic shall be deemed to be capital advanced for the purpose for which the moneys in respect of which the interest is due were advanced;

(b) The first sums to be set aside by the Councils for the repayment of such borrowed moneys and accrued interest shall be set aside in respect of the financial year following the said twenty-eighth day of May and such borrowed moneys and accrued interest shall be wholly repaid within a period not exceeding sixty years from that date;

(c) (i) Not later than the first day of June in each year after the said twenty-eighth day of May each of the Councils shall cause a requisition to be sent to the Joint Board specifying the sum required by the Council in that year to meet the interest on and redemption of such borrowed moneys and requiring the Joint Board to pay the specified amount on or before the date therein mentioned and every such sum shall be deemed to be a debt due by the Joint Board to the Council as from the said date;

(ii) The Joint Board shall provide and shall cause to be paid out of the revenue of the general fund to the Councils such sums as may be requisitioned by the Councils under this subsection and the Councils shall cause all such sums received by them from the Joint Board to be paid into the county or burgh fund as the case may be.

77.—(1) On or before the fifteenth day of June in each year the Joint Board shall cause to be prepared estimates of the revenue and expenditure of the undertaking in respect of the financial year then current and if the estimates disclose a deficiency of revenue the Joint Board shall cause a requisition to be sent to the Councils requiring them to pay the amount of such deficiency under deduction of any sum due by the Joint Board to the Councils under subparagraph (i) of paragraph (c) of subsection (3) of the section of this Order the marginal note of which is "Redemption of borrowed moneys":

Requisitions in respect of deficiencies on revenue account.

Provided that any sums requisitioned by the Joint Board under this section during the period within which tolls authorised by this Order are taken shall (with interest thereon at the rate of three per centum per annum) be repaid by the Joint Board to the Councils as soon as reasonably practicable.

(2) Unless otherwise agreed by the Councils any sums required to be provided by the Councils under this section shall be provided by the Councils in the agreed proportions.

(3) Any sum paid by a Council under this section shall be deemed to be expenditure payable wholly out of rates incurred by the Council for the purpose of the maintenance of a classified road within the area of the Council.

78.—(1) Every requisition sent by the Joint Board to a Council shall state the purpose for which the moneys requisitioned are required and shall specify the time at which such moneys are to be paid by the Council to the Joint Board.

Provisions as to requisitions by Joint Board.

(2) The amounts specified in any such requisition shall at or before the date for payment specified in the requisition be paid by the Councils to the Joint Board and shall be deemed to be a debt due by the Councils to the Joint Board as from the said date.

PART VII.

—cont.

Power of Joint Board to borrow for current expenses.

79.—(1) The Joint Board may borrow from any of the Councils and the Councils are hereby authorised to lend to the Joint Board on such terms and conditions as may be agreed between the Joint Board and the Council in question such sums as may be required by the Joint Board to provide temporarily for current expenditure (not being expenditure of a capital nature) required to be incurred for the purposes of the undertaking.

(2) The rate of interest to be charged on moneys borrowed under this section shall not exceed three per centum per annum except with the approval of the Secretary of State.

(3) All moneys borrowed under this section shall be repaid as soon as reasonably practicable after the expiry of the financial year in which such moneys shall have been borrowed.

Financial year of Joint Board.

80. The financial year of the Joint Board shall be the year commencing on the twenty-ninth day of May and ending on the twenty-eighth day of May in the year immediately following.

General fund.

81.—(1) The Joint Board shall establish and administer a fund (to be called "the general fund") and all money received by the Joint Board whether on capital or revenue account including (but without prejudice to the generality of this provision) interest and other annual proceeds from time to time received by the Joint Board on the investments or balances forming part of any funds established by them shall be credited to and form part of the general fund and all interest on moneys borrowed and other payments whether on capital or revenue account made and incurred by the Joint Board in carrying into execution the powers and provisions of this Order (including all sums required by law to be paid applied or transferred or which the Joint Board may determine to pay apply or transfer to any funds established by them) shall be paid or transferred out of the general fund.

(2) It shall be a duty of the treasurer of the Joint Board to see that all money received by the Joint Board is duly credited to and forms part of the general fund and that all expenditure of the Joint Board falling to be defrayed out of the general fund is so defrayed:

Provided that nothing in this subsection shall prevent the Joint Board from giving directions with respect to the payment or receipt of sums claimed to be due to the Joint Board or with respect to the payment of sums claimed to be due by the Joint Board.

(3) Nothing in this section shall authorise the Joint Board to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Contingency fund.

82.—(1) The Joint Board shall establish and maintain a fund (to be called "the contingency fund") to which there shall be transferred out of the general fund such sum as the Joint Board may from time to time determine:

Provided that—

(a) the maximum amount that may be transferred out of the general fund to the contingency fund in any one financial year shall not exceed—

(i) the sum of thirty thousand pounds with in addition a sum equivalent to the interest on any investments and balances forming part of the contingency fund; or

(ii) such sum as the Minister may from time to time determine; and

(b) the amount standing to the credit of the contingency fund shall not at any time exceed such sum as the Minister shall determine.

(2) The contingency fund shall be applicable to meet any extraordinary claim or demand arising against the Joint Board in respect of the undertaking:

Provided that the Minister may on application being made to him for that purpose by the Joint Board authorise the Joint Board to make payments out of the contingency fund for all or any of the following purposes (that is to say):—

(i) the maintenance of the works;

(ii) the making of improvements on or alterations to the works;

(iii) such other purposes as the Minister may determine.

(3) Payments may be made out of the contingency fund notwithstanding that it may not have reached or may have been reduced below the authorised maximum.

83.—(1) The Joint Board may establish and maintain a fund (to be called "the renewals fund") to which there may be transferred out of the general fund such sums as the Joint Board may from time to time determine: Renewals fund.

Provided that—

(a) the maximum amount that may be transferred out of the general fund to the renewals fund in any one financial year shall not exceed thirty thousand pounds with in addition a sum equivalent to the interest on any investments and balances forming part of the renewals fund; and

(b) the amount standing to the credit of the renewals fund shall not at any time exceed one million five hundred thousand pounds.

(2) The renewals fund shall be applicable to meet the cost of renewing or improving the works and payments may be made out of the renewals fund notwithstanding that it may not have reached or may have been reduced below the authorised maximum.

84.—(1) The Joint Board shall establish and maintain a fund (to be called "the equalisation fund") to which there shall be transferred out of the general fund in each financial year in which tolls are collected under the powers conferred by this Order a sum equivalent to the amount by which the tolls and other revenues of the Joint Board received in that year exceed the aggregate of the total expenditure on revenue account and the sums (if any) transferred during the year to the contingency and renewals funds: Equalisation fund.

PART VII.
—cont.

Provided that such transfers out of the general fund into the equalisation fund shall cease whenever the equalisation fund amounts to such a sum as the Minister shall determine to be sufficient to meet—

- (a) the sums which the Joint Board are required to provide and pay over to the Councils in accordance with the provisions of paragraph (c) of subsection (3) of the section of this order the marginal note of which is "Redemption of borrowed moneys"; and
- (b) the cost of maintaining the undertaking;

and thereafter there shall be transferred out of the general fund into the equalisation fund in each year only a sum equivalent to the interest on any investments or balances forming part of the equalisation fund.

(2) In each financial year following the last year in which tolls authorised by this Order are collected there shall be transferred out of the equalisation fund into the general fund—

- (a) a sum equivalent to the amount that the Joint Board are required to provide and pay over to the Councils in that year in accordance with the provisions of paragraph (c) of subsection (3) of the section of this Order the marginal note of which is "Redemption of borrowed moneys"; and
- (b) such amount as is required to meet the cost of maintaining the undertaking in that year.

Investment of
balances.

85. Moneys at any time standing at the credit of the contingency fund the renewals fund or the equalisation fund shall from time to time be invested and all moneys to be invested by the Joint Board shall be invested in trustee securities.

Accounts.

86.—(1) The Joint Board shall cause the accounts of the general fund and of all other funds established by them to be kept in such a manner as to distinguish capital from revenue and as to show all revenue and expenditure whether on capital or revenue account in respect of the financial year to which the accounts relate.

(2) In the accounts of the Joint Board there shall be carried to the credit of the various funds established by them sums equivalent to the interest received by them on the investments or balances forming part of those funds respectively:

Provided that further sums in respect of such interest shall not be so carried to the credit of the contingency or renewals funds as from the date upon which those funds respectively reach the maximum amounts authorised by this Order.

Accounts to be
made up yearly.

87.—(1) Immediately after the end of each financial year the accounts of the Joint Board for that year shall be brought to a balance and a balance sheet shall be prepared with respect thereto.

(2) The accounts and balance sheet shall be made up so as to exhibit a complete statement showing with regard to each account the income and expenditure and the assets and liabilities.

(3) The accounts shall be completed and signed by the treasurer of the Joint Board on or before the thirty-first day of July first occurring after the end of the financial year to which the accounts relate.

PART VII.
—cont.

88.—(1) The provisions of the Act of 1929 with respect to the audit of the accounts of a local authority shall with the necessary modifications apply to the accounts of the Joint Board in like manner as they apply to the accounts of a local authority. Audit of accounts.

(2) The Joint Board shall pay to the auditor for his services such salary and allowances as shall be agreed upon between the Joint Board and the auditor with the approval of the Secretary of State.

89. The audited abstract of the accounts together with the auditor's report thereon shall be submitted to a meeting of the Joint Board to be held not later than the thirty-first day of October first occurring after the end of the financial year to which the accounts relate and the said accounts shall if and as approved by the Joint Board be signed by the chairman of the meeting and by the clerk of the Joint Board and shall be deposited with the clerk of the Joint Board or such other officer as the Joint Board may designate. Audited accounts to be laid before Joint Board.

90. As soon as practicable after the meeting of the Joint Board to which the said abstract of the accounts and the auditor's report thereon have been submitted the clerk of the Joint Board shall send a copy thereof to each of the Councils to the Minister and to the Secretary of State. Copies of audited accounts to be sent to Councils and others.

91.—(1) As regards any rates which may at any time be levied by the Councils or any other rating authority for the purpose of defraying any expenditure incurred under the sections of this Order the marginal notes of which are "Councils' contributions towards initial capital expenditure" and "Costs of Order" the London and North Eastern Railway Company the London Midland and Scottish Railway Company and the Forth Bridge Railway Company in respect of any lands or heritages belonging to or leased by them and forming part of their respective railway undertakings shall be liable to pay one-fourth part only of any such rate. Differential rating for certain railway companies.

(2) As regards any rates which may be levied by the Councils or any other rating authority for the purpose of defraying any expenditure incurred under the section of this Order the marginal note of which is "Requisitions in respect of deficiencies on revenue account" the London and North Eastern Railway Company the London Midland and Scottish Railway Company and the Forth Bridge Railway Company in respect of any lands or heritages belonging to or occupied by them shall not be liable to pay any part of any such rate.

92. The Joint Board shall pay to the London and North Eastern Railway Company in manner hereinafter mentioned the sum of one hundred and fifty thousand pounds in full satisfaction of all claims for all or any loss arising out of or in connection with the powers conferred by this Order which sum shall be charged on and liquidated Payment by Joint Board to London and North Eastern Railway Company.

PART VII.
—cont.

out of the revenues of the undertaking over a period of ten years and shall be paid in ten equal instalments of fifteen thousand pounds each the first payment to be made not later than the close of the first full financial year of the Joint Board occurring after the date of the opening of the bridge for traffic and the remaining instalments at the end of each successive twelve months after the time fixed for payment of the first instalment.

PART VIII.

BYELAWS.

Power to make
byelaws.

93.—(1) The Joint Board may make byelaws (in this Part of this Order referred to as "the 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 vehicles 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.

(2) If any person contravenes any byelaw made under this Order he shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding ten pounds and in the case of a continuing offence to a further penalty not exceeding forty shillings for each day during which the offence continues.

Procedure
for making
byelaws.

94.—(1) The byelaws shall be authenticated by being sealed with the common seal of the Joint Board and signed by the clerk of the Joint Board and shall not have effect until they are confirmed by the Minister.

(2) At least one month before application for confirmation of the byelaws is made notice of the intention to apply for confirmation of the place where a copy of the byelaws may be inspected and of the authority to whom objections may be notified shall be given in a newspaper circulating in the areas of the Councils or in such other manner as the Minister on the application of the Joint Board may determine to be sufficient in the circumstances.

(3) For at least one month before application for confirmation is made a copy of the byelaws shall be deposited at the offices of the Joint Board and at the offices of each of the Councils and shall at all reasonable hours be open to public inspection without payment.

(4) The Joint Board shall on application furnish to any person a copy of the byelaws or of any part thereof on payment of such sum not exceeding sixpence for every hundred words contained in the copy as the Joint Board may determine.

(5) Any person aggrieved by any of the byelaws may within one month after publication of the notice required to be given under

subsection (2) of this section notify in writing his objection and the ground of his objection to the Minister who shall consider the same before confirming the byelaws.

PART VIII.
—cont.

(6) The Minister may if he considers it necessary or desirable before confirming the byelaws cause a local inquiry to be held.

(7) The Minister may confirm with or without modification or may refuse to confirm the byelaws and may fix the date on which the byelaws are to come into operation and if a date is not so fixed the byelaws shall come into operation at the expiration of one month from the date of their confirmation.

(8) The Joint Board shall as soon as practicable after receiving intimation of the confirmation of the byelaws by the Minister cause a notice of such confirmation of the date on which the byelaws are to come into operation and of the place where a copy of the byelaws as confirmed may be inspected to be given in a newspaper circulating in the areas of the Councils or in such other manner as the Minister on the application of the Joint Board may determine to be sufficient in the circumstances.

(9) A copy of the byelaws when confirmed shall be printed and deposited at the offices of the Joint Board and at the offices of each of the Councils and shall at all reasonable hours be open to public inspection without payment and a copy thereof shall on application be furnished to any person on payment of such sum not exceeding one shilling for every copy as the Joint Board may determine.

95. The production of a copy of the byelaws upon which is endorsed a certificate purporting to be signed by the clerk of the Joint Board stating— Evidence of byelaws.

- (a) that the byelaws were made by the Joint Board;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Minister;
- (d) the date (if any) fixed by the Minister for the coming into operation of the byelaws;

shall until the contrary is proved be evidence of the facts stated in the certificate and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

PART IX.

MISCELLANEOUS.

96.—(1) The Joint Board may enter into any contract or agreement necessary for the discharge of any of their functions. Obligations and contracts.

(2) The Joint Board shall not grant any obligation contract any debt enter into any contract or agreement or execute any deed unless the same shall have been authorised by the Joint Board or by a committee thereof or by a person duly empowered by the Joint Board and in the case of contracts for the supply of goods or materials or for the execution of works the standing orders of the Joint Board shall—

PART IX.
—cont.

- (a) require that except as otherwise provided by or under the said standing orders notice of the intention of the Joint Board or committee or person as the case may be to enter into the contract shall be published and tenders invited; and
- (b) regulate the manner in which such notice shall be published and tenders invited.

to

(3) A creditor in any such obligation or debt or a person entering into a contract or agreement with the Joint Board or a person transacting on the faith of a deed executed by the Joint Board shall not be bound to inquire whether the same has been duly authorised as aforesaid.

(4) All such obligations debts contracts agreements and deeds granted contracted entered into or executed by the Joint Board if otherwise valid shall have full force and effect notwithstanding that the same have not been duly authorised in accordance with the provisions of this section.

Members and officers of Joint Board not to be personally liable for fulfilment of obligations &c.

97. A member or officer of the Joint Board shall not be personally liable for the fulfilment of any obligation undertaken or contract or agreement made by the Joint Board or for the repayment of any money borrowed by the Joint Board.

Payment by Joint Board of travelling expenses &c. of members.

98.—(1) The Joint Board may if they think fit pay allowances at such rates as they may fix in respect of travelling and other personal expenses necessarily incurred and time necessarily lost from ordinary employment by members of the Joint Board in attending meetings of the Joint Board or of any committee or sub-committee thereof.

(2) In fixing allowances under this section the Joint Board shall have regard to the maximum allowances (if any) which may be paid to a member of a county council in respect of such expenses and such lost time under any public general statute applicable to Scotland for the time being.

Recovery and application of penalties.

99.—(1) All proceedings for the recovery of penalties authorised to be imposed for offences against this Order or against any byelaw made under this Order may be proceeded with and conducted under and in conformity with the Summary Jurisdiction (Scotland) Acts.

(2) Every fine or penalty recovered on a prosecution under this Order or under any byelaw made under this Order (other than a fine or penalty imposed on the Joint Board) shall be paid to the Joint Board and by the treasurer carried to the credit of the general fund of the Joint Board.

Undertaking to be exempt from rates.

100. Notwithstanding anything contained in any Act the undertaking shall not be assessed to any rate as defined in the Rating (Scotland) Act 1926:

16 & 17 Geo. 5.
c. 47.

Provided that this section shall not extend to any dwelling-houses provided by the Joint Board under the section of this Order the marginal note of which is "Dwelling-houses for officers."

101. The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Order and the provisions of the Second Schedule to the Education (Scotland) Act 1945 shall have effect with regard to any such inquiry subject to references therein to the Secretary of State being construed as references to the Minister.

PART IX.
—cont.

Provisions as to
local inquiries
&c.
8 & 9 Geo. 6.
c. 37.

102. Any two or more of the Councils may from time to time enter into and carry into effect agreements for and with regard to the widening or improvement of any road within the area of any one or more of the Councils who are parties to the agreement and which it may be necessary or expedient to widen or improve by reason or in consequence of the construction of the works and any such agreement may provide for the contribution by such Councils or any of them of moneys towards the costs to be expended on such widening or improvement and such contribution shall be deemed to be expenditure incurred by the Council for the purpose of the widening or improvement of a classified road within the area of the Council.

Power of
Councils to
agree as to
widening or
improvement of
roads.

103. Any notice order demand requisition or other such document required or authorised by this Order or by any Act incorporated with or any byelaw made under this Order to be sent delivered or served by the Joint Board shall be signed by the clerk of the Joint Board or authenticated in such other manner as the Joint Board may by standing orders or otherwise direct.

Authentication
of notices by
Joint Board.

104.—(1) Any notice order demand requisition or other such document by the Joint Board required or authorised by this Order or by any Act incorporated with or any byelaw made under this Order may be served—

Service of
notices by Joint
Board.

(a) by being sent by post or delivered to or at the residence or place of business of the person to whom it is addressed:

Provided that—

(i) in the case of a person employed on any ship or vessel it shall be delivered to some person on board thereof and connected therewith;

(ii) a notice to treat given under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845 if served by post shall be served by registered post;

(b) where the notice or other document as aforesaid relates to premises and the Joint Board are unable after reasonable inquiry to ascertain the address of the person upon whom it should be served by addressing it to him—

(i) by name if his name is known; or

(ii) if his name is not known by the description of "owner" or "occupier" of the premises (naming them) to which it relates;

and by delivering it to some person on the premises or if there is not a person on the premises to whom it can be delivered by affixing it or a copy thereof to some conspicuous part of the premises.

PART IX.
—cont.

(2) Service of a copy of any such notice order demand requisition or other document shall be deemed to be service of the principal document.

(3) Service of any such notice order demand requisition or other document may be proved by a certificate under the hand of the person who posted or delivered or affixed the same attested by one witness who was present at such posting delivery or affixing.

Service of legal
proceedings
and notices on
Joint Board.

105. Any legal proceedings against the Joint Board shall be deemed to have been duly served on the Joint Board if served on the clerk of the Joint Board and any notice order demand requisition or other document required or authorised by this Order or by an Act incorporated with this Order to be sent delivered or served to or upon the Joint Board or to or upon the clerk of the Joint Board shall be addressed to the Joint Board or to the clerk of the Joint Board (as the case may be) and shall be left at or sent by post to the offices of the Joint Board.

Crown rights.

106. 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 His Majesty's Government except to such extent as His 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 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 Minister respectively without the consent in writing of the Commissioners of Crown Lands or the Minister as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown minerals.

107. Notwithstanding the provisions contained in the section of this Order of which the marginal note is " Crown rights " or in any public statute but subject as hereinafter in this section provided His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His 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 this Order shall apply in relation to such minerals and as if the Commissioners of Crown Lands 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 His Majesty as the mine owner or royalty owner or payable to the Joint Board by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

108.—(1) 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 in so far as not otherwise met be payable by the Councils in the agreed proportions.

PART IX.

—cont.

Costs of Order.

(2) The sum payable by a Council under this section shall be deemed to be expenditure payable wholly out of rates incurred by the Council for the purpose of the construction of a new classified road within the area of the Council and may be paid out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed for that purpose which moneys the Councils are hereby authorised to borrow:

Provided that any moneys borrowed by a Council for the purposes of this section shall be repaid within five years from the twenty-eighth day of May first occurring after the commencement of this Order.

SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

(Referred to in the section of this Order the marginal note of which is "Establishment and constitution of Joint Board &c.")

PART I.

PROVISIONS WITH RESPECT TO THE ELECTION TENURE OF OFFICE AND QUALIFICATIONS OF MEMBERS OF THE JOINT BOARD ETC.

Election and term of office of members.

1.—(1) Subject to the provisions of this Order the term of office of a member of the Joint Board shall be three years commencing on the first day of January and ending on the thirty-first day of December and not later than the month of December in every year in which a member of the Joint Board falls to retire in ordinary course the Council by which such member was elected shall elect a member to hold office for the three years next following the expiry of the period of office of the retiring member.

(2) If a Council fails to elect a member of the Joint Board at the proper time for his election the member of the Joint Board elected by such Council who then falls to retire shall continue in office until his successor is appointed so long always as he is qualified to be a member of the Joint Board.

First election of members.

2.—(1) The first election of members of the Joint Board to be made by the Councils shall be made by each Council at a meeting of the Council to be held within two months after the commencement of this Order and subject to the provisions of this Order the members so elected shall continue in office and shall be deemed to be due to retire in ordinary course as follows (that is to say):—

- (a) of the nine members elected by the corporation three shall hold office until the thirty-first day of December first occurring after the date of their election three shall hold office until the thirty-first day of December second occurring after the date of their election and three shall hold office until the thirty-first day of December third occurring after the date of their election;
- (b) members elected by the county councils of Fife West Lothian and Midlothian shall hold office until the thirty-first day of December first occurring after the next triennial election of county councillors; and
- (c) members elected by the town councils of Dunfermline and Kirkcaldy shall hold office until the thirty-first day of December third occurring after the date of their election.

(2) At the meeting of the Corporation held in pursuance of the immediately preceding sub-paragraph the Corporation shall decide which of the members elected by them shall respectively hold office until the thirty-first day of December first second and third occurring after the date of their election.

3. When an election of a member of the Joint Board has been made the clerk of the Council by which the election was made shall intimate the election to the clerk of the Joint Board:

1ST SCH.
—cont.

Intimation of
election of
members.

Provided that in the case of an election made in accordance with the provisions of the paragraph of this Part of this schedule the marginal note of which is "First election of members" the clerk of each Council shall intimate the names of the members elected by his Council to the town clerk of the city of Edinburgh.

4. A person shall be qualified to be a member of the Joint Board if he is a member of the Council by which he was elected and if a member of the Joint Board ceases to be a member of the Council by which he was elected he shall cease to be a member of the Joint Board so however that if he ceases to be a member of the Council by which he was elected by reason of retirement in ordinary course he shall continue to hold office as a member of the Joint Board until the thirty-first day of December first occurring after the date of such retirement.

Qualifications of
members.

5. The provisions of section 2 of the Local Government (Amendment) (Scotland) Act 1939 shall apply to members of the Joint Board in like manner as they apply to members of a council to which that section applies.

Disability of
members for
voting on
account of
interest in
contracts.

6. A member of the Joint Board may resign his office by notifying in writing his intention so to do to the clerk of the Joint Board.

Resignation of
members.

7. If a member of the Joint Board fails to attend any meeting of the Joint Board for six consecutive months (counting from the date of the meeting from which he first absented himself) he shall be deemed to have resigned his office as a member of the Joint Board at the expiration of that period unless the Council by which he was elected otherwise determine.

Failure of
member to
attend
meetings.

8. If any member of the Joint Board dies or resigns or ceases to be qualified to be a member of the Joint Board the Council by which he was elected may at any time after the happening of such event elect another person to be a member of the Joint Board in his place and the person so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

Casual
vacancies.

9. A person ceasing to hold office to which he is elected by virtue of the provisions of this Order shall if otherwise qualified be eligible for re-election.

Eligibility for
re-election.

10. The chairman and vice-chairman of the Joint Board shall be elected annually at a meeting of the Joint Board to be held in the month of January in each year and the persons elected to these offices shall if otherwise qualified respectively hold office until their successors shall have been elected:

Tenure of office
&c. of chairman
and vice-
chairman.

Provided that—

(1) The Joint Board shall at their first meeting elect a chairman and vice-chairman to hold office respectively until a chairman and vice-chairman shall have been elected at the meeting

1ST SCH.
—cont.

of the Joint Board to be held in the month of January first occurring after the date of the first meeting of the Joint Board; and

- (2) In the event of a casual vacancy occurring in either of said offices the Joint Board may elect a member to fill the vacancy and the member so elected shall hold office until his successor shall have been elected at the meeting of the Joint Board to be held in the month of January first occurring after the date of his election.

PART II.

PROVISIONS AS TO MEETINGS AND PROCEEDINGS.

Place and time
of meetings.

1. The Joint Board shall hold their first meeting at Edinburgh on a date to be fixed by the lord provost of the city of Edinburgh notice of which shall be given by the town clerk of the city of Edinburgh to the Councils and subsequent meetings of the Joint Board shall be held at such places on such days and at such times as the Joint Board may from time to time appoint.

Special
meetings.

2. The clerk of the Joint Board shall call a meeting of the Joint Board at any time on being required so to do by the chairman or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting and signed by four members of the Joint Board.

Convening
meetings.

3.—(1) Meetings of the Joint Board shall be convened by the town clerk of the city of Edinburgh until the Joint Board have appointed a clerk and afterwards by the clerk of the Joint Board.

(2) Every meeting shall be convened by circular delivered to each member of the Joint Board or sent by post to his residence five clear days at least before the day of the meeting:

Provided that—

- (a) Where it appears to the chairman that an item of business demands special urgency a meeting of the Joint Board shall if he so requires be called by the clerk of the Joint Board to be held at a time less than twenty-four hours from the issue of the notice so however that any resolution passed at such a meeting shall not be valid and binding on the Joint Board unless either a majority of the whole members of the Joint Board are present at the meeting or the resolution is confirmed by a subsequent meeting called in the manner hereinbefore provided in this paragraph;
- (b) Want of notice to any member of the Joint Board shall not affect the validity of a meeting.

Quorum.

4. To constitute a meeting of the Joint Board there shall be present not less than seven members of the Joint Board.

Chairman of
meetings.

5. At every meeting of the Joint Board the chairman of the Joint Board shall preside but if he is not present at the time appointed for the meeting the vice-chairman if present shall preside and if neither the chairman nor the vice-chairman is present the members then present shall choose one of their number to preside at that meeting.

6.—(1) All acts of and all questions coming and arising before the Joint Board or any committee or sub-committee of the Joint Board shall be done and decided by a majority of the members of the Joint Board or committee or sub-committee as the case may be present and voting at a meeting of the Joint Board or committee or sub-committee as the case may be.

1ST SCH.
—cont.

Decisions on
questions.

(2) In the case of an equality of votes the person presiding at the meeting shall have a casting vote as well as a deliberative vote:

Provided that if at any meeting neither the chairman nor the vice-chairman be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

7.—(1) Minutes of the proceedings of a meeting of the Joint Board shall be drawn up by or on behalf of the clerk of the Joint Board and shall be signed at the meeting by the person presiding thereat or shall be submitted to the next ensuing ordinary meeting of the Joint Board for approval as a record of the meeting and signed by the person presiding at that next ensuing meeting and without prejudice to any of the other provisions of this Order any minute purporting to be so signed shall be received in evidence without further proof.

Minutes.

(2) Subject to any standing orders of or other directions by the Joint Board the provisions of the preceding sub-paragraph shall apply with respect to any committee or sub-committee of the Joint Board in like manner as they apply with respect to the Joint Board.

(3) Until the contrary is proved a meeting of the Joint Board or of any committee or sub-committee thereof in respect of the proceedings whereof a minute has been made and signed in manner above provided shall be deemed to have been duly convened and held and all the members present at the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee or sub-committee the committee or sub-committee as the case may be shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

8. Subject to the provisions of this Order the Joint Board may make standing orders for the regulation of their proceedings and business and may vary or revoke such standing orders.

Standing
orders.

9.—(1) The Joint Board may appoint from among their own number such and so many committees either of a general or special nature consisting of such number of persons as they think fit for the purpose of any of the functions exercisable by the Joint Board and may delegate with or without restrictions or conditions as they think fit any of their powers or duties to any such committee:

Committees and
sub-
committees.

Provided that there shall be excluded from the delegation to any committee appointed by the Joint Board the following (that is to say):—

- (a) the power of requisitioning moneys from the Councils;
- (b) the power of incurring capital expenditure;

1ST SCH.
—cont.

- (c) the incurring of any expenditure not provided for in the annual estimates of the Joint Board unless and until such expenditure is reported to and approved of by the Joint Board in the form of a supplementary estimate Provided that in the case of urgency such expenditure where passed by the committee may be incurred on the authorisation of the chairman and subject to report to the Joint Board;
- (d) the enactment alteration or revocation of any byelaws;
- (e) the power to fix or revise tolls;
- (f) the appointment or dismissal of the clerk or treasurer or other principal officer of the Joint Board.

(2) Any committee appointed by the Joint Board shall have power to refer any matter falling within the province of the committee to a sub-committee but except with the approval of the Joint Board the committee shall not delegate any matter to a sub-committee.

Execution of
deeds.

10. A deed to which the Joint Board are a party shall be held to be validly executed on behalf of the Joint Board if it is sealed with the common seal of the Joint Board and subscribed on behalf of the Joint Board by two members and the clerk thereof whether attested by witnesses or not.

Vacancies &c.
not to
invalidate
proceedings.

11.—(1) The proceedings of the Joint Board or of a committee or sub-committee thereof shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member thereof or by any member voting on or taking part in the consideration or discussion of any question when he is not entitled to do so.

(2) If the proceedings of a meeting of the Joint Board or of a committee or sub-committee thereof are notwithstanding anything in this Order open to challenge on the ground that the meeting has not been duly convened such proceedings shall be validated by confirmation of the minutes of the meeting at a subsequent meeting duly convened by the Joint Board committee or sub-committee as the case may be.

SECOND SCHEDULE.

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

PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN
COMPULSORILY.

Area.	Reference numbers on deposited plans.	
	Work No.	Property No.
Parish of Inverkeithing ...	1 2 7	7. 27 27 32A 47 53. III.
Burgh of Inverkeithing ...	7	III.
Parish of Dunfermline ...	1 6 10	7 7A 9 15A 16A.
Burgh of Dunfermline... ...	1 1 6 10 2 6 10	3 4 5 6 7A. 4A 7 15A. 47 53. 16A.
Burgh of Queensferry ...	3	1 2 3 4 4 5 6 7.
Parish of Dalmeny	3 5	1 2 3 4 4 4 5 6 7. 39.

THIRD SCHEDULE.

(Referred to in the section of this Order the marginal note of which is "Owners may be required to grant servitudes only.")

PROPERTIES OVER WHICH SERVITUDES ONLY MAY BE TAKEN
COMPULSORILY.

Area.	Reference numbers on deposited plans.	
	Work No.	Property No.
Parish of Inverkeithing	2 3 7	27 27 32A 47 53. 71. III.
Burgh of Inverkeithing ...	7	III.
Burgh of Dunfermline ...	1 2	3. 47 53.
Burgh of Queensferry ...	3	1 2 3 4 4 5 6 7 71.
Parish of Dalmeny	3 5	1 2 3 4 4 4 5 6 7 71. 39.

FOURTH SCHEDULE.

(Referred to in the sections of this Order the marginal notes of which are "Tolls" and "Revision of tolls.")

MAXIMUM TOLLS LEVIABLE IN RESPECT OF TRAFFIC USING THE BRIDGE.
(Subject to the exemptions referred to in the section of this Order of which the marginal note is "Exemption from tolls in case of persons in service of Crown &c.")

PART I.

HORSE DRAWN VEHICLES.

(Including the driver and one horse.)

For every—	s.	d.
brougham cab trap lorry float cart or van (other than a furniture van)	3	0
ferry waggon wagonette or omnibus	4	0
furniture van hearse or tank waggon	5	0

PART II.

MECHANICALLY PROPELLED VEHICLES.

(Including the driver and where a conductor is carried on the vehicle the conductor.)

For every—	s.	d.
goods vehicle not otherwise specified (including tractors showmen's vehicles and furniture vehicles) of an unladen weight not exceeding 1 ton	2	0
exceeding 1 ton but not exceeding 30 cwts.	2	6
" 30 cwts. " " 2 tons	3	0
" 2 tons " " 4 tons	4	0
" 4 tons	5	0
roller	7	6
motor car of a horse power—		
not exceeding 8	2	0
exceeding 8 but not exceeding 12	3	0
" 12 " " " 16	4	0
" 16	5	0
hackney carriage or public service vehicle with a seating capacity excluding the driver—		
not exceeding 4 persons	3	0
exceeding 4 but not exceeding 8 persons	4	0
" 8 " " " 14 " 	5	0
" 14 " " " 26 " 	7	6
" 26 " " " 32 " 	10	0
" 32 persons	12	6
motor bicycle	1	0
motor cycle and side-car or three wheeled car	1	6
hearse or tank waggon	5	0

For every trailer attached to any vehicle named in this Part of this schedule an additional charge equivalent to the charge for the vehicle pulling the trailer.

PART III.

4TH SCH.
—cont.

ANIMALS.

For—

	s.	d.
sheep lambs pigs goats or dogs—		
each animal	0	3
per 50	7	6
per 100	12	6
cattle horses ponies donkeys or mules—		
each animal	0	10
per 25	15	0
per 50	25	0

For animals conveyed in a vehicle no charge beyond the charge for the vehicle.

PART IV.

MISCELLANEOUS.

For every—

person over the age of 14 other than the driver or person in charge of a vehicle in respect of which a toll is payable	0	3
child between the ages of 3 and 14	0	2
bicycle tandem tricycle perambulator mailcart go-cart bathchair or street organ (including the person in charge of the vehicle)	0	6
hand-cart hand-truck or wheel-barrow (including the person in charge of the vehicle)	0	9
vehicle or animal not specified in this schedule a charge as nearly as may be equal to the charge for the most similar vehicle or animal specified in this schedule.		

A charge shall not be made in respect of any child under three years of age.

A charge shall not be made for goods beyond the charge for the person or animal or vehicle conveying the goods.

Between 12 midnight and 5 a.m. all tolls in Parts I II and IV of this schedule may be increased by 50 per centum.

Ch. iv.

Forth Road Bridge
Order Confirmation Act, 1947.

10 & 11 GEO. 6.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2; 13a Castle Street, Edinburgh 2;
39-41 King Street, Manchester 2; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any bookseller

Price 2s .od. net

(70347)