

ELIZABETH II



1966 CHAPTER ii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Glasgow Corporation (Carnoustie Street) Bridge.

[26th May 1966]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Glasgow Corporation (Carnoustie Street) Bridge Order Confirmation Act 1966. Short title.

SCHEDULE

GLASGOW CORPORATION (CARNOUSTIE STREET) BRIDGE

Provisional Order to authorise the Corporation of the city of Glasgow to acquire lands and construct a bridge over the river Clyde in the vicinity of Carnoustie Street in the said city together with approaches thereto; to borrow money and for other purposes.

Whereas the Corporation of the city and royal burgh of Glasgow (hereinafter called "the Corporation") are vested with the municipal government and administration of the city and royal burgh of Glasgow (hereinafter called "the city") and are the local and road authority therein:

And whereas with a view to improving traffic conditions in the city the Corporation are proceeding with the construction of an inner ring road and it is expedient that in connection with and as part of the said inner ring road they should be empowered to construct the bridge over the river Clyde and relative approach roads in connection therewith described in this Order:

And whereas estimates have been prepared by the Corporation in respect of the following purposes and such estimates are as follows:—

For the purchase of lands and servitudes for the purposes of the said bridge and approach roads and laying out of lands	£1,325,000
For the construction of the said bridge and approach roads	£4,440,000

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 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-clerk of the county of Lanark and with the town clerk of the city 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 aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act, 1936:

Now therefore, in pursuance of the powers contained in the said Act, the Secretary of State orders as follows:—

PART I
PRELIMINARY

1. This Order may be cited as the Glasgow Corporation (Carnoustie Street) Bridge Order, 1966 and this Order shall be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts, 1855 to 1966. Short and collective titles.

2. In this Order the following words and expressions have, unless there be something in the subject or context repugnant to such construction, the meanings hereby assigned to them (that is to say):— Interpretation.

“ Act of 1947 ” means the Local Government (Scotland) Act, 1947 c. 43.
1947;

“ bridge ” means the bridge (Work No. 9) authorised by this Order;

“ city ” means the city and royal burgh of Glasgow;

“ Corporation ” means the Corporation of the city of Glasgow;

“ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Land Compensation (Scotland) Act, 1963; 1963 c. 51.

“ operational land ” in relation to any statutory undertakers means land of those undertakers which is operational land within the meaning of the Town and Country Planning (Scotland) Act, 1947; 1947 c. 53.

“ Port Authority ” means the Clyde Port Authority;

“ sheriff ” means the Sheriff of Lanarkshire and includes his substitutes;

“ telegraphic line ” has the same meaning as in the Telegraph Act, 1878; 1878 c. 76.

“ tidal work ” means so much of any work authorised by this Order as is on, in, under or over tidal waters or tidal lands below the level of mean high-water springs;

“ town clerk ” means the town clerk of the city;

“ tribunal ” means the Lands Tribunal for Scotland or until sections 1 to 3 of the Lands Tribunal Act, 1949, come into force as respects Scotland an official arbiter appointed under the Land Compensation (Scotland) Act, 1963; and 1949 c. 42.

“ works ” means the bridge and other works authorised by this Order and all works connected therewith.

3. The following Acts, so far as they are applicable to the purposes of and are not inconsistent with this Order, are hereby (except where expressly varied by this Order) incorporated with this Order:— Incorporation of Acts.

The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act, 1845); 1845 c. 19.

The Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of land near the railway during the construction thereof and in that Act where applied 1845 c. 33.

PART I
—cont.

to this Order the expressions “the promoters of the undertaking” and “the company” mean the Corporation and the expressions “the railway” and “the undertaking” mean the works;

and this Order shall be deemed to be a special Act within the meaning of those Acts.

PART II

LANDS

Power to
acquire lands.

4. Subject to the provisions of this Order, the Corporation may enter upon, take and use such of the lands shown on the deposited plans and described in the deposited book of reference as 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 recouplement or exchange or for any other purposes of this Order.

Period for
compulsory
purchase.

5. The powers of the Corporation for the compulsory purchase of lands under this Order shall cease on the 31st day of December, 1968.

Acquisition
of part only
of certain
properties.

6.—(1) For the purposes of this Order, the following provisions of this section shall have effect in substitution for section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845.

1845 c. 19.

(2) Subject to the provisions of sections 7 (Power to acquire servitudes compulsorily in certain cases) and 9 (Power to purchase cellars, etc.) of this Order no person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house if he is willing and able to sell the whole of the house, building, factory, park or garden unless the sheriff, or an arbiter appointed by him, determines—

(a) in the case of a house, building or factory that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the sheriff, or an arbiter appointed by him, determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house, building, factory, park or garden.

Power to
acquire
servitudes
compulsorily
in certain cases.

7. Notwithstanding anything in this Order or in any Act wholly or partly incorporated herewith, the Corporation may, instead of acquiring any land that they are authorised to acquire compulsorily under this Order, purchase and acquire compulsorily such servitudes or rights over or in any such lands as they may require for the purpose of constructing, maintaining, renewing and using or removing the works without the Corporation being obliged or compellable to purchase any greater interest in, under or over the same, and the provisions of the Lands Clauses Acts shall extend and apply to such servitudes and rights as if the same were lands within the meaning of those Acts.

PART II
—cont.

8.—(1) 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 Corporation 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, over or affecting any such lands. Persons under disability may grant servitudes, etc.

(2) The provisions of the said Acts with respect to lands and feuduties 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.

9. Notwithstanding anything contained in this Order, the owners of and other persons interested in any cellar, vault or other construction in or under any lands which the Corporation are authorised by this Order to enter upon, take and use for the purposes of this Order shall if so required sell the same for such purposes, the Corporation paying such sum for such cellar, vault or other construction including compensation for any damage sustained by such owners or persons by severance or otherwise as (failing agreement) shall be settled by the tribunal, and such cellar, vault or other construction to be taken and used as aforesaid shall not be deemed part of a house or other building or manufactory within the meaning of section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845. Power to purchase cellars, etc.
1845 c. 19.

10.—(1) All private rights of way over any lands which may under the powers of this Order be acquired compulsorily shall, as from the date of acquisition, whether compulsorily or by agreement, be extinguished. Extinction of private rights of way over lands compulsorily acquired.

(2) The Corporation shall make compensation to any person who suffers loss by the extinguishment of any such rights.

(3) Such compensation, in the case of difference, shall be determined by the tribunal.

11. The Corporation and their surveyors and officers, and any other person duly authorised in writing under the hand of the town clerk, may, at all reasonable times in the day upon giving on the first occasion not less than seven days' and on subsequent occasions not less than three days' 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. Power to enter upon lands and buildings for survey and valuation.

12.—(1) The powers of entry upon lands conferred upon the Corporation and their surveyors, officers and others by the immediately preceding section of this Order shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein: Further power as to entry on lands.

Provided that such power shall not be exercised with respect to any land unless notice of the intention of the Corporation to do so has been included, and the nature of the operations proposed to be carried out has been specified in the notice required to be given to the occupier of the land pursuant to the immediately preceding section of this

PART II
 —cont.

Order and in any such case the Corporation shall not be required to give further notice in respect of any subsequent entry on the land for the purposes of carrying out the operations specified in the notice.

(2) In the exercise of the powers conferred by this section, the Corporation 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 or the owners of any services injuriously affected by the exercise of such powers, such compensation, in case of difference, to be determined by the tribunal.

(3) If any land to which this section applies is operational land held by any statutory undertakers and those undertakers object to the exercise of the powers of this section with respect to such land held by them on the ground that the exercise of such powers would be seriously detrimental to the carrying on of their undertaking, the said powers shall not be exercised, except with the authority of the appropriate Minister.

(4) For the purposes of this section “appropriate Minister” has the same meaning as in section 113 of the Town and Country Planning (Scotland) Act, 1947.

1947 c. 53.

Power of
 entry on lands
 compulsorily
 acquired.

13. Where the Corporation 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 one month's 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.

1845 c. 19.

Compensation
 in case of
 recently altered
 buildings.

14. In settling any question of disputed purchase money or compensation under this Order the tribunal 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 20th day of November, 1964, if, in the opinion of the 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 purchase money or compensation under this Order.

Agreements
 with owners
 of property.

15. Subject to the provisions of this Order, the Corporation may in connection with the powers granted to them by this Order enter into and carry into effect agreements with any person being the owner of or interested in any lands or property which may be acquired under the provisions of this Order or which may be in the neighbourhood of the works with respect to the sale or purchase by the Corporation of any lands or property or any rights or servitudes in, on or affecting the same for such consideration as may be agreed upon between the Corporation and such person or with respect to the reinstatement of such person or the exchange of lands for such purpose and the Corporation may accept as satisfaction of the whole or any part of

such consideration the grant by such person of any lands or other property required by them for the purposes of this Order and may pay or receive money for equality of exchange.

PART II
—cont.

16.—(1) In addition to the lands which the Corporation are authorised to acquire by section 4 (Power to acquire lands) of this Order, the Corporation may acquire, by agreement, any land required for the purposes of the works. Powers as to acquisition and utilisation of lands.

(2) (a) The Corporation may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require for the purpose of forming junctions between any of the works and any roads or streets and of improving the works; and may utilise any such land and any other land vested in the Corporation for such purposes and also for the purposes of section 20 (Subsidiary works in connection with streets, etc.) and section 21 (Subsidiary works affecting river Clyde) of this Order.

(b) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such compulsory purchase as if this section had been contained in a public general Act in force immediately before the commencement of that Act. 1947 c. 42.

(3) Nothing in this section shall authorise the compulsory acquisition of any operational land of any statutory undertakers.

17.—(1) If the deposited plans, or the deposited book of reference, are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to the sheriff for the correction thereof. Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the sheriff that the misstatement or wrong description arose from mistake, he shall certify the fact accordingly and shall in his certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office, House of Commons, and with the sheriff-clerk of the county of Lanark and with the town clerk and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

PART III WORKS

18.—(1) Subject to the provisions of this Order, the Corporation 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 Power to construct works.

PART III
—cont.

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—

In the city and the parish of Glasgow—

Work No. 1 A roadway 595 yards or thereabouts in length, commencing by a junction with Stobcross Street at Guest Street and terminating by a junction with Work No. 8 (hereinafter described) at a point 145 yards or thereabouts from the commencement of the said Work No. 8.

Work No. 2 A roadway 265 yards or thereabouts in length, commencing by a junction with Work No. 5 (hereinafter described) at a point 160 yards or thereabouts from the commencement of that work and terminating by a junction with Work No. 8 (hereinafter described) at a point 145 yards or thereabouts from the commencement of that work.

Work No. 3 A roadway 80 yards or thereabouts in length, commencing by a junction with Work No. 8 (hereinafter described) at a point 315 yards or thereabouts from the commencement of that work and terminating (by a junction with an intended new road) at a point on or near Argyle Street 10 yards or thereabouts to the east of North Street.

Work No. 4 A roadway 105 yards or thereabouts in length, commencing by a junction with Work No. 8 (hereinafter described) at a point 290 yards or thereabouts from the commencement of that work and terminating (by a junction with an intended new road) at a point on or near the junction of Argyle Street with Heddle Place.

Work No. 5 A roadway 410 yards or thereabouts in length, commencing by a junction with Stobcross Street at Hyde Park Street and terminating by a junction with Argyle Street at Washington Street.

Work No. 6 A roadway 400 yards or thereabouts in length, commencing by a junction with Anderston Quay at a point 15 yards or thereabouts to the east of Piccadilly Street and terminating (by a junction with an intended new road) at a point 20 yards or thereabouts south of Argyle Street at or near the junction of that street with North Street.

Work No. 7 A roadway 400 yards or thereabouts in length, commencing by a junction with Anderston Quay at a point 40 yards or thereabouts to the east of Piccadilly Street and terminating (by a junction with an intended new road) at a point on Argyle Street 45 yards or thereabouts to the east of North Street.

Work No. 8 A roadway 395 yards or thereabouts in length, commencing by a junction with Work No. 9 (hereinafter described) at a point 27 yards or thereabouts to the east of Piccadilly Street and 6 yards or thereabouts to the north of Anderston Quay and terminating (by a junction with an intended new road) at a point on Argyle Street 30 yards or thereabouts to the east of North Street.

In the city and partly in the parish of Govan and partly in the parish of Glasgow—

PART III
—cont.

Work No. 9 A bridge 247 yards or thereabouts in length, commencing in the said parish of Govan at a point south of Springfield Quay at or near the junction of Shearer Street with Shearer Place and terminating in the said parish of Glasgow at the point of commencement of Work No. 8 (hereinbefore described).

In the city and the parish of Govan—

Work No. 10 A roadway 270 yards or thereabouts in length, commencing at a point 40 yards or thereabouts to the north of Houston Street and 17 yards or thereabouts to the west of Carnoustie Street and terminating by a junction with Work No. 9 (hereinbefore described) at the point of commencement of that work.

Work No. 11 A roadway 535 yards or thereabouts in length, commencing by a junction with Paterson Street at or near Gloucester Street and terminating by a junction with Work No. 10 (hereinbefore described) at a point 180 yards or thereabouts from the commencement of that work.

Work No. 12 A roadway 165 yards or thereabouts in length, commencing (by a junction with an intended new road) at a point 32 yards or thereabouts to the west of Paterson Street and 17 yards or thereabouts to the north of Gloucester Street and terminating by a junction with Work No. 11 (hereinbefore described) at a point 305 yards or thereabouts from the commencement of that work.

Work No. 13 A roadway 435 yards or thereabouts in length, commencing by a junction with West Street at a point 70 yards or thereabouts north of Gloucester Street and terminating by a junction with Work No. 10 (hereinbefore described) at a point 45 yards or thereabouts from the commencement of that work.

Work No. 14 A roadway 115 yards or thereabouts in length, commencing (by a junction with an intended new road) at a point 32 yards or thereabouts to the west of Paterson Street and 26 yards or thereabouts to the north of Gloucester Street and terminating by a junction with Work No. 13 (hereinbefore described) at a point 250 yards or thereabouts from the commencement of that work.

Work No. 15 A roadway 305 yards or thereabouts in length, commencing by a junction with Work No. 19 (hereinafter described) at a point 125 yards or thereabouts from the commencement of that work and terminating by a junction with Work No. 10 (hereinbefore described) at the point of commencement of that work.

Work No. 16 A roadway 275 yards or thereabouts in length, commencing by a junction with Work No. 15 (hereinbefore described) at a point 220 yards or thereabouts from the commencement of that work and terminating by a junction with Paisley Road at a point at or near Weir Street.

PART III
—cont.

Work No. 17 A roadway 285 yards or thereabouts in length, commencing by a junction with Work No. 19 (hereinafter described) at a point 220 yards or thereabouts from the commencement of that work and terminating by a junction with Work No. 10 (hereinbefore described) at the point of commencement of that work.

Work No. 18 A roadway 60 yards or thereabouts in length, commencing by a junction with Carnoustie Street at a point 70 yards to the south of Gloucester Street and terminating by a junction with Work No. 17 (hereinbefore described) at a point 90 yards or thereabouts from the commencement of that work.

Work No. 19 A roadway 320 yards or thereabouts in length, commencing by a junction with Scotland Street at Pollok Street and terminating by a junction with Scotland Street at Weir Street.

Work No. 20 A roadway 110 yards or thereabouts in length, commencing by a junction with Paisley Road at a point 8 yards or thereabouts to the east of Shearer Street and terminating by a junction with Springfield Quay at a point 8 yards or thereabouts to the east of Shearer Street.

Work No. 21 A roadway 90 yards or thereabouts in length, commencing at a point in Gloucester Street at or near Kinning Street and terminating at a point in Dalintober Street 55 yards or thereabouts to the south of Wallace Street.

(2) The works will be situated wholly in the parishes of Glasgow and Govan and in the city.

Power to deviate.

19. In the construction of the works, the Corporation 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. They may also deviate vertically in the construction of the works from the levels shown on the deposited sections to any extent not exceeding thirty feet upwards and twenty feet downwards, but in the exercise of the powers of this section the Corporation shall not reduce the headway of the bridge over the river Clyde as shown on the deposited sections.

Subsidiary works in connection with streets, etc.

20.—(1) Subject to the provisions of this Order the Corporation may, within the limits of deviation shown on the deposited plans, in carrying out the works—

- (a) make junctions with any street or way interfered with by or contiguous to the works;
- (b) alter the line or level of any such street or way;
- (c) raise, alter or otherwise interfere with any steps, areas, vaults, cellars, cellar flaps, pavement lights, gratings, walls, gateways, railings, fences, passages, drains, pipes, spouts, cables and pavements and may remove all other obstructions; and

(d) execute any works for the protection of any adjoining land or buildings and for the strengthening and supporting of any walls or other parts of such buildings.

PART III
—cont.

(2) In the exercise of the powers conferred by this section the Corporation shall—

(a) cause as little detriment and inconvenience to any person as circumstances allow; and

(b) make compensation to the owners and occupiers of any lands injuriously affected and to the owners of any apparatus who suffer loss by the exercise of such powers.

(3) Such compensation, in case of difference, shall be determined by the tribunal.

21. Subject to the provisions of this Order, the Corporation may in connection with the works construct, place and maintain in the river Clyde and on the quays, banks, bed and foreshore thereof all such temporary piles, fenders, booms, dolphins, pontoons, caissons, stagings, coffer dams, embankments, piers, abutments, wharves, walls, fences, drains, stairs, buildings and other works and conveniences as may be necessary or expedient:

Subsidiary
works affecting
river Clyde.

Provided that no materials which have been excavated shall be deposited in any place below the level of mean high-water springs, except with the prior approval of the Port Authority, and in such a position and under such restrictions and regulations as may be fixed by the Board of Trade.

22. None of the works constructed under the powers of this Order shall be used as a landing or loading place for goods or passengers conveyed or intended to be conveyed in any vessel:

Restrictions as
to landing
place.

23. If the works are not completed by the 31st day of December, 1975, the powers by this Order granted to the Corporation for executing the works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for
completion of
works.

24. The Corporation may stop up or narrow the whole or such portion or portions of streets and roads as are shown on the deposited plans as intended to be stopped up or narrowed.

Stopping up
of roads.

25. Subject to the provisions of this Order, the Corporation within the limits of deviation shown upon the deposited plans may stop up, break up, make junctions and communications with and alterations of the lines and levels of and otherwise interfere with, alter or divert temporarily all or any part of any road, street, bridge, stairs, footpath, way, wharf, stream or watercourse as they think necessary and may put up or cause to be put up sufficient palisades, hoardings, bars, posts and other erections and may construct temporary works for keeping any such road, street, bridge, stairs, footpath, way or wharf open for traffic and make such orders for regulating the traffic as to them shall seem proper:

Power
temporarily to
stop up or
interfere
with streets.

PART III
—cont.

Provided that the Corporation shall provide reasonable access for all persons bona fide going to or returning from any land, house or building in any such road, street or place:

Provided further that, except with the consent of the Port Authority (which consent shall not be unreasonably withheld), the Corporation shall not exercise the powers of this section so as to obstruct or render less convenient the access to or exit from any quays, roadways, sheds, lines of railway or other premises used by the Port Authority for the purposes of their undertaking.

Vesting of
soil of streets
stopped up.

26. On the stopping up (otherwise than temporarily) of any street, road or lane or part of a street, road or lane under the powers of this Order all rights of way over such street, road or lane or the part thereof stopped up shall be extinguished and the site and soil thereof shall vest in the Corporation but the Corporation shall not permanently stop up any street or portion thereof or appropriate the site and soil thereof unless they are owners in possession of all houses and lands on both sides of the street or portion to be stopped up except so far as the owners, lessees and occupiers of such houses and lands may consent thereto:

Provided that such consent shall not be unreasonably withheld and any question which may arise as to whether or not such consent is unreasonably withheld shall be determined by the sheriff.

Power to pump
and remove
water.

27. Subject to the provisions of this Order, the Corporation may pump any water found by them in the execution and maintenance of the works and may use for the discharge of any such water the river Clyde or any available stream or watercourse or any sewer or drain and for that purpose may within the limits of deviation shown on the deposited plans lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such stream, watercourse, sewer or drain:

Provided that the Corporation shall not discharge water into the river Clyde without the approval of the Port Authority and then only at such times as the Port Authority may approve and in a manner approved by them as not likely to injure the quays, walls or embankments of the river Clyde or interfere with traffic thereon.

Power to sell
materials.

28. The Corporation may sell or dispose of all matters or things excavated or obtained in the execution of the works and all building and other materials of any houses, buildings or structures acquired by them under the powers of this Order and not required for the purposes of this Order and also all matters or things in, under or upon any road, street or other place altered by them for the purposes of this Order and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Order.

Mains or pipes
not to be laid
in bridge
or certain
other works.

29.—(1) Notwithstanding anything contained in any enactment it shall not be lawful for any person to enter upon, break up or interfere with the works or the carriageways and footways of any of the works for the purpose of laying down any main, pipe, cable or wire or

executing any work therein, thereon or thereunder except with the consent of the Corporation in writing and in accordance with such terms and conditions as the Corporation may determine.

(2) Subsection (1) of this section shall not apply to the placing of a pipe-line in, under, over, across, along or upon Works Nos. 6, 7, 19, 20 or 21 in accordance with the provisions of the Pipe-lines Act, 1962. 1962 c. 58.

(3) For the purposes of this section "pipe-line" means a pipe-line to which section 15 of the said Act applies.

30. Whereas in order to avoid in the execution and maintenance of any works authorised by this Order injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same: therefore the Corporation at their own expense may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided in this section underpin or otherwise strengthen the same and the following provisions shall unless otherwise agreed have effect and be binding on the Corporation (that is to say):—

Underpinning
or otherwise
strengthening
houses.

(1) At least twenty days' notice shall unless in case of emergency be given to the owners, lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice if given by the Corporation shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act, 1845, and if given by the owners or lessees of any such house or building to be underpinned or strengthened shall be sent to the principal office of the Corporation: 1845 c. 19.

(3) If any owner, lessee or occupier of any such house or building or the Corporation as the case may require within fourteen days after the giving of such notice give a counter-notice in writing that he or they as the case may be dispute the necessity of such underpinning or strengthening the question of the necessity shall (failing agreement) be determined by an engineer to be agreed upon or in case of difference appointed as arbiter at the instance of either party by the President of the Institution of Civil Engineers:

(4) The arbiter appointed shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner, lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:

(5) The Corporation shall be liable to compensate the owners, lessees and occupiers of every such house or building for any inconvenience, loss or damage which may result to them by reason of the exercise of the powers granted by this section:

PART III
—cont.

- (6) If in any case in which any house or building has been underpinned or strengthened such underpinning or strengthening proves inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case the Corporation shall make compensation to the owners, lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof is made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:
- (7) Nothing in this section nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under the Lands Clauses Consolidation (Scotland) Act, 1845, or under any other Act:
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts: and
- (9) Nothing in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845.

1845 c. 19.

Penalty for
obstructing
works.

31. Any person who—

- (a) wilfully obstructs any person acting under the authority of the Corporation 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, or interferes with any plant, apparatus or appliances of the Corporation;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Tidal works not
to be executed
without
approval of
Board of Trade.

32.—(1) A tidal work shall not be constructed except in accordance with plans and sections approved by the Board of Trade (hereinafter in this section called “the Board”) and subject to any conditions and restrictions imposed by the Board before the work is begun.

(2) If a tidal work is constructed in contravention of this section or of any condition or restriction imposed under this section—

- (a) the Board may by notice in writing require the Corporation at its own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if on the expiration of thirty days, or such longer period as may be specified in the notice, from the date when the notice is served upon the Corporation it has failed to comply with the requirements of the notice, the Board may execute the works specified in the notice; or

(b) if it appears to the Board urgently necessary so to do, they may themselves remove the tidal work, or part of it, and restore the site to its former condition;

and any expenditure incurred by the Board in so doing shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

33. The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work constructed by the Corporation or of the site upon which it is proposed to construct the work and any expenditure incurred by the Board of Trade in any such survey and examination shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

Survey of tidal works.

34.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade or the Port Authority, as the case may be, may by notice in writing require the Corporation at its own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade or the Port Authority, as the case may be, think proper.

Abatement of works abandoned or decayed.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water springs is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade or the Port Authority, as the case may be, may include that part of the work, or any portion thereof, in any notice under this section.

(3) If there is any inconsistency between a requirement of the Board of Trade and a requirement of the Port Authority under this section, the requirement of the Board of Trade shall prevail.

(4) If on the expiration of thirty days, or such longer period as may be specified in the notice, from the date when a notice under this section is served upon the Corporation it has failed to comply with the requirements of the notice, the Board of Trade or the Port Authority, as the case may be, may execute the works specified in the notice and any expenditure incurred by them in so doing shall—

(a) in the case of works executed by the Board of Trade be a debt due from the Corporation to the Crown; and

(b) in the case of works executed by the Port Authority, be a debt due from the Corporation to the Port Authority;

and shall be recoverable accordingly.

35.—(1) The Corporation shall at or near a tidal work during the whole time of the construction thereof, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade, after consultation with the Port Authority, shall from time to time direct.

Lights on tidal works during construction.

PART III
—cont.

(2) If the Corporation fails to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds, and on conviction on indictment, to a fine.

Permanent
lights on
tidal works.

36.—(1) After the completion of a tidal work the Corporation shall exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Port Authority, being the local lighthouse authority, shall from time to time direct.

(2) If the Corporation fails to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds, and on conviction on indictment, to a fine.

Provision
against danger
to navigation.

37.—(1) In case of injury to or destruction or decay of a tidal work, or any part thereof, the Corporation shall forthwith notify the Port Authority, being the local lighthouse authority, and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Port Authority shall from time to time direct.

(2) If the Corporation fails to notify the Port Authority as required by this section or to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds, and on conviction on indictment, to a fine.

PART IV

PROTECTIVE PROVISIONS

For protection
of Postmaster
General.

38.—(1) Where in pursuance of section 24 (Stopping up of roads) of this Order the Corporation stop up or narrow the whole or any portion of a street or road the following provisions of this subsection shall unless otherwise agreed in writing between the Corporation and the Postmaster General have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up or narrowing ceases to be a street or road, or portion of a street or road (in this subsection referred to as "the affected line"), that is to say:—

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or narrowing so, however, that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (2) of this section unless, before the expiration of that period, the Postmaster General has given notice to the Corporation of his intention to remove the affected line, or that part thereof, as the case may be:

- (b) The Postmaster General may by notice in that behalf to the Corporation, abandon the affected line, or any part thereof, and shall be deemed as respects the affected line, or any part thereof, to have abandoned it at the expiration of the said period of 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 Corporation the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require:
- (d) Where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line, it shall vest in the Corporation, and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(2) As soon as practicable after any such stopping up or narrowing referred to in subsection (1) of this section, the Corporation shall send by post to the Postmaster General a notice informing him of such stopping up or narrowing.

(3) The exercise of the powers conferred by section 25 (Power temporarily to stop up or interfere with streets) of this Order in relation to any road, street, bridge, footpath or way, shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, in, upon, over, along or across that road, street, bridge, footpath or way; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal, to enter upon or break open that road, street, bridge, footpath or way.

(4) The Corporation shall not under the powers conferred by section 20 (Subsidiary works in connection with streets, etc.) or section 27 (Power to pump and remove water) of this Order, alter any telegraphic line belonging to or used by the Postmaster General, except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878.

1878 c. 76.

(5) Nothing in section 29 (Mains or pipes not to be laid in bridge or certain other works) of this Order shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962.

(6) In this section the expression “alter” has the same meaning as in the Telegraph Act, 1878.

PART IV
—cont.For protection
of Clyde Port
Authority.

39. For the protection of the Port Authority the provisions of this section shall, unless otherwise agreed in writing between the Corporation and the Port Authority, apply and have effect:—

- (1) Before commencing the construction of a tidal work, or any work situated on, under, over or which may affect or interfere with the property of the Port Authority, the Corporation shall deliver to the Port Authority for their approval (which shall not be unreasonably withheld) plans, sections and specifications (all in duplicate) of the work, and such work shall not be constructed otherwise than in accordance with such plans, sections and specifications as may be approved by the Port Authority or determined by arbitration, and all such works shall be executed to the reasonable satisfaction of the engineer of the Port Authority:

Provided that if the Port Authority fail to signify their approval or disapproval of any such plans, sections and specifications within six weeks after the receipt thereof they shall be deemed to have approved thereof:

- (2) The Corporation shall allow the engineer of the Port Authority and his authorised representatives to inspect and survey all or any of the tidal works or any work on, under, over or which may affect or interfere with the property of the Port Authority, while in course of construction, and shall give all reasonable facilities for so doing and shall repay to the Port Authority all expenses reasonably incurred in connection therewith:
- (3) Nothing in this Order shall authorise or empower the Corporation without the previous consent of the Port Authority (which consent shall not be unreasonably withheld) to embank, encroach upon or interfere with any part of the bed, foreshore or banks of the river Clyde except as is authorised by this Order:
- (4) Each tidal work shall be so executed and each operation of the Corporation so performed as in no way to obstruct or interfere with the free, uninterrupted and safe navigation of the river Clyde or the due exercise and performance by the Port Authority of their statutory powers and duties westward of the bridge, and if any such obstruction or interference shall be caused or take place the Corporation shall pay to the Port Authority if injuriously affected thereby compensation in respect thereof, and shall indemnify and relieve the Port Authority of all claims arising as a result of the works and operations of the Corporation:
- (5) Each tidal work shall be so executed and each operation of the Corporation in connection therewith so performed as not to obstruct or interfere with any work of dredging and deepening the river Clyde executed by the Port Authority in the performance of their statutory duties:

- (6) The Corporation shall give immediate notice to the Port Authority of any obstruction, danger or interruption which may be occasioned by the works or any of them or by the operations of the Corporation to the free passage of vessels approaching or passing under or near the works, and in the event of the Corporation failing or neglecting to give such notice they shall be responsible for all loss or damage incurred by the Port Authority including loss of revenue which may be occasioned to them through such failure or neglect, and shall indemnify and free and relieve the Port Authority of and from all claims and expenses which may be made against or incurred by the Port Authority by reason or in consequence of such failure or neglect:
- (7) While any tidal work is in course of construction the Corporation shall repay on demand any expense reasonably incurred by the Port Authority—
- (a) in taking such measures as the Port Authority deem necessary and proper for placing and maintaining buoys or other marks upon or near the tidal work and upon or near any temporary erections, appliances or obstructions which may be placed or caused by the Corporation or their contractors in or above the river Clyde and for efficiently lighting the said river in the vicinity thereof;
- (b) in providing such efficient means of communication as the Port Authority deem necessary for the regulation of the passage of vessels approaching or passing under or near the tidal work and in maintaining and working the same during the construction of the tidal work until completion thereof:
- (8) Except with the prior approval of the Port Authority the Corporation shall not deposit any material on the bed or foreshore of the river Clyde, and all material excavated by the Corporation from the bed or foreshore of the said river in the construction of the works shall be removed by and at the expense of the Corporation and shall not be allowed to fall into or to be washed into the said river:
- (9) The Corporation shall upon reasonable notice in writing from the Port Authority requiring them so to do and in any event, whether or not notice has been given, within six months after the completion of the works remove any temporary works and materials for temporary works which may have been placed by the Corporation in the river Clyde or on the quays (other than quays belonging to the Corporation), banks, bed or foreshore thereof and which are no longer in use, and if the Corporation fail so to do the Port Authority may remove the same and charge the Corporation with the expense reasonably incurred by the Port Authority in so doing and the Corporation shall forthwith repay to the Port Authority any such expense:

PART IV
—cont.

(10) All responsibility for or in connection with the bridge and all or any of the works (both temporary and permanent) connected therewith (whether of construction or maintenance) and for loss and damage occasioned thereby shall be and remain with the Corporation. The Port Authority shall, except as hereinafter provided, in no way be responsible or answerable for any damage or injury to the bridge or any of such works or to any vehicle, cycle, person, goods or things in or using or being conveyed along the bridge or to any persons employed on or in connection with the bridge caused by or attributable to—

(a) the dredging and deepening (including any necessary breaking up of rock or other hard material or the removal of any obstruction including sunken vessels) of any part of the bed or foreshore of the river Clyde;

(b) the performance of their statutory duties; or

(c) the use of the river Clyde for navigation of vessels, vessels sunk in the said river or sunken vessels being lifted, destroyed or otherwise dealt with in the said river in the manner provided in this subsection:

Provided that in the event of the Port Authority—

(i) in the course of dredging and deepening the bed and foreshore of the river Clyde encountering any boulder, block of stone or rock or obstruction the removal of which would or might cause injury to the bridge; or

(ii) being under the necessity of removing a sunken vessel where such removal would or might cause injury to the bridge;

the Port Authority shall notify the Corporation before proceeding with the removal thereof and shall consult with the engineer of the Corporation as to the method to be adopted for the removal thereof. In the event of any difference arising as to the method to be adopted such difference shall be referred to arbitration, and the arbiter shall take into consideration on the one hand the safety of the bridge and on the other hand the necessity of keeping open the navigational and other facilities of the river Clyde, and any additional cost to the Port Authority in dredging and deepening or removing sunken vessels due to the adoption of such method of removal as may have been required by the Corporation or determined by the arbiter as aforesaid or such specified part of any such additional cost as the arbiter may determine shall be repayable by the Corporation and in addition the Corporation shall make good to the Port Authority any loss of revenue sustained by them and shall indemnify and free and relieve the Port Authority of any claim or claims which may be made against them in consequence of the interruption of such navigational and other facilities of the said river due to the adoption of such method of removal as may have been required by the Corporation or determined by the arbiter as aforesaid;

Provided further that nothing in this subsection shall free and relieve the Port Authority from liability to the Corporation for any such damage or injury which may be caused by negligence on the part of the Port Authority, their officers, servants, agents or contractors:

- (11) The owners and masters of vessels shall not be liable to make good any damage which may be caused to any of the works except such as may arise from the default or wilful act of such owners or masters or their servants or agents:
- (12) On the completion of the works the Corporation shall supply to the Port Authority without payment a plan on a scale of not less than one inch to 41.66 feet and longitudinal sections and cross-sections on scales of not less than one-eighth of an inch to one foot showing the situation and levels of the works:
- (13) If there shall be any inconsistency between any plans or sections of a tidal work approved by the Port Authority or determined by arbitration under this section and the plans and sections approved by the Board of Trade under section 32 (Tidal works not to be executed without approval of Board of Trade) of this Order, such tidal work shall be executed in accordance with the plans and sections so approved by the Board of Trade:
- (14) Any difference arising between the Corporation and the Port Authority under this Order (other than a difference as to the construction of this Order) shall, failing agreement, be determined by an arbiter to be mutually agreed upon between the parties, or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party:
- (15) Except as provided by this Order nothing in this Order shall prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the Port Authority or prohibit, defeat, alter or diminish any power, authority or jurisdiction which at the date of the passing of the Act confirming this Order the Port Authority did or might lawfully claim, use or exercise under and by virtue of the Clyde Port Authority Order 1965.

40. For the protection of the British Railways Board (hereinafter in this section called "the Board") 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 Corporation and the Board, apply and have effect, that is to say:—

For protection
of British
Railways
Board.

(1) In this section—

"property of the Board" means any land, railway, siding, road, building or other property or work belonging to the Board within the limits of deviation shown on the deposited plans;

PART IV
—cont.

“the works” means so much of the works authorised by this Order as may be situated upon, across, under or over, or may in any way affect property of the Board, and includes the construction, maintenance and renewal of such works;

“the engineer” means an engineer to be appointed by the Board;

“plans” include sections, drawings and specifications:

- (2) The Corporation shall not enter upon, take or use either permanently or temporarily, or purchase, acquire or interfere with the property of the Board, but the Corporation may purchase and take, and the Board shall sell and grant according to their estate and interest in, and subject to all servitude rights affecting the property of the Board, such servitude or right of using the property of the Board as may be necessary for the purpose of constructing, using and maintaining Works Nos. 1 to 8 inclusive, or any of them, and the viaducts forming part of any such works, and all works and temporary conveniences connected with such works and viaducts, subject to and in accordance with the provisions of this section:
- (3) The Corporation shall pay to the Board 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 the Lands Tribunal:
- (4) The Corporation shall not in the execution, maintenance, repair or use of the works, or any of them, obstruct or hinder or interfere with the free uninterrupted and safe use of property of the Board or with the traffic on their railways, except so far as may be necessary for the purposes of the works, and if any such obstruction, hindrance or interference is caused or takes place the Corporation shall, notwithstanding any approval under subsection (8) of this section, pay to the Board all costs and expenses which the Board may reasonably incur in consequence thereof, as well as compensation for any loss sustained by the Board by reason of any such obstruction, hindrance or interference:
- (5) The Corporation shall construct Works Nos. 1, 2, 3, 4, 6, 7 and 8 in accordance with the following conditions:—
 - (a) Work No. 6 where it crosses the railway of the Board shall be carried by a bridge having a vertical clearance of not less than sixteen feet from the topmost edge of the rails and shall be constructed to a strength adequate for the support of the said work and the traffic to be carried thereon, and in such a manner as will place no additional loading on the retaining walls and works of the Board;
 - (b) All the viaducts by which Works Nos. 1, 2, 3, 4 and 8 respectively cross the railway shall be founded and

carried independently of and in such a manner as will place no additional loading on the railway walls and tunnel works of the Board;

PART IV
—cont.

(c) The bridge formed by that part of the railway decking carrying Work No. 7 across the railway which did not immediately before the construction of Work No. 7 carry a road, shall from and after the completion of the said work, be maintained by and at the expense of the Corporation and to the reasonable satisfaction of the engineer, or at the option of the engineer may be maintained by the Board, and the expense of such maintenance reasonably incurred by the Board may be recovered from the Corporation:

- (6) If by reason of the construction of any of the works it becomes reasonably necessary to alter the existing works of the Board, or any of them, including, without prejudice to the foregoing generality, the tunnel ventilating shafts or to construct other works in substitution therefor, such alterations or constructions shall be at the sole expense of the Corporation and shall be carried out in the lines and situations to be reasonably approved by the Board and any additional maintenance reasonably incurred by reason of such alterations or constructions shall be borne by the Corporation:
- (7) Where the abutments, piers and supports of any of the works are upon, or are placed on, property of the Board, they shall be or be placed in such positions and be subject to such terms and conditions as shall be reasonably prescribed by the Board and the construction of the said abutments, piers or supports 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 Board as soon as possible after the permanent works have been completed:
- (8) (a) The Corporation shall not less than twenty-eight days before they commence the construction of any part of the works furnish to the Board proper and sufficient plans therefor for the reasonable approval of the engineer and shall not commence the works until the plans therefor have been approved in writing by the engineer or settled by arbitration:
- Provided that if within twenty-eight days after such plans have been furnished to the Board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:
- (b) If within twenty-eight days after such plans have been furnished to the Board the Board give notice to the Corporation that they desire themselves to construct any part of the works which in the opinion of the engineer will or may affect the stability of property of the Board, then, if the Corporation desire such part of the works to be constructed, the Board

PART IV
—cont.

- shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Corporation in accordance with the plans approved or deemed to have been approved or settled as aforesaid:
- (9) The Corporation shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works, except in emergency (when they shall give such notice as may be reasonably practicable):
- (10) Before the Corporation commence the construction of any of the works, any temporary works which may be necessary to ensure the safety of the traffic on the railways of the Board may, after not less than seven days' written notice of their intention to carry out such temporary works has been given by the Board to the Corporation, be carried out by the Board, and the costs and expenses reasonably incurred in connection therewith shall be repaid to the Board by the Corporation:
- Provided that the Board shall, in case of emergency, be entitled to carry out any such temporary works without giving the aforesaid written notice:
- (11) If by reason of the construction of any of the works it becomes necessary to add or to alter any signal cabin, signal posts, signals or signalling apparatus or any telegraph or telephone wires or works on the railway of the Board, the Board may make such additions and alterations and the reasonable expense of such additions and alterations shall be paid by the Corporation to the Board, and any additional maintenance and renewal costs reasonably incurred by reason of such additions and alterations shall be borne by the Corporation either by way of annual payment or by a commuted sum to cover all future payments:
- (12) The works, and all works necessary or incidental to the execution or construction thereof or affecting property of the Board, shall be executed to the reasonable satisfaction of the engineer, and the Corporation shall bear and pay to the Board all costs, charges and expenses reasonably incurred by the Board in connection with the employment by the Board of a sufficient number of inspectors, watchmen and signalmen to be appointed by the Board for inspecting, watching, lighting and signalling the railway with reference to and during the period of construction, renewal or repair of the works (as the case may be) and for preventing as far as may be all interference, obstruction, danger or accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors, or of any person or persons in their employment or otherwise:
- (13) The Corporation shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

(14) The Board shall at all times afford reasonable facilities to the Corporation and their contractors for access to any works carried out by the Board under this section during their construction and shall supply the Corporation with such information as they may reasonably require with regard to such works or the method of construction thereof:

(15) The Corporation shall at their own expense maintain the viaducts and overline bridges constructed under the powers of this Order so far as affecting the property of the Board and shall maintain all other portions of the works which may in any manner affect the property of the Board in substantial repair and good order and condition to the reasonable satisfaction of the engineer, but only so long as such maintenance may reasonably be required by the Board:

Provided that the Board may, where they reasonably require to do so, themselves carry out such maintenance to the satisfaction of the Corporation, and the Corporation shall repay to the Board the reasonable expense incurred by the Board in so doing:

(16) The Corporation shall be responsible for and make good to the Board all reasonable costs, charges, losses, damages and expenses, not otherwise provided for, which may be occasioned to the Board by reason of the construction, maintenance or failure of the works or of any act or omission of the Corporation or of any person in their employment or of their contractors or which may be occasioned to the Board by reason of any accident or mishap affecting the traffic on the property of the Board arising out of the construction, maintenance or failure of the works, and the Corporation shall effectually indemnify the Board 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 engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Corporation from any liability for damage as aforesaid or affect any claim of the Board for injury to the property of the Board or the traffic thereon, save in so far as the same may arise by reason of any such requirement:

(17) If at any time hereafter the Board are desirous of extending, widening or altering any part of their railway or sidings affected by the works or of adapting their railways for working by electrical power, the Corporation shall give to the Board all proper and reasonable facilities for that purpose, including the right in connection with such electrification to make attachments to the works subject to the reasonable approval of the Corporation, and in the event of the Board re-opening their Anderston Cross Station for public use, the Corporation shall give all reasonable facilities for the provision of suitable accesses thereto:

PART IV
 —cont.

- (18) If at any time, either during the construction of the works or after completion of the same, the Corporation provide lights or illuminated traffic signals on any of the 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 Board:
- (19) If as a result of mineral workings or by reason of any defect in the structure or foundations of the overline bridges and viaducts to be constructed over the said railways and sidings of the Board, any subsidence occurs by which the level of such overline bridges and viaducts is lowered so that the headway of not less than sixteen feet measured from the upper surface of the rails is not maintained, the Corporation shall, at their own cost, when called upon by the Board to do so, raise or lift the said overline bridges and viaducts over the railways and sidings of the Board to the height required or take such other means as may be necessary to maintain such headway:
- (20) Any question or difference between the Corporation and the Board arising under this section, except under subsection (3) hereof, shall at the instance of either party be referred to and determined by an arbiter to be appointed, failing agreement, by the President of the Institution of Civil Engineers.

For protection
 of electricity
 and gas
 boards.

41. For the protection of the South of Scotland Electricity Board and the Scottish Gas Board (each of which is hereinafter in this section for their respective interests referred to as "the Board"), the following provisions shall, unless otherwise agreed in writing between the Corporation and the Board concerned, apply and have effect:—

- (1) In this section unless the subject or context otherwise requires—

"adequate alternative apparatus" means alternative apparatus adequate to enable the Board to fulfil their statutory functions in a manner not less efficient than previously;

"apparatus" means—

(a) in relation to the South of Scotland Electricity Board the electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Board; and

(b) in relation to the Scottish Gas Board the mains pipes and other works and any apparatus belonging to or maintained by the Board;

(not being apparatus in respect of which the relations between the Corporation and the Board are regulated by the provisions of Part II of the Public Utilities Street Works Act, 1950), and includes any works constructed for the lodging therein of apparatus:

- (2) If the Corporation in exercise of the powers of this Order require to cross over or under, remove, alter or otherwise interfere with any apparatus, or if the exercise of the said powers is likely to affect any apparatus, whether within or without the area of the lands shown on the deposited plans, the Corporation shall—

PART IV
—cont.

(a) give to the Board not less than twenty-eight days' prior notice in writing of such requirement, or of their intention to execute such works, as the case may be, together with a plan and section of the work proposed and such work shall be executed only in accordance with such plan and section and in accordance with such reasonable requirements as may, within twenty-one days of the submission of such plan and section, be made by the Board, and the Board themselves may under such requirements alter or otherwise protect their apparatus or provide adequate alternative apparatus;

(b) afford to the Board, where possible, any necessary facilities and rights for the construction and thereafter for the use, maintenance, repair, renewal and inspection of such adequate alternative apparatus on land belonging to the Corporation. Such adequate alternative apparatus shall be constructed in such manner and in such line or position as may be agreed between the Corporation and the Board, and no apparatus shall be removed, altered or interfered with until the protective works have been carried out or until the adequate alternative apparatus has been constructed and is operating to the reasonable satisfaction of the Board;

(c) pay to the Board the expenses reasonably incurred by them in and in connection with removing, relaying, replacing, altering or protecting their apparatus or in providing adequate alternative apparatus less, in any case where adequate alternative apparatus is provided, the value of any apparatus removed in pursuance of the provisions of this section:

- (3) The Board shall after the alternative apparatus to be provided or constructed as aforesaid has been brought into operation and in so far as required by the Corporation, remove the apparatus replaced by such alternative apparatus:
- (4) Notwithstanding the stopping up temporarily or permanently of any road or street, or part of a road or street, under the powers of section 24 (Stopping up of roads) or section 25 (Power temporarily to stop up or interfere with streets) of this Order, the Board shall at all reasonable times have such powers and rights (including rights of access) with respect to any apparatus situate in any such road or street as they had immediately before such stopping up, and shall be at liberty to carry out all such works in, upon or under such road or street as the Board may deem necessary for inspecting, repairing, maintaining, renewing or removing such apparatus:

PART IV
—cont.

Provided that this paragraph shall not apply in any case in which any road or street, or part of a road or street, is permanently stopped up and the apparatus therein is replaced by adequate alternative apparatus by or at the cost of the Corporation:

- (5) Any difference arising between the Corporation and the Board under this section shall be referred to and determined by an arbiter to be mutually agreed upon or, failing agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

Saving for
Rivers
(Prevention of
Pollution)
(Scotland)
Acts, 1951
and 1965.

42. Nothing in this Order shall derogate from the provisions of the Rivers (Prevention of Pollution) (Scotland) Acts, 1951 and 1965.

PART V

MISCELLANEOUS

Borrowing
for purposes
of Order.

43. The Corporation in addition to any other powers of borrowing which they may now have may borrow or raise such money as may be necessary—

- (a) for the purposes of and in connection with the carrying out of the powers conferred on them by this Order; and
(b) for paying the costs, charges and expenses of and incidental to the preparing for, obtaining and confirming this Order or otherwise in relation thereto;

in the same manner as if the said purposes were included among the purposes mentioned in subsection (1) of section 258 of the Act of 1947 and the provisions of Part XII of the Act of 1947 shall extend and apply with respect to the borrowing of money under this section:

Provided that notwithstanding anything contained in section 262 of the Act of 1947 any money borrowed for the purpose specified in paragraph (a) of this section shall be repaid within forty years from the date or dates of borrowing the same and any money borrowed for the purpose of paragraph (b) of this section shall be repaid within five years from the 15th day of May, 1966.

Saving for
control of
borrowing.

1946 c. 58.

44. 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 any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946, or of section 259 of the Act of 1947.

Expenditure
on maintenance
of works.

45. All expenditure incurred by the Corporation in carrying out the powers conferred on them by this Order with respect to the maintenance of or otherwise in connection with the works and not otherwise recovered shall be defrayed by the Corporation in the same manner as expenses incurred by them in the provision and maintenance of roads and bridges.

46. All proceedings for the recovery of penalties imposed by or authorised to be imposed by or under the provisions of this Order shall be instituted and conducted under and in conformity with the Summary Jurisdiction (Scotland) Act, 1954.

PART V
—cont.

As to penalties
and recovery
thereof.

1954 c. 48.

47. Anything required or authorised by or under this Order to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

As to exercise
of powers by
Board of
Trade.

48. The provisions of the Town and Country Planning (Scotland) Acts, 1947 to 1963, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated under this Order.

Saving for
town and
country
planning.

49. Nothing in this Order shall affect prejudicially any estate, right, power, privilege or exemption of the Crown or shall subject to the provisions of this Order any lands, buildings or works vested in or occupied by the Crown or any department of Her Majesty's Government, except to such extent as Her Majesty or such department may voluntarily agree, and in particular nothing herein contained shall authorise the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the sea, or any river, channel, creek, bay or estuary or any land, heritages, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of the said commissioners on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

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

Costs of
Order.

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Glasgow Corporation (Carnoustie Street) Bridge Order Confirmation Act 1966

CHAPTER ii

ARRANGEMENT OF SECTIONS

Section

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2. Short title.

SCHEDULE

GLASGOW CORPORATION (CARNOUSTIE STREET) BRIDGE

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6. Acquisition of part only of certain properties.
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8. Persons under disability may grant servitudes, etc.

Section

9. Power to purchase cellars, etc.
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13. Power of entry on lands compulsorily acquired.
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21. Subsidiary works affecting river Clyde.
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41. For protection of electricity and gas boards.
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PART V
MISCELLANEOUS

Section

43. Borrowing for purposes of Order.
44. Saving for control of borrowing.
45. Expenditure on maintenance of works.
46. As to penalties and recovery thereof.
47. As to exercise of powers by Board of Trade.
48. Saving for town and country planning.
49. Crown rights.
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