

ELIZABETH II



1966 CHAPTER xxxix

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1936, relating to Ross and Cromarty (Strathcarron-South Strome Road).

[21st December 1966]

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: 1936 c. 52.

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 Ross and Cromarty (Strathcarron-South Strome Road) Order Confirmation Act 1966. Short title.

SCHEDULE

ROSS AND CROMARTY (STRATHCARRON-SOUTH STROME ROAD)

Provisional Order to provide for the construction and maintenance of a new road from Strathcarron to South Strome in the County of Ross and Cromarty and relative works; and for other purposes.

Whereas the existing road communications between Dingwall and Kyle of Lochalsh in the County of Ross and Cromarty are inadequate and the construction of a new road from Strathcarron to South Strome and the works connected therewith authorised by this Order would be of public and local advantage:

And whereas it is expedient that the County Council of the County of Ross and Cromarty (hereinafter referred to as "the County Council") should be authorised to construct the said new road and relative works and to exercise the other powers conferred on the County Council by this Order:

And whereas it is expedient in order to facilitate the construction of the said new road that a portion of the Inverness/Dingwall to Kyle of Lochalsh branch line belonging to the British Railways Board should be diverted as provided in this Order:

And whereas it is expedient that the existing private level crossing at Strathcarron should be enlarged and improved as provided in this Order and should form part of the said new road to be constructed under this Order:

And whereas estimates have been prepared of the cost of acquisition of lands and servitudes for, and the execution of, the works authorised by this Order and such estimates are as follows:—

								£
Purchase of lands and servitudes	...	...	...	...	...	...	...	4,000
Works	...	...	...	...	...	...	...	396,000

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 Sheriffdom of Inverness, Moray, Nairn and Ross and Cromarty at Dingwall and such plans, sections and book of reference are in this Order respectively referred to as the deposited plans, the deposited sections and the deposited 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:

1936 c. 52.

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

PART I

PRELIMINARY

1.—(1) This Order may be cited for all purposes as the Ross and Cromarty (Strathcarron-South Strome Road) Order 1966. Short title and commencement of Order.

(2) Except as otherwise in this Order expressly provided, this Order shall come into operation on the date of the passing of the Act confirming this Order, which date is in this Order referred to as “the commencement of this Order”.

2.—(1) In this Order terms, words and expressions to which meanings are assigned by any public Act wholly or partially incorporated with this Order shall, subject to the provisions of this Order, have the same respective meanings, unless there is something in the subject or context inconsistent with or repugnant to such construction. Interpretation.

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

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

“ county clerk ” means the clerk of the County Council;

“ County Council ” means the County Council of the County of Ross and Cromarty;

“ existing ” means existing at the commencement of this Order;

“ Lands Clauses Acts ” means the Lands Clauses Acts and any Acts modifying or extending the same;

“ level crossing ” means the crossing where the Inverness/Dingwall to Kyle of Lochalsh branch line belonging to the British Railways Board crosses the road from Strathcarron to Attadale on the level and includes such level crossing after the same has been widened and improved in pursuance of the provisions of section 19 (Power to execute works) of this Order;

CH. xxxix *Ross and Cromarty (Strathcarron-South
Strome Road) Order Confirmation Act 1966*

PART I
—cont.

- 1947 c. 53. “operational land” has the meaning assigned to it by section 113 of the Town and Country Planning (Scotland) Act, 1947;
- “sheriff” means the sheriff of Inverness, Moray, Nairn and Ross and Cromarty and includes his substitutes at Dingwall;
- “sheriff clerk” means the sheriff clerk of the Sheriffdom of Inverness, Moray, Nairn and Ross and Cromarty at Dingwall;
- “statutory undertaker” has the same meaning as in the Town and Country Planning (Scotland) Act, 1947;
- 1878 c. 76. “telegraphic line” has the same meaning as in the Telegraph Act, 1878;
- “tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of mean high water springs;
- 1949 c. 42. “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;
- 1963 c. 51. “works” means the works authorised by this Order.

(3) Any reference in this Order to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Order.

Incorporation
of Acts.

3.—(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:—

- 1845 c. 19. (a) the Lands Clauses Acts (except sections 84 and 120 to 124 of the Lands Clauses Consolidation (Scotland) Act, 1845);
- 1845 c. 33. (b) sections 6, 14, and 16 of the Railways Clauses Consolidation (Scotland) Act, 1845, and the provisions of that Act with respect to—
- (i) the temporary occupation of lands near the railway during the construction thereof; and
 - (ii) the crossing of roads or other interference therewith.

(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 County Council 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 Work No. 1 or Work No. 2 authorised by this Order shall be deemed to be the centre of the railway;

all as the case may require.

PART II

LANDS

4.—(1) Subject to the provisions of this Order, the County Council 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 road or for the purposes of recoupment or exchange or for any other purposes of this Order. Power to take
lands.

(2) If the County Council in exercise of the powers of this section acquire any land in which any electric lines or works as defined in section 32 of the Electric Lighting Act, 1882, mains, pipes or other apparatus belonging to any statutory undertakers (hereinafter in this section referred to as "apparatus") are placed that apparatus shall not be removed nor shall any right of the said undertakers to use, maintain, repair, renew or inspect that apparatus in that land be extinguished until alternative apparatus adequate to enable the undertakers concerned to fulfil their statutory functions in a manner not less efficient than previously shall have been constructed and be in operation to the reasonable satisfaction of the said undertakers: 1882 c. 56.

Provided that the provisions of this subsection shall not apply in the event of the said undertakers not providing such alternative apparatus within a reasonable time.

(3) Any difference arising between the County Council and any statutory undertakers under subsection (2) of 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.

5.—(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. Acquisition of
part only of
certain
properties.
1845 c. 19.

(2) 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

PART II
—cont.

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 County Council that part of the house, building, factory, park or garden.

Power to acquire servitudes compulsorily in certain cases.

6. Notwithstanding anything in this Order or in any Act wholly or partly incorporated herewith, the County Council 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 County Council 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.

Persons under disability may grant servitudes, etc.

7.—(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 County Council 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.

(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.

Extinction of private rights of way over lands acquired.

8.—(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 such acquisition whether compulsorily or by agreement be extinguished.

(2) The County Council shall make compensation to all parties interested in respect of any such rights.

(3) Such compensation, in the case of difference, shall be determined in accordance with the provisions of the Land Compensation (Scotland) Act, 1963.

1963 c. 51.

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

9. The County Council and their surveyors and officers, and any other person duly authorised in writing under the hand of the county 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.

Further powers as to entry on lands.

10.—(1) The powers of entry upon lands conferred upon the County Council and their surveyors, officers and others by section 9 (Power

to enter upon lands and buildings for survey and valuation) 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:

PART II
—cont.

Provided that such power shall not be exercised with respect to any land unless notice of the intention of the County Council 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 said section and in any such case the County Council 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 County Council 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 in accordance with the provisions of the Land Compensation (Scotland) Act, 1963.

1963 c. 51.

(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.

11. Where the County Council 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.

Power of entry
on lands
compulsorily
acquired.

1845 c. 19.

12. 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 20th November, 1965, 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 purchase money or compensation under this Order.

Compensation
in cases of
recently
altered
buildings.

PART II
—cont.

Agreements
with owners
of property.

13. Notwithstanding anything in this Order, the County Council may, subject to the provisions of this Order, in connection with the powers granted to them thereby, 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 County Council 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 County Council and such owners or other persons.

Power to
reinstate
owners of
property.

14. The County Council 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 County Council may pay or receive money for equality of exchange.

Period for
compulsory
purchase of
lands.

15. The powers of the County Council under section 4 (Power to take lands) of this Order for the compulsory purchase of lands for the purposes of this Order shall cease on 31st December, 1969.

Power as to
acquisition and
utilisation of
additional
lands.

16.—(1) In addition to the lands which the County Council are authorised to acquire by section 4 (Power to take lands) of this Order the County Council may acquire, by agreement, any land required for the purposes of the works.

(2) (a) The County Council may be authorised by the Secretary of State to purchase compulsorily any land which they may from time to time require for the purposes of forming junctions between the works or any part thereof and any roads and of improving the works and may utilise any such land and any other land vested in the County Council for such purpose and also for the purposes of section 21 (Subsidiary works) of this Order.

1947 c. 42.

(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.

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

Power to
retain, sell,
etc., lands.
1845 c. 19.

17.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act, 1845, the County Council 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 works or that may be acquired under the provisions of this Order and that on such terms, conditions, reservations and restrictions as regards its use (not inconsistent with any condition, restriction or obligation binding on the County Council and their successors in title) as to the County Council may seem fit.

(2) The proceeds of the sale of any lands by the County Council shall be applied only to purposes to which capital is properly applicable including the redemption of debt.

PART II
—cont.

(3) The County Council 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, rent or for a consideration of a value less than that determined by the district valuer.

(4) A purchaser, feuar or lessee shall not be concerned to inquire whether the consent of the Secretary of State is necessary or has been obtained.

18.—(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 County Council, 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 and with the county 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 County Council 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

19. Subject to the provisions of this Order, the County Council 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—

Power to execute works.

Work No. 1 The construction of a new road 7 miles and 1,438 yards in length between Strome ferry and Strathcarron in the County of Ross and Cromarty, including the diversion between the points marked X and Y on the deposited plan, of a portion of the Inverness/Dingwall to Kyle of Lochalsh branch line of the British Railways Board; the said new road commencing in the Parish of Lochalsh by a junction with the road from Strome ferry to Auchtertyre (A. 890) at a

PART III
—cont.

point 400 yards or thereby south-west of Strome ferry Station and following the line of the estate road through South Strome Forest to Ardnarff; then following the south-eastern shore of Loch Carron to a point 250 yards or thereby south-west of Cuddies Point, and thereafter following a line east of, and roughly parallel to, the said railway line for a distance of 850 yards or thereby before crossing the Attadale River on a new bridge to be constructed alongside the existing railway bridge; thence following the line of the existing Attadale Estate road over Am Maman Hill and alongside the said railway line to Achintee, thereafter crossing the Taodail River on a new bridge to replace the existing structure and terminating in the Parish of Lochcarron on the east side of the existing railway level crossing at Strathcarron:

Work No. 2 The widening and improvement wholly within the Parish of Lochcarron of the existing private road from Strathcarron to Attadale where the same is crossed on the level by the said railway line, commencing at the termination of Work No. 1 and terminating at the north-western side of the existing level crossing.

Power to
deviate.

20. In the construction of the works, the County Council 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 30 feet upwards and 20 feet downwards.

Subsidiary
works.

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

- (a) make junctions with any road or way interfered with by or contiguous to the works;
- (b) alter the line or level of any such road or way;
- (c) alter and interfere with any steps, walls, gateways, railings, passages, pipes, power lines, cables and pavements; and
- (d) execute any works for the protection of any adjoining land or buildings.

(2) In the exercise of the powers conferred by this section the County Council 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 in accordance with the provisions of the Land Compensation (Scotland) Act, 1963.

(4) (a) The County Council shall not in exercise of the powers of this section use any telegraphic line belonging to or used by the Postmaster General nor shall the County Council alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878.

PART III
—cont.

1878 c. 76.

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

(5) The provisions of section 32 (For protection of the North of Scotland Hydro-Electric Board) of this Order shall apply and have effect with respect to the exercise by the County Council of the powers conferred on them by this section as if the said provisions were, with any necessary modifications, incorporated in this section.

22.—(1) The County Council 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 highways, roads, lanes, footways, footpaths, bridges, railways, passages, sewers, drains, watercourses, 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.

Power to alter roads, etc., temporarily.

(2) The County Council shall provide, when possible and where practicable, a proper temporary substitute before interrupting the traffic on any such highway, road, lane, footway, footpath, bridge, railway or passage or the flow of sewage, water, electricity or telephonic communication in any such sewer, drain, watercourse, main, pipe or apparatus.

(3) The County Council shall make compensation to all persons injuriously affected by the exercise of such powers.

(4) Such compensation, in case of difference, shall be determined in accordance with the provisions of the Land Compensation (Scotland) Act, 1963.

1963 c. 51

(5) (a) The provisions of subsection (4) of section 21 (Subsidiary works) of this Order shall extend and apply with respect to the exercise by the County Council of the powers of this section as if the said provisions were, with any necessary modifications, incorporated in this section.

(b) The exercise by the County Council of the powers conferred by this section with respect to any highway, road, lane, footway, footpath or bridge shall not prejudice or affect the right of the Postmaster General—

(i) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which may be for the time being under, in, upon, over, along or across that highway, road, lane, footway, footpath or bridge; or

(ii) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that highway, road, lane, footway, footpath or bridge.

PART III
—cont.
1869 c. 73.

(c) Any telephonic apparatus provided under subsection (2) of this section shall be so used as not to contravene the exclusive privilege conferred on the Postmaster General by the Telegraph Act, 1869.

(6) The provisions of section 32 (For protection of the North of Scotland Hydro-Electric Board) of this Order shall apply and have effect with respect to the exercise by the County Council of the powers conferred on them by this section as if the said provisions were, with any necessary modifications, incorporated in this section.

Penalty for
obstructing
works.

23. Any person who—

- (a) wilfully obstructs any person acting under the authority of the County Council 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 County Council;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20 and shall in addition be liable to repay to the County Council any expenses incurred by them in making good any such damage.

Connection of
drains, etc.,
with streams,
etc.

24.—(1) For the purpose of draining or carrying away surface water from the works, or otherwise, the County Council may, within the limits of deviation shown on the deposited plans, lay down, maintain and alter or remove any drains, sewers, conduits, pipes and other works and make any convenient connections with any available river, stream or watercourse, or with any sewer or drain.

1951 c. 66.

1965 c. 13.

(2) Nothing in this section shall derogate from the provisions of section 28 of the Rivers (Prevention of Pollution) (Scotland) Act, 1951, as amended by the Rivers (Prevention of Pollution) (Scotland) Act, 1965.

Vesting and
disposal of
materials.

25.—(1) All materials removed by the County Council under the powers conferred on them by this Order and all materials (other than any apparatus belonging to a statutory undertaker) removed by the County Council from any street or other place or otherwise obtained by them in the construction and maintenance of the works shall vest in the County Council.

(2) The County Council 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.

Provisions
applicable to
section 25
of Order.

26. The powers of the County Council conferred by section 25 (Vesting and disposal of materials) of this Order shall be exercisable subject to the provisions of section 43 (Crown rights) of this Order.

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

27.—(1) A tidal work shall not be constructed except in accordance with plans and sections approved by the Board of Trade 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—

PART III
—cont.

(a) the Board may by notice in writing require the County Council 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 from the date when the notice is served upon the County Council 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 County Council to the Crown and shall be recoverable accordingly.

28. 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 County Council 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 County Council to the Crown and shall be recoverable accordingly.

Survey of
tidal works.

29. If the works are not completed by 31st December, 1976, 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.

Period for
completion of
works.

30.—(1) As from the date of the opening for general public traffic of the new road comprised in Work No. 1 authorised by this Order or of any portion thereof the said new road or such portion thereof, as the case may be, shall be deemed to be and shall be vested in and maintained by the County Council in all respects as if the said new road or such portion thereof, as the case may be, had been constructed by the County Council under the provisions of the Roads and Bridges (Scotland) Act, 1878.

Vesting and
maintenance
of new road.

1878 c. 51.

(2) The date upon which the said new road, or any such portion thereof, is to be opened for general public traffic shall be determined by a resolution of the County Council.

31.—(1) As and from the date of the opening for general public traffic of the level crossing after the same has been widened and improved in pursuance of the provisions of section 19 (Power to execute works) of this Order, the level crossing shall be deemed for all purposes to have been constructed in pursuance of section 40 of the Railways Clauses Consolidation (Scotland) Act, 1845 (which makes provision in cases where roads are crossed on a level), and the said section 40 shall apply to the level crossing and to the British Railways Board in respect thereof unless and to the extent that application of the said section 40 shall be modified by an Order made by the Minister of Transport under section 66 of the British Transport Commission Act, 1957.

As to level
crossing.

1845 c. 33.

1957 c. xxxiii.

PART III
—cont.

(2) The date upon which the level crossing is to be opened for general public traffic after being widened and improved as aforesaid shall be such date as may be agreed upon by the County Council and the British Railways Board or, failing agreement, appointed by the Secretary of State.

For protection
of the North
of Scotland
Hydro-Electric
Board.

32. For the protection of the North of Scotland Hydro-Electric Board (hereinafter in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the County Council and the undertakers apply and have effect:—

1882 c. 56.

- (1) If the County Council in exercise of the powers of section 19 (Power to execute works) of this Order require to cross over or under, remove, alter or otherwise interfere with any electric lines or works as defined in section 32 of the Electric Lighting Act, 1882, or other apparatus (hereinafter in this section referred to as "apparatus") belonging to the undertakers, or, if the exercise of the said powers is likely to affect the said apparatus, the County Council shall—

(a) give to the undertakers not less than twenty-eight days' prior notice in writing of such requirement, or of their intention to exercise such powers, 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 undertakers and the undertakers themselves may under such requirements alter or otherwise protect their apparatus or provide alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously (hereinafter referred to as "adequate alternative apparatus");

(b) afford to the undertakers, 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 County Council. Such adequate alternative apparatus shall be constructed in such manner and in such line or position as may be agreed between the County Council and the undertakers and no apparatus shall be removed, altered or interfered with until the protective works have been carried out or until adequate alternative apparatus has been constructed and is operating to the reasonable satisfaction of the undertakers;

(c) pay to the undertakers 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:

- (2) Any difference arising between the County Council and the undertakers 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.

PART III
—cont.

33.—(1) The County Council shall in constructing each of the two new bridges referred to in Work No. 1 provide therein for the telegraphic lines of the Postmaster General accommodation as specified in subsection (2) of this section and shall also provide a means whereby at either end of each of the said bridges the Postmaster General may have access to such telegraphic lines after the same have been laid without breaking up or interfering with the surface of the road and footway of the bridge.

For protection
of Postmaster
General.

(2) The accommodation to be provided in each bridge in pursuance of subsection (1) of this section shall be sufficient for one single-way duct having an external diameter of five inches.

(3) The said accommodation and means of access shall be provided in accordance with plans, sections and particulars to be previously submitted to and reasonably approved by the Postmaster General:

Provided that if within one month of the receipt of the said plans, sections and particulars the Postmaster General has not intimated to the County Council his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

(4) The additional cost (if any) reasonably incurred by the County Council in providing such accommodation and means of access shall be repaid to the County Council by the Postmaster General in a single payment or in such other manner as may be agreed between the County Council and the Postmaster General:

Provided that the total amount so payable by the Postmaster General shall not exceed the difference between the actual cost incurred by the County Council in constructing each bridge and the cost which would have been incurred by them in constructing that bridge without the accommodation to be provided under this section but with any other accommodation provided therein for apparatus, mains, pipes, cables or wires.

(5) The Postmaster General shall before the County Council complete the construction of each bridge lay down all such ducting and supports as may be required for the purposes of the telegraphic lines in that bridge.

(6) Any question which may arise between the Postmaster General and the County Council under this section shall be determined in manner provided by the Telegraph Act, 1878.

1878 c. 76.

PART III
—cont.For protection
of British
Railways Board.

34. For the protection of the British Railways Board (in this section referred to as “the Board”) the following provisions shall unless otherwise agreed in writing between the County Council and the Board apply and have effect:—

(1) In this section—

“railway property” means any railway of the Board within the limits of deviation shown on the deposited plans and any works connected therewith for the maintenance or operation of which the Board are responsible and includes any lands held or used by the Board within the said limits for the purpose of such railway works;

“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 railway property and includes the construction, maintenance and renewal of such works;

“deviation railway” means that part of Work No. 1 comprising the diversion of a portion of the Inverness/Dingwall to Kyle of Lochalsh branch line of the Board and works connected therewith;

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

“plans” includes sections, drawings and specifications:

- (2) The County Council shall not under the powers of this Order enter upon, take or use, either permanently or temporarily, or acquire compulsorily any railway property but they may purchase and acquire such servitudes or rights of using railway property as may be necessary for the purpose of constructing, using and maintaining the works:
- (3) The County Council 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 tribunal:
- (4) Notwithstanding anything shown on the deposited plans and sections, the County Council shall—
- (a) so construct the deviation railway as to provide that the level of the railway shall not be lower than 19·78 feet above O.S. datum and that where the railway passes on the foreshore of Loch Carron, there shall be a cess of not less than 10 feet at formation level measured between the nearest seaward rail and the shoulder of the seaward embankment supporting the railway above the loch;
- (b) so construct the deviation railway as to provide that the seaward embankment will be protected with heavy stone rip rap along the exposed face:

- (5) The County Council shall before commencing the works (other than works of maintenance or repair) furnish to the Board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the works until plans thereof 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:

- (6) If within twenty-eight days after such plans have been furnished to the Board, the Board shall give notice to the County Council that the Board desire themselves to construct any part of the works which in the opinion of the engineer will or may affect the stability of railway property, then if the County Council desire such part of the works to be constructed the Board shall construct the same with all reasonable despatch on behalf of and to the reasonable satisfaction of the County Council in accordance with the plans approved or deemed to be approved or settled as aforesaid:

Provided that in the event of the Board not constructing or completing such part of the works with reasonable despatch, to the reasonable satisfaction of the County Council, the County Council may, after giving twenty-eight days' notice to the engineer, themselves construct or complete such part of the works:

- (7) Upon signifying his approval or disapproval of the said plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the Board with all reasonable despatch and the County Council shall not commence the construction of the works until the engineer shall have notified the County Council that the protective works have been completed:

Provided that in the event of the Board not constructing or completing such protective works with reasonable despatch, the County Council may, after giving twenty-eight days' notice to the engineer, themselves construct or complete such works and on the completion thereof may commence the construction of the works:

- (8) The County Council shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any works for the repair or maintenance of the works:

PART III
—cont.

- (9) The works shall, when commenced, be carried out with all reasonable despatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe using of the railway or the traffic thereon and the use by passengers of railway property and if any damage to railway property or any such interference or obstruction shall be caused or take place the County Council shall (except where any such damage, interference or obstruction is caused or takes place during or in consequence of the construction of any part of the works by the Board in pursuance of subsection (6) of this section) notwithstanding any such approval as aforesaid make good such damage and shall on demand pay to the Board all expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:
- (10) The County Council 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:
- (11) The Board shall at all times afford reasonable facilities to the County Council and their agents for access to any works carried out by the Board under this section during their construction and shall supply the County Council with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (12) If any alterations or additions either permanent or temporary to railway property shall be reasonably necessary in consequence of the construction of the works such alterations and additions may be effected by the Board after notice has been given to the County Council and the County Council shall pay to the Board the reasonable cost thereof and any additional cost of maintenance in respect of permanent alterations and additions shall be borne by the County Council either by way of annual payment or by a commuted sum to cover all future payments:
- (13) The County Council shall acquire and purchase the land necessary for the deviation railway:
- (14) In so far as the railway line of the deviation railway will be constructed on land to be acquired by the County Council the County Council shall execute the work to formation level and the Board may, if they so desire, lay the permanent way and construct the signalling apparatus and other ancillary

works necessary to complete the deviation railway and the County Council shall repay the expense reasonably incurred by the Board in so doing:

PART III
—cont.

- (15) Before undertaking any blasting operation in connection with the works which might affect the stability of the railway or the safety of the traffic thereon the County Council shall consult with the Board and comply with any reasonable requirements of the Board in regard thereto without expense to the Board:
- (16) The Board shall determine the time or times when the deviation railway will be connected with the existing railway lines and the Board shall if they so desire carry out and construct with all reasonable despatch such part of the railway works as are necessary to effect such connection:
- (17) All accommodation works on the deviation railway shall be subject to the reasonable approval of the Board and shall be constructed to their sight and satisfaction and the County Council shall relieve the Board of all obligations in connection with the provision and maintenance of accommodation works on the portion of railway to be abandoned:
- (18) The railway line and such other parts of the deviation railway to be constructed by the County Council as aforesaid shall be constructed so as not to injure or injuriously affect any railway property or to cause any interruption to the passage or conduct of traffic on any such railway and if any injury or interruption shall arise from or be in any way owing to the deviation railway or to the operations of the County Council, the County Council shall forthwith make good and remove such injury or interruption at their own expense or the Board may do so and the County Council shall pay to the Board all proper and reasonable expenses, loss or damage including loss of traffic incurred or sustained by them in respect thereof:
- (19) The County Council shall pay to the Board the expense of maintaining (except as regards ordinary wear and tear) the deviation railway for five years after the opening of the same for public traffic and in respect that the embankment for the support of the railway will be continuously exposed to the action of the sea, the County Council shall, after the expiry of the said period, pay to the Board the expense of future maintenance of the embankment necessitated by the action of the sea where it is so exposed as such expense may from time to time be certified by the engineer:}]
- (20) The County Council shall on the completion of the deviation railway deliver to the Board plans of so much thereof as shall have been constructed by the County Council and valid titles

PART III
—cont.

to the land on which the deviation railway has been constructed and all agreements and other writings affecting the deviation railway which continue in operation after it has been opened for public traffic:

- (21) Where the new road, part of Work No. 1, will be adjacent to the deviation railway at a higher level than the said railway the County Council shall erect, within the road verge, suitable and sufficient barriers or guard rails for the protection of the said railway against obstruction and damage:
- (22) The County Council shall repay to the Board all costs, charges and expenses reasonably incurred by the Board—
- (a) in constructing any part of the works on behalf of the County Council as provided by subsection (6) of this section or in constructing any protective works under the provisions of subsection (7) of this section including in respect of the cost of maintaining and renewing any permanent protective works constructed under the said subsections an annual payment or a commuted sum to cover all future payments;
- (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the works;
- (c) in respect of any special traffic working resulting from any restrictions which are necessary as a result of the construction, maintenance, repair or failure of the works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;
- (d) in respect of any additional temporary lighting of railway property in the vicinity of the works being lighting made reasonably necessary as a result of the works or the failure thereof;
- (e) in respect of the approval by the engineer of plans submitted by the County Council and the supervision by him of the works:
- (23) If at any time after the completion of the works, not being works vested in the Board, the Board shall give notice to the County Council informing them that the state of repair of the works appears to be such as to affect prejudicially railway property, the County Council shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the works in such state of repair as not to affect prejudicially railway property and, if and whenever the County Council fail to do so, the Board may

make and do in and upon the lands of the Board or of the County Council all such works and things as shall be requisite to put the works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the Board in so doing shall be repaid to them by the County Council:

(24) Before providing any illumination or illuminated road traffic sign on or in connection with the works or in the immediate vicinity of the railway the County Council shall consult with the Board and comply with any reasonable requirements of the Board in regard thereto with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:

(25) In constructing Work No. 2 the County Council shall—

(a) execute any works which in the opinion of the engineer are necessary to restore any installations interfered with by reason of the construction of the work including the re-positioning of the down starting signal;

(b) instal on both sides of the carriageway of the level crossing such cattle grids and check rails as may be considered reasonably necessary by the Board:

(26) The County Council shall repay to the Board the reasonable expense incurred by the Board in complying with any order made by the Minister of Transport to provide, at or near to Work No. 2, barriers, lights, traffic signs and automatic or other devices and appliances and any such additional expense as the Board may incur by reason that Work No. 2 will be operated as a public level crossing and in maintaining the permanent way at the level crossing:

(27) The County Council shall be responsible for and make good to the Board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the Board—

(a) by reason of the works or the failure thereof;

(b) by reason of any act or omission by the County Council or of any persons in their employment or of their contractors whilst engaged upon the works;

and the County Council shall effectively indemnify and hold harmless the Board from and against all claims and demands arising out of or in connection with the works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the Board on behalf of the County Council or in accordance with plans approved by the engineer or in accordance with any requirement approved by the engineer or under his supervision shall not (if it was done without negligence on the part of the Board or any person in their employment or of their contractors or agents) excuse the County Council from any liability under the provisions of this section:

PART III
—cont.

Provided that the Board shall give to the County Council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the County Council:

- (28) Any question or difference between the County Council 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.

PART IV

FINANCE

Borrowing for
purposes of
Order.

35. The County Council 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 carrying out 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 purposes 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 May first occurring after the commencement of this Order.

Saving for
the control
of borrowing.

1946 c. 58.

36. 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.

37. All expenditure incurred by the County Council 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 County Council in the same manner as expenses incurred by them in the provision and maintenance of roads and bridges.

PART V

MISCELLANEOUS

38.—(1) In addition to the power to make byelaws conferred upon the County Council by any other enactment, the County Council may make byelaws—

(a) for prohibiting the lighting of fires; and

(b) for preventing or regulating camping or picnicking;

on or on land adjoining the works or such part thereof as may be prescribed by such byelaws.

(2) As respects byelaws made under this section the confirming authority for the purposes of section 301 of the Act of 1947 shall be the Secretary of State.

39.—(1) On the application of the County Council the Secretary of State may, by order, extend the periods respectively referred to in section 15 (Period for compulsory purchase of lands) and section 29 (Period for completion of works) of this Order or either of such periods.

Extension of time may be authorised.

(2) Any such period which has been extended under the provisions of this section may, from time to time, be further extended by an order made by the Secretary of State on the application of the County Council under this section.

(3) (a) An order under this section shall be subject to special parliamentary procedure and accordingly an order under this section shall be deemed to be an order in pursuance of an Act passed after the passing of the Statutory Orders (Special Procedure) Act, 1945.

1945 c. 18.

(9 & 10 Geo. 6)

(b) In the application of section 10 of the said Act to an order under this section, there shall be substituted for the requirements of the empowering enactment referred to in the said section 10 such requirements as to the service of notices and as to the time within which and the manner in which objections may be made to any application made by the County Council in pursuance of subsection (1) of this section as may be specified by the Secretary of State.

40. If the Secretary of State by order made under the last foregoing section extends the period for the exercise of the powers of the County Council for the compulsory purchase of land, the following provisions shall apply after the coming into operation of that order:—

Powers to owners and lessees to give notice as to purchase of lands.

(1) In this section—

“ the land ” means any land which is for the time being authorised to be acquired compulsorily by this Order;

“ lessee ” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under paragraph (2) of this section:

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the County Council of his desire

PART V
—cont.

that his interest in any part of the land specified in the notice shall be acquired as soon as may be the County Council shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the County Council; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice:

(3) Where notice is given under the last foregoing paragraph by an owner or lessee of land specified in the notice then—

(a) if the County Council—

(i) fail to comply with that paragraph; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with sub-paragraph (b) of that paragraph; or

(iii) serve notice on him in compliance with sub-paragraph (c) of that paragraph;

the powers conferred by this Order for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of a contract or notice to treat under sub-paragraphs (a) or (b) of that paragraph the powers conferred by this Order for the compulsory purchase of his interest in the remainder of the land specified shall cease.

Recovery of penalties.

1954 c. 48.

41. 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) Act, 1954.

As to powers of Board of Trade.

42. 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.

Crown rights.

43. 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 County Council 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 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.

PART V
—cont.

44. The provisions of the Town and Country Planning (Scotland) Acts, 1947 to 1966, 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.

45. 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 County Council. Costs of Order.



PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR PERCY FAULKNER, K.B.E., C.B.

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

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 2s. 6d. net

PRINTED IN ENGLAND



Ross and Cromarty (Strathcarron-South Strome Road) Order Confirmation Act 1966

CHAPTER xxxix

ARRANGEMENT OF SECTIONS

Section

- 1. Confirmation of Order in schedule.**
- 2. Short title.**

SCHEDULE

ROSS AND CROMARTY (STRATHCARRON-SOUTH STROME ROAD)

PART I

PRELIMINARY

- 1. Short title and commencement of Order.**
- 2. Interpretation.**
- 3. Incorporation of Acts.**

PART II

LANDS

- 4. Power to take lands.**
- 5. Acquisition of part only of certain properties.**

CH. xxxix *Ross and Cromarty (Strathcarron-South
Strome Road) Order Confirmation Act 1966*

Section

6. Power to acquire servitudes compulsorily in certain cases.
7. Persons under disability may grant servitudes, etc.
8. Extinction of private rights of way over lands acquired.
9. Power to enter upon lands and buildings for survey and valuation.
10. Further powers as to entry on lands.
11. Power of entry on lands compulsorily acquired.
12. Compensation in cases of recently altered buildings.
13. Agreements with owners of property.
14. Power to reinstate owners of property.
15. Period for compulsory purchase of lands.
16. Power as to acquisition and utilisation of additional lands.
17. Power to retain, sell, etc., lands.
18. Correction of errors in deposited plans and book of reference.

PART III

WORKS

19. Power to execute works.
20. Power to deviate.
21. Subsidiary works.
22. Power to alter roads, etc., temporarily.
23. Penalty for obstructing works.
24. Connection of drains, etc., with streams, etc.
25. Vesting and disposal of materials.
26. Provisions applicable to section 25 of Order.
27. Tidal works not to be executed without approval of Board of Trade.
28. Survey of tidal works.
29. Period for completion of works.
30. Vesting and maintenance of new road.
31. As to level crossing.
32. For protection of the North of Scotland Hydro-Electric Board.
33. For protection of Postmaster General.
34. For protection of British Railways Board.

PART IV

FINANCE

35. Borrowing for purposes of Order.
36. Saving for the control of borrowing.
37. Expenditure on maintenance of works.

PART V

MISCELLANEOUS

Section

38. Byelaws.
39. Extension of time may be authorised.
40. Powers to owners and lessees to give notice as to purchase of lands.
41. Recovery of penalties.
42. As to powers of Board of Trade.
43. Crown rights.
44. Saving for town and country planning.
45. Costs of Order.