

# Greater Glasgow Passenger Transport Order Confirmation Act 1975

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**ELIZABETH II**



**1975 CHAPTER xxvi**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to the Greater Glasgow Passenger Transport Executive.

[7th August 1975]

**W**HEREAS 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 Greater Glasgow Passenger Transport Order Confirmation Act 1975. Short title.

## SCHEDULE

### GREATER GLASGOW PASSENGER TRANSPORT

*Provisional Order to empower the Greater Glasgow Passenger Transport Executive to construct works and to acquire lands; and for other purposes.*

1968 c. 73.

Whereas the Greater Glasgow Passenger Transport Executive (hereinafter referred to as "the Executive") were established under the Transport Act 1968:

And whereas it is the general duty of the Executive under the said Act of 1968 so to exercise and perform their functions under Part II of that Act and section 24 (2) thereof with respect to the provision of passenger transport services as to secure or promote the provision of a properly integrated and efficient system of public passenger transport to meet the needs of the area designated by the Greater Glasgow Passenger Transport Area (Designation) Order 1972 comprising part of the region of Strathclyde:

And whereas it is expedient that the Executive should be empowered to construct the works authorised by this Order and to acquire the lands referred to in this Order:

And whereas it is expedient that the other powers in this Order contained should be conferred upon the Executive and that the other provisions in this Order contained should be enacted:

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Order and plans of the lands authorised to be acquired or used by this Order, and 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 said lands were in the month of November, 1974, duly deposited with the sheriff clerk of the sheriffdom of Lanarkshire and with the town clerk of the city of Glasgow, which plans, sections and book of reference are respectively referred to in this Order as the deposited plans, the deposited sections and the deposited book of reference:

1936 c. 52.

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:

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

#### PART I

##### PRELIMINARY

Short title.

1. This Order may be cited as the Greater Glasgow Passenger Transport Order 1975. •

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

PART I  
—cont.

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Protective provisions.

Part V.—Miscellaneous and general.

Division of  
Order into  
Parts.

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:—

Incorporation  
of Acts.

(a) the Lands Clauses Acts (except sections 120 to 124 and sections 142 and 143 of the Lands Clauses Consolidation (Scotland) Act 1845):

1845 c. 19.

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(b) the Railways Clauses Consolidation (Scotland) Act 1845, except sections 7, 8, 9, 11, 12, 13, 19, 20, 22 and 23 thereof, and Part I of the Railways Clauses Act 1863:

1845 c. 33.

1863 c. 92.

Provided that the provisions of sections 18 and 21 of the said Act of 1845 shall not extend to regulate the relations between the Executive and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of Part II of the Public Utilities Street Works Act 1950 or section 25 (For protection of certain statutory undertakers) of this Order.

(2) In the construction of the enactments so incorporated with this Order, the expression “special Act” shall be read as a reference to this Order and the expressions “promoters of the undertaking” and “company” shall mean the Executive.

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

Interpretation.

“the authorised works” means the works authorised by this Order;

“the district” means the City of Glasgow District;

“the district council” means the council of the district;

“the electricity board” means the South of Scotland Electricity Board;

“enactment” means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“the Executive” means the Greater Glasgow Passenger Transport Executive;

“the gas corporation” means the British Gas Corporation;

**PART I**  
—cont.

- “land” includes land covered by water, any interest in land and any servitude or right in, to or over land;
- “the Lands Clauses Acts” means the Lands Clauses Acts and any Acts modifying or extending the same;
- “the limits of deviation” means the limits of deviation shown on the deposited plans;
- “the regional council” means the Strathclyde Regional Council;
- “the sheriff” means the sheriff principal of Glasgow and Strathkelvin and includes his sheriffs;
- “the statutory undertakers” means the electricity board, the gas corporation, the water authority, the regional council as sewerage authority for the district and the Post Office, or any of them, as the case may be;
- “telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “the underground” means the two subways which are briefly described in Schedule 4 to the Glasgow Corporation Consolidation (Water, Transport and Markets) Order 1964 as existing at the commencement of this Order;
- “the tribunal” means the Lands Tribunal for Scotland;
- “the water authority” means the regional council.

1878 c. 76.

(2) This Order shall be read as if the words “or thereabouts” were inserted after each distance mentioned in section 5 (Power to make works) of this Order.

(3) Any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Order.

(4) References in this Order to reference points shall be construed as references to National Grid reference points.

**PART II**

**WORKS**

**Power to make works.**

5.—(1) Subject to the provisions of this Order, the Executive may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works in the district hereinafter described with all necessary works and conveniences connected therewith:—

(Buchanan Street Station tunnel enlargement.)

Work No. 1 An enlargement of the station tunnel comprised in the underground at Buchanan Street Station commencing at reference point NS 59074 65567 and terminating at reference point NS 59062 65522:

(Link between Buchanan Street and Queen Street Stations.)

Work No. 2 A moving pavement or footway (82 metres in length) commencing at reference point NS 59072 65560 and terminating at reference point NS 59153 65542:

(St. Enoch Station tunnel enlargement.)

Work No. 3 An enlargement of the station tunnels comprised in the underground at St. Enoch Station commencing at reference point NS 58932 64982 and terminating at reference point NS 58943 65027:

- Work No. 4 An enlargement of the station tunnel comprised in the underground at West Street Station commencing at reference point NS 58263 64149 and terminating at reference point NS 58296 64157: PART II  
—cont.  
(West Street tunnel enlargement.)
- Work No. 5 An enlargement of the station tunnel comprised in the underground at Copland Road Station commencing at reference point NS 55819 64794 and terminating at reference point NS 55845 64768: (Copland Road tunnel enlargement.)
- Work No. 6 An enlargement of the station tunnels comprised in the underground at Govan Cross Station commencing at reference point NS 55480 65669 and terminating at reference point NS 55495 65626: (Govan Cross tunnel enlargement.)
- Work No. 7 A turn out chamber (51 metres in length) commencing at reference point NS 55495 65626 and terminating at reference point NS 55512 65577 and a railway (410 metres in length) commencing at reference point NS 55497 65620 and terminating at reference point NS 55357 65242: (Railways at Broomloan Road Depot.)
- Work No. 8 A turn out chamber (51 metres in length) commencing at reference point NS 55627 65241 and terminating at reference point NS 55610 65290 and a railway (320 metres in length) commencing at reference point NS 55624 65250 and terminating at reference point NS 55362 65235:
- Work No. 9 A railway (670 metres in length) commencing at reference point NS 55362 65235 and terminating at reference point NS 55125 64613:
- Work No. 10 A railway (671 metres in length) commencing at reference point NS 55357 65242 and terminating at reference point NS 55121 64615:
- Work No. 11 An enlargement of the running tunnels comprised in the underground at Merkland Street Station commencing at reference point NS 55675 66520 and terminating at reference point NS 55626 66469: (Merkland Street tunnel enlargement.)
- Work No. 12A An enlargement of the station tunnel comprised in the underground at Hillhead Station commencing at reference point NS 56626 67052 and terminating at reference point NS 56592 67029. (Hillhead tunnel enlargement.)

(2) (a) The Executive may within the limits of deviation reconstruct, alter and improve all or any of the stations referred to in paragraph (b) of this subsection, the premises connected therewith and their Broomloan Road Depot and may within those limits make and maintain all such works as may be necessary or convenient in connection with or incidental to such reconstruction, alteration and improvement.

(b) The stations mentioned in paragraph (a) of this subsection are the stations forming part of the underground known as Buchanan Street, St. Enoch, Bridge Street, West Street, Shields Road, Kinning Park, Cessnock, Copland Road, Govan Cross, Merkland Street, Partick Cross, Hillhead, Kelvinbridge, St. George's Cross and Cowcaddens.

**PART II**  
—*cont.*

Alteration and  
improvement of  
works.

Power to  
deviate.

Further works  
and powers.

6. Subject to the provisions of this Order, the Executive may within the tunnels comprising the underground or within the limits of deviation reconstruct, alter, replace or relay any works forming part of the underground as existing from time to time.

7. In the execution of the authorised works, or any part thereof, the Executive may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation, and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

8.—(1) Subject to the provisions of this Order, the Executive may make and maintain the further works in the district described in this subsection with all necessary works and conveniences connected therewith, and may exercise the powers hereinafter mentioned:—

- (a) they may stop up and discontinue as a street the portion of the street known as Dundas Street and numbered 5 on the deposited plans shown hatched black on the deposited plans or any part or parts thereof;
- (b) they may stop up and discontinue as a street the portion of the street known as Greenhaugh Street and numbered 72 on the deposited plans shown hatched black on the deposited plans or any part or parts thereof;
- (c) they may stop up and discontinue as a street the portion of the street known as Govan Road and numbered 75 on the deposited plans shown hatched black on the deposited plans or any part or parts thereof;
- (d) they may stop up and discontinue as a street the portion of the street known as Russell Street and numbered 96 on the deposited plans shown hatched black on the deposited plans or any part or parts thereof;
- (e) they may stop up and discontinue as a street the portion of the street known as Merkland Street and numbered 98 on the deposited plans shown hatched black on the deposited plans or any part or parts thereof;
- (f) they may stop up and discontinue as a street the portion of the street known as South Woodside Road and numbered 133 on the deposited plans shown hatched black on the deposited plans or any part or parts thereof.

(2) In the execution of each of the works referred to in paragraphs (a) to (f) of subsection (1) of this section the Executive shall provide a means of access for the reasonable convenience of persons on foot across some part of the portion of the street authorised to be stopped up and each such means of access shall be provided of such dimensions and in such a position as may be agreed between the Executive and the regional council or, in default of agreement, determined by arbitration.

(3) After such stopping up all rights of way over or along the portion of the street authorised to be stopped up shall be extinguished, other than a right of way on foot only over or along any means of access provided under subsection (2) of this section and the Executive may, subject to the provisions of the Railways Clauses Consolidation



(Scotland) Act 1845 with respect to mines lying under or near the railway, appropriate without making any payment therefor and use for the purposes of their undertaking the site of the portion of the street so stopped up.

PART II  
—cont.

1845 c. 33.

9.—(1) Subject to the provisions of this Order, the Executive may— Power to open surface of streets.

(a) for the purpose of constructing the authorised works, enter upon, open, break up, and interfere with, the surface of so much as is within the limits of deviation of the streets referred to in column (1) of Schedule 1 to this Order and marked with the letter “ x ” in column (2) thereof, and so much of any footpath as is within the limits of deviation;

(b) for the purpose of providing access to or egress from the authorised works, make and maintain permanent openings in the carriageways and footways of so much as is within the limits of deviation of the streets referred to in column (1) of the said Schedule 1 and marked with the letter “ y ” in column (2) thereof.

(2) Not less than twenty-eight days before entering upon, opening, breaking up or interfering with the surface of any street to which subsection (1) (a) of this section applies the Executive shall post notices stating their intention to do so in conspicuous positions at each end of the part of the street so affected and shall send a copy of the notice to the regional council.

10.—(1) During and for the purpose of the execution of the authorised works the Executive may temporarily stop up and divert, and interfere with, so much as is within the limits of deviation of the streets referred to in column (1) of Schedule 1 to this Order and marked with the letter “ z ” in column (2) thereof, and so much of any footway as is within the limits of deviation and may, for any reasonable time, divert the traffic therefrom: Temporary stoppage of streets.

Provided that nothing in this subsection shall empower the Executive to prevent any person on foot from going to or from any land, house or building abutting on the said part of the street or footway.

(2) The Executive shall provide reasonable access for foot passengers bona fide going to or from any such land, house or building.

11. Paragraph 7 of Schedule 5 to the Glasgow Corporation Consolidation (Water, Transport and Markets) Order 1964 shall apply for the purposes of the execution of the authorised works as it applies in relation to the maintenance of any works in connection with the underground and as if for the words “ 100 feet of the subway ” there were substituted the words “ 30 metres of the authorised works ”. Underpinning.

12.—(1) The Executive may use for the discharge of any water pumped or found by them during the construction of the authorised works any available stream or watercourse, or any sewer or drain of the regional council, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation: Use of sewers, etc., for removing water.

PART II  
—cont.

Provided that—

(a) the Executive shall not discharge any water into any sewer or drain vested in or under the control of the regional council except with the consent of the regional council, which shall not be unreasonably withheld, and subject to such terms and conditions as the regional council may reasonably impose; and

(b) the Executive shall not make any opening into any such sewer or drain except in accordance with plans reasonably approved by and under the superintendence (if given) of the regional council.

(2) Any difference arising between the Executive and the regional council under this section shall be determined by arbitration.

PART III

LANDS

Power to  
acquire lands.

13.—(1) Subject to the provisions of this Order, the Executive may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the authorised works or for any purpose connected therewith or ancillary thereto.

(2) Without prejudice to the generality of the powers conferred upon the Executive by subsection (1) of this section, the Executive may, subject to the provisions of this Order, enter upon, take and use for each of the purposes specified in column (1) of Schedule 2 to this Order all or any of the lands in the district referred to in relation to that purpose in column (2) of that schedule.

(3) Subject to the provisions of this Order, the Executive may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the authorised works without being required to purchase the same or any servitude therein or thereunder or to make any payment therefor.

(4) The Executive shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 14 and 24 to 32 in the district or any part of those lands.

Period for  
compulsory  
purchase of  
lands or  
servitudes.

14.—(1) The powers of the Executive for the compulsory acquisition of the lands and servitudes which they are authorised to acquire by this Order shall not be exercised after 31st December, 1978.

(2) The powers of the Executive for the compulsory acquisition of the said lands and servitudes shall, for the purposes of this section, be deemed to have been exercised if, before 31st December, 1978, notice to treat has been served in respect of those lands and servitudes.

Correction of  
errors in  
deposited plans  
and book of  
reference.

15.—(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 Executive,

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.

PART III  
—cont.

(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, with the sheriff clerk of the sheriffdom of Glasgow and Strathkelvin and with the chief executive of the district council and the chief executive of the regional council 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 Executive to take the land or a servitude therein (as the case may be) and execute the works in accordance with the certificate.

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

16. Nothing in this Order shall authorise the Executive to enter upon, take or use (except by agreement) any cellar, basement or vault in or under any street belonging to, or connected with, any building unless such cellar, basement or vault, or the building with which it is connected, is described in the deposited book of reference. As to cellars under streets not referenced.

17.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Lands Clauses Acts as incorporated with this Order in respect of any of the lands described in Schedule 3 to this Order, the following provisions of this section shall apply to the land subject to the notice instead of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845. Acquisition of part only of certain properties.

1845 c. 19.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house together with any park or garden belonging thereto, then, if the person on whom the notice is served, within twenty-one days after the day on which the notice is served on him, serves on the Executive a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereafter in this section referred to as "the land subject to the counter-notice"), the question whether he shall be required to sell the part shall, unless the Executive agree to take the land subject to the counter-notice, be referred to the tribunal.

(3) If the said person does not serve such a counter-notice as aforesaid within twenty-one days after the day on which the notice to treat is served on him, or if on such a reference to the tribunal the tribunal determines that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, in the case of part of land consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

PART III  
—cont.

(4) If on such a reference to the tribunal the tribunal determines that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or (as the case may be) without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(5) If on such a reference to the tribunal the tribunal determines that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Executive are authorised to acquire compulsorily under this Order.

(6) If the Executive agree to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or (as the case may be) without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the Executive are authorised to acquire compulsorily under this Order.

(7) In any case where, by virtue of a determination by the tribunal under subsection (4), (5) or (6) of this section, a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice, the Executive may, within six weeks after the tribunal makes its determination, withdraw the notice to treat and if they do so shall pay to the said person compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

(8) Where a person is under this section required to sell part only of a house, building or factory, or of land consisting of a house together with any park or garden belonging thereto, the Executive shall pay to him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

Power to  
acquire  
servitudes  
compulsorily in  
certain cases.

18. Notwithstanding anything in this Order or in any Act wholly or partly incorporated therewith, the Executive 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, protecting, maintaining, renewing, enlarging, altering, using or removing the authorised works without 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 III  
—cont.

19.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may, if he thinks fit, subject to the provisions of those Acts, grant to the Executive any servitude, right or privilege required for the purposes of this Order in, over or affecting any such lands not being a servitude, right or privilege of water in which some person other than the grantor has an interest.

Persons under disability may grant servitudes, etc.

(2) The provisions of the said Acts with respect to lands and feu duties or ground annuals so far as such provisions are applicable shall extend and apply to any such grant and to any such servitude, right or privilege as aforesaid.

20. 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 20th November, 1974, 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.

Disregard of recent improvements and interests.

21.—(1) The Executive and their surveyors and officers, and any other person duly authorised by them in writing, 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 twenty-four hours' previous notice in writing to the occupier, enter upon and into the lands and buildings by this Order authorised to be taken or used or any of them for the purpose of surveying and valuing the said lands and buildings or for any other purpose ancillary to the powers conferred by this Order.

Power to enter for survey or valuation.

(2) In exercising the powers conferred by subsection (1) of this section the Executive and their surveyors and officers and other persons authorised by them shall cause as little detriment or inconvenience to any person as circumstances allow, and the Executive shall, subject to the provisions of this Order, make compensation to the owners and occupiers of any lands and buildings injuriously affected by the exercise of those powers.

22. At any time after notice to treat has been served for any land which the Executive are authorised by this Order to purchase compulsorily, the Executive may, after giving to the owner and occupier

Further powers of entry.

**PART III**  
—cont.

1845 c. 19. of the land not less than three months' 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 sections 83 to 89 of the Lands Clauses Consolidation (Scotland) Act 1845, but subject to the payment of the like compensation for land of which possession is taken and interest on the compensation awarded, as would have been payable if those provisions had been complied with.

Extinguishment  
of private  
rights of way.

23.—(1) All private rights of way over any land which may be acquired compulsorily under this Order shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or as from the date on which the Executive enter on and take possession of the land in pursuance of section 22 (Further powers of entry) of this Order, whichever shall be the earlier.

1963 c. 51. (2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Executive compensation to be determined in case of dispute under, and in accordance with, the Land Compensation (Scotland) Act 1963.

**PART IV**

**PROTECTIVE PROVISIONS**

Crown rights.

24. Nothing in this Order affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Order authorises the Executive to take, use or in any manner interfere with 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 or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of those commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose.

For protection  
of certain  
statutory  
undertakers.

25. For the protection of the undertakers, the following provisions shall, unless otherwise agreed in writing between the Executive and the undertakers, 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 undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the electricity board; or

1882 c. 56.

(b) mains, pipes or other apparatus belonging to or maintained by the gas corporation or the water authority;

PART IV  
—cont.

(not being apparatus in respect of which the relations between the Executive and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes any structure for the lodging therein of apparatus; 1950 c. 39.

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ the undertakers ” means the electricity board, the gas corporation and the water authority, or any of them, as the case may be.

- (2) Notwithstanding anything in this Order or shown on the deposited plans, the Executive shall not acquire any apparatus under the powers of this Order otherwise than by agreement.
- (3) If the Executive in the exercise of the powers of this Order acquire any interest in any lands in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers.
- (4) If the Executive, for the purpose of executing any of the authorised works in, on or under any lands acquired, held, appropriated or used under this Order, require the removal of any apparatus placed in those lands, and shall give to the undertakers written notice of such requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed, or if, in consequence of the exercise of any of the powers of this Order, the undertakers shall reasonably require to remove any apparatus, the Executive shall afford to the undertakers the necessary facilities and rights for the construction of any necessary adequate alternative apparatus in other lands of the Executive and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Executive and the Executive are unable to afford such facilities and rights as aforesaid, the undertakers shall, on receipt of a written notice to that effect from the Executive, forthwith use their best endeavours to obtain the necessary facilities and rights.

- (5) (a) Any alternative apparatus to be constructed in lands of the Executive in pursuance of paragraph (4) of this section

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shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Executive or, in default of agreement, settled by arbitration;

- (b) The undertakers shall, after the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Executive to be removed under the provisions of this section and, in default, the Executive may remove the apparatus.
- (6) Notwithstanding anything in paragraph (5) of this section, if the Executive give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as will be situate in any lands of the Executive, such work, in lieu of being executed by the undertakers, shall be executed by the Executive with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Executive to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) to within 30 centimetres above the apparatus.

- (7) Where, in accordance with the provisions of this section, the Executive afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Executive of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Executive and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or along the authorised works the arbiter shall—

(i) give effect to all reasonable requirements of the Executive for ensuring the safety and efficient operation of the authorised works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and



(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus constructed across or along the authorised works for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Executive in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbiter, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbiter shall make such provision for the payment of compensation to or by the Executive by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case.

(8) (a) Not less than twenty-eight days before commencing to execute any authorised works which are near to or will or may affect any apparatus the removal of which has not been required by the Executive under paragraph (4) of this section, the Executive shall submit to the undertakers a plan, section and description of the works to be executed;

(b) Such works shall be executed in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such works:

Provided that, if the undertakers, within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the works proposed by the Executive, reasonably require the removal of any apparatus and give written notice to the Executive of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Executive under paragraph (4) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Executive from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such works, a new plan, section and description thereof in lieu of the plan, section and description previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

(c) The Executive shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and

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description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances.

- (9) If in consequence of the exercise of the powers of this Order the access to any apparatus is materially obstructed the Executive shall provide alternative means of access to such apparatus.
- (10) Where, in consequence of this Order, any part of any street in which any apparatus is situate ceases to be part of a street the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the commencement of this Order, but nothing in this paragraph shall prejudice or affect any right of the Executive or of the undertakers to require removal of such apparatus under this section or the power of the Executive to execute works in accordance with paragraph (8) of this section.
- (11) The Executive shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with—
- (a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section;
  - (b) the cutting off of any apparatus from any other apparatus; and
  - (c) any other work or thing rendered reasonably necessary in consequence of the exercise by the Executive of any of the powers of this Order:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Executive under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 25 (For protection of certain statutory undertakers) of the Greater Glasgow Passenger Transport Order 1975".

- (12) If by reason or in consequence of the execution or failure of any of the authorised works or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity, gas or water, as the case

may be, by the undertakers shall be caused, the Executive shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, or restoring the supply, and shall—

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—cont.

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Executive with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or other agents;

(ii) the undertakers shall give to the Executive reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Executive.

(13) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 10 (Temporary stoppage of streets) of this Order, the undertakers shall be at liberty at all times to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable them to inspect, repair, maintain, renew, remove or use any apparatus which at the time of the stopping up or diversion was in that street.

(14) (a) Any difference which may arise between the Executive and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration;

(b) In settling any difference under this section the arbiter may, if he thinks fit, require the Executive to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

26. For the protection of the Post Office, the following provisions shall, unless otherwise agreed in writing between the Executive and the Post Office, apply and have effect:— For protection of Post Office.

(1) The provisions of section 107 of the Glasgow Corporation Consolidation (Water, Transport and Markets) Order 1964 shall apply for the purposes of Works Nos. 7, 8, 9 and 10 authorised by this Order as it applies in relation to the subway.

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1878 c. 76.

(2) Notwithstanding anything in this Order or shown on the deposited plans, the Executive shall not, except as otherwise provided in this section or by section 7 of the Telegraph Act 1878—

(a) acquire any telegraphic line otherwise than by agreement;

(b) remove any telegraphic line situated in, under or over any land acquired, used or appropriated, or in which any interest is acquired, under the powers of this Order; or

(c) extinguish any right of the Post Office to use, maintain, repair, renew or inspect any telegraphic line in such aforementioned land.

(3) (a) Where in pursuance of section 8 (Further works and powers) of this Order the Executive stop up and discontinue any part of any street the following provisions of this paragraph shall, unless otherwise agreed in writing between the Executive and the Post Office, have effect in relation to so much of any telegraphic line as is in the land which by reason of the stopping up ceases to be a part of a street (in this paragraph referred to as “the affected line”), that is to say:—

(i) The power of the Post Office to remove the affected line shall be exercisable notwithstanding the stopping up 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 sub-paragraph (b) of this paragraph unless, before the expiration of that period, the Post Office has given notice to the Executive of its intention to remove the affected line, or that part thereof, as the case may be;

(ii) The Post Office may, by notice in that behalf to the Executive, 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, the Post Office has removed it or given notice of its intention to remove it;

(iii) The Post Office shall be entitled to recover from the Executive 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 the Post Office may reasonably require;

(iv) Where under this sub-paragraph the Post Office has abandoned the whole or any part of the affected line, it shall vest in the Executive and the provisions of the Telegraph Acts 1863 to 1916 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof;

- (b) As soon as practicable after any portion of a street has been stopped up under the powers referred to in sub-paragraph (a) of this paragraph, the Executive shall send by post to the Post Office a notice informing it of such stopping up.
- (4) The exercise of the powers conferred by section 10 (Temporary stoppage of streets) of this Order in relation to a street shall not affect the powers of the Post Office under the Telegraph Acts 1863 to 1916 to place, maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that street for any of those purposes.
- (5) The Executive shall so far as is reasonably practicable so exercise the powers conferred by section 11 (Underpinning) of this Order as not to obstruct or render less convenient the access to any telegraphic line belonging to or used by the Post Office.
- (6) If by reason or in consequence of the construction, maintenance or failure of any of the authorised works or by subsidence resulting from any of those works any damage to any telegraphic line belonging to or used by the Post Office (other than a line the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or any property of the Post Office or any interruption in telecommunication by means of any such line or property shall be caused the Executive shall bear and pay the cost reasonably incurred by the Post Office in making good such damage, or restoring telecommunication and shall—
- (a) make reasonable compensation to the Post Office for loss sustained by it; and
  - (b) indemnify the Post Office against claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from, or incurred by, the Post Office;
- by reason or in consequence of any such damage or interruption:
- Provided that—
- (i) nothing in this subsection shall impose any liability on the Executive with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the Post Office, its officers, servants, contractors or other agents;
  - (ii) the Post Office shall give to the Executive reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Executive.
- (7) Any difference which may arise from time to time under the provisions of this section (other than a difference as to the meaning or construction of this section) between the Executive and the Post Office shall be determined by arbitration.

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—cont.

For protection  
of public  
sewers.

27. For the protection of the sewers of the regional council the following provisions shall, unless otherwise agreed in writing between the Executive and the regional council, apply and have effect:—

- (1) The Executive shall not commence the specified works until they shall have given to the regional council twenty-eight days' previous notice in writing of their intention to commence the same together with plans as described in paragraph (6) of this section (in this section referred to as "the said plans") for their reasonable approval:

Provided that if, within twenty-eight days after the submission of the said plans, the regional council have not approved or disapproved them, they shall be deemed to have approved the said plans.

- (2) The Executive shall comply with and conform to all reasonable orders, directions and regulations of the regional council in the execution of the said works and shall provide new, altered or substituted works in such manner as the regional council shall reasonably require for the proper protection of, and for preventing injury or impediment to, any such sewer by reason of the specified works and shall indemnify the regional council against all expenses to be occasioned thereby.
- (3) All such new, altered or substituted works shall, where so required by the regional council, be done by or under the direction, superintendence and control of an officer of the regional council duly appointed for the purpose at the cost of the Executive and all costs, charges and expenses to which the regional council may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the regional council by the Executive.
- (4) Where any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the cost of the Executive under the provisions of this section the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the regional council as any sewers or works now or hereafter may be.
- (5) The regional council may require the Executive in constructing the specified works to make any reasonable deviation within the limits of deviation from the line or levels shown upon the said plans for the purpose of avoiding injury or risk of injury to their sewers and the Executive shall in constructing such works deviate accordingly.
- (6) The plans to be submitted to the regional council for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, the

specified works are proposed to be constructed and shall accurately describe the position of all sewers of the regional council within the limits of deviation (for which purpose the regional council shall allow the Executive access to plans in their possession and to any of their sewers in order to enable the Executive to obtain reliable information) and shall comprise detailed drawings of every alteration which the Executive may propose to make in any such sewer.

- (7) The regional council may require such modifications to be made in the said plans as may be reasonably necessary to secure the main drainage system of the city against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers.
- (8) The Executive shall be liable to make good, or, if the regional council so decide, to bear any expense incurred by the regional council in making good, all injury or damage caused by or resulting from the construction of the specified works to any sewers, drains or works vested in the regional council.
- (9) If the Executive in the construction of the specified works or any new, altered or substituted works or any work of defence connected therewith provided in accordance with this section damage or, without the consent of the regional council, alter or in any way interfere with any existing sewer of the regional council the Executive shall—
  - (a) repay to the regional council any additional expense which may reasonably be incurred by the regional council in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and
  - (b) give to the regional council full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof.
- (10) It shall be lawful for an officer of the regional council duly appointed for the purpose at any reasonable time, on giving to the Executive such notice as may in the circumstances be reasonable, to enter upon and inspect the specified works or any other works constructed under the powers of this section.
- (11) The approval by the regional council of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Executive from any liability or affect any claim for damages under this section or otherwise.
- (12) The approval of the regional council under this section shall be in writing and shall not be unreasonably withheld.
- (13) Any difference arising between the Executive and the regional council under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

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- (14) In this section the expression “the specified works” means any part of the authorised works which will or may be situated within 15 metres measured in any direction of any sewer of the regional council.

As to  
highways, traffic,  
etc.

28. For the protection of the regional council and the district council the following provisions shall, unless otherwise agreed in writing between the Executive and the regional council or the district council, as the case may be, apply and have effect:—

1972 c. 20.

- (1) In this section “highway” means a road as defined by section 196 of the Road Traffic Act 1972.
- (2) The Executive shall not without the consent of the regional council construct any part of the authorised works which will be within 8 metres of the surface of any highway except in accordance with plans and sections submitted to and approved by the regional council:

Provided that if within twenty-eight days after such plans and sections have been submitted the regional council have not approved or disapproved them they shall be deemed to have approved the plans and sections as submitted.

- (3) In the construction of any part of the authorised works under a highway no part thereof shall, except with the consent of the regional council, be so constructed as to interfere with the provision of proper means of drainage of the surface of the highway or be nearer than 0·8 metres to the surface of the highway.
- (4) Before commencing to construct any part of the authorised works which will involve interference with a highway or the traffic in any highway or before temporarily stopping up any highway the Executive shall consult the regional council as to the time when such part shall be commenced, and as to the extent of the surface of the highway which it may be reasonably necessary for the Executive to occupy or the nature of the interference which may be caused to the said traffic in the construction of such part or (as the case may be) as to the time during which and the extent at which such highway shall be stopped up, and as to the conditions under which such part shall be constructed or (as the case may be) such highway shall be stopped up, so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Executive or (as the case may be) such highway shall not be stopped up and the said interference with traffic shall not be caused except at such time, to such extent, and in accordance with such conditions as may be agreed between the Executive and the regional council or determined by arbitration.
- (5) At least fourteen days before commencing to make any hole from the surface of any part of any highway the Executive shall serve notice in writing on the regional council of their intention to commence the same and such



notice shall describe the place or places at which such holes are intended to be made and if within fourteen days after the receipt of such notice any objection is made by the regional council the matter shall (unless otherwise agreed) be determined by arbitration before the making of the hole is commenced but if no such objection is made the making of the hole may be proceeded with.

- (6) Except with the consent of the regional council the Executive shall not open or make any permanent openings or any ventilators, air-shafts or other similar openings in, or erect or construct any structure or erection above, the surface of the carriageway or footway of any highway, and in constructing, maintaining and operating the said ventilators, air-shafts or other similar openings the Executive shall take all steps which are reasonably practicable to avoid causing a nuisance.
- (7) The Executive shall secure that so much of the authorised works as is constructed under or so as to affect any highway shall be designed, constructed and maintained so as to carry the appropriate loading recommended, at the time of construction of such works, by the Secretary of State for highway bridges and the Executive shall indemnify the regional council against and make good to the regional council all expenses which the regional council may reasonably incur or be put to in the maintenance or repair of any highway or any tunnels, sewers, drains or apparatus therein by reason of any non-compliance by the Executive with the provisions of this paragraph.
- (8) It shall be lawful for the engineer or surveyor or other officer of the regional council duly appointed for the purpose at all reasonable times, on giving to the Executive such notice as may in the circumstances be reasonable, to enter upon and inspect any part of the authorised works which is in or under any highway, or which may affect any highway or any property or work of the regional council, during the execution thereof and the Executive shall give to such engineer or surveyor or officer all reasonable facilities for such inspection and if he shall be of opinion that the construction of such works is attended with danger to any highway or to any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the regional council on or under any highway the Executive shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto.
- (9) The Executive shall not alter, disturb, or in any way interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the regional council or the district council on or under any

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- highway or the access thereto without the consent of the regional council or the district council, as the case may be, and any alteration, diversion, replacement or reconstruction of any such sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work as aforesaid which may be necessary shall be made by the regional council or the district council, as the case may be, or the Executive as the regional council or the district council, as the case may be, shall think fit and any costs, charges and expenses reasonably incurred by the regional council or the district council, as the case may be, in so doing shall be repaid to the regional council or the district council, as the case may be, by the Executive.
- (10) The Executive shall not remove any soil or material from any highway except such as must be excavated in the carrying out of the authorised works.
- (11) If the regional council, after giving to the Executive not less than twenty-eight days' notice (or, in case of emergency, such other notice as is reasonably practicable) of their intention to do so, incur any extra expense in the repair of any highway by reason of the diversion of traffic from any road or in the signposting of traffic diversions including provision where necessary of traffic signals in consequence of the construction of the authorised works the Executive shall repay to the regional council the amount of any such expense reasonably so incurred.
- (12) The Executive shall not, except with the consent of the regional council, deposit any soil, subsoil or materials or stand any vehicle or plant on any highways so as to obstruct or render less safe the use of such highway by any person or except with the like consent deposit any soil, subsoil or materials on any such highway except within a hoarding.
- (13) All reasonable costs, charges and expenses incurred by the regional council in removing any soil, subsoil or materials deposited on any highway in contravention of this section shall be repaid by the Executive to the regional council.
- (14) The Executive shall, if reasonably so required by the regional council provide and maintain to the reasonable satisfaction of the regional council, during such time as the Executive may occupy any part of a highway for the purpose of the construction of any part of the authorised works temporary bridges and temporary ramps for vehicular traffic or pedestrian traffic, or both, over any part of the authorised works or in such other position as may be necessary to prevent interference with the flow of traffic in any highway.
- (15) Where any part of any highway shall have been temporarily broken up or disturbed by the Executive, the Executive shall make good the subsoil, foundations and surface of such part of the highway to the reasonable satisfaction of the

regional council and maintain the highway in a condition satisfactory to the regional council's director of roads until permanent reinstatement is carried out:

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Provided that the reinstatement of such part of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the regional council as soon as reasonably practicable after the completion of the temporary reinstatement and the reasonable costs, charges and expenses incurred by the regional council in so doing shall be repaid by the Executive to the regional council.

- (16) The Executive shall make compensation to the regional council or the district council, as the case may be, for any subsidence of or damage to any highway or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the regional council or the district council, as the case may be, on or under any highway or repairable by them which may be caused by or in consequence of any act or default of the Executive, their contractors, servants or agents and whether such damage or subsidence shall happen during the construction of the authorised works or at any time thereafter.
- (17) As soon as reasonably practicable after the completion of any part of the authorised works the Executive shall furnish the regional council with a plan and section showing the position and level of such part of the works as constructed.
- (18) The regional council may require that the authorised works so far as they involve any serious interference with the movement of traffic in any highway, shall be carried on, so far as reasonably practicable, continuously day and night and the Executive shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference.
- (19) The Executive shall, if it is reasonably practicable to do so, permit the regional council without charge to connect any means of access to and from any lands in which the regional council have an interest to any subway of the Executive to which the public have free access during the operation of the underground and the Executive shall permit the use without charge of the subway by the regional council and any persons desiring access to or egress from the said lands:

Provided that any works to be constructed under the provisions of this paragraph shall be constructed at the expense of the regional council and in such position and in such manner as the Executive shall reasonably approve.

- (20) Wherever in this section provision is made with respect to the approval or consent of the regional council or the district

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council, as the case may be, such approval or consent shall be in writing and shall not be unreasonably withheld.

- (21) Any difference arising between the Executive and the regional council or the district council, as the case may be, under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

For protection of district council and amenities of the district.

29. For the protection of the district council, the following provisions shall, unless otherwise agreed in writing between the Executive and the district council, apply and have effect:—

- (1) Before undertaking any of the authorised works the Executive shall—

(a) consult the district council with regard to their programme for the construction of the authorised works so as to secure, so far as may be reasonably practicable, that the duration of any disturbance occasioned by or in connection with such construction shall be reduced to a minimum;

(b) consult the district council with regard to the lands to be occupied and used by the Executive as temporary working sites for the purpose of constructing the authorised works and any such consultation shall include consultation as to the period for which and the manner in which each site shall be used and the steps to be taken by the Executive to mitigate injury to amenity.

- (2) The Executive shall comply with the reasonable requirements of the district council as to their manner of working with a view to the prevention of nuisance from noise, dust, fumes and other like causes and the avoidance of night working so far as is reasonably practicable.

- (3) Without prejudice to anything in the Town and Country Planning (Scotland) Act 1972 the Executive shall submit to the district council for their approval particulars of the routes in the district to be used by vehicles, machinery and plant passing to or from any part of the authorised works under construction outside the limits of deviation and of the proposed manner and method of disposing of any spoil or waste material resulting from the carrying out of any operation in connection with such works in so far as such disposal applies to a site within the district and no such spoil or waste material shall be disposed of otherwise than in such manner and method as shall be described in particulars approved by the district council as aforesaid or, if such approval be withheld, as may be determined by the Secretary of State for the Environment:

Provided that if within twenty-eight days after the submission to them of particulars under this sub-paragraph the district council do not signify to the Executive their approval or disapproval thereof they shall be deemed to have approved thereof.

- (4) The Executive shall, if it is reasonably practicable to do so, permit the district council without charge to connect any means of access to and from any lands in which the district council have an interest to any subway of the Executive to which the public have free access during the operation of the underground and the Executive shall permit the use without charge of the subway by the district council and any persons desiring access to or egress from the said lands:

Provided that any works to be constructed under the provisions of this paragraph shall be constructed at the expense of the district council and in such position and in such manner as the Executive shall reasonably approve.

- (5) Within three months after the completion of any of the authorised works, or such longer period as the district council may agree, the Executive shall remove or, to the reasonable satisfaction of the district council, demolish or otherwise dispose of all temporary buildings and structures erected at, above or immediately below surface level for the purposes of, or in connection with, the construction of that work and shall remove all surplus materials, plant, machinery and appliances provided or approved in connection therewith and shall, so far as is reasonably practicable, to the like satisfaction restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of, or in connection with, that work.
- (6) (a) The Executive shall carefully preserve and remove all objects of geological or antiquarian interest discovered by them in the execution of the authorised works and, subject to the rights of the Crown and except so far as the same may be proved to be the property of any other person any such objects discovered shall be deposited with the district council as the property of the district council;
- (b) The Executive shall afford to any duly authorised officer of the district council or the regional council reasonable facilities to inspect any objects discovered by them in the execution of the authorised works.
- (7) Wherever in this section provision is made with respect to the approval of the district council, such approval shall be in writing and shall not be unreasonably withheld.
- (8) Except as provided in paragraph (3) of this section any difference arising between the Executive and the district council under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

30. For the protection of the British Railways Board (hereafter in this section referred to as "the Board") the following provisions shall, unless otherwise agreed in writing between the Executive and the Board, apply and have effect:—

For protection  
of the British  
Railways Board.

**PART IV**  
—cont.

## (1) In this section—

“ railway property ” means any railway of the Board 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 for the purposes of such railway or works;

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

“ construction ” includes reconstruction and for the purposes of paragraphs (8), (11) and (13) of this section includes maintenance and repair of the works;

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

“ plans ” includes sections, drawings and particulars.

- (2) The Executive shall not under the powers of this Order acquire compulsorily any property of the Board but they may in accordance with the provisions of section 18 (Power to acquire servitudes compulsorily in certain cases) of this Order acquire such servitudes and rights as they may reasonably require for the purposes of the works in any such property delineated on the deposited plans.
- (3) The Executive shall, before commencing the works, 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 determined 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.
- (4) If within twenty-eight days after such plans have been furnished to the Board the Board shall give notice to the Executive 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 and the safe operation of the railways of the Board, then if the Executive desire such part of the works to be constructed the Board shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Executive in accordance with the plans approved or deemed to be approved or determined as aforesaid (hereafter in this section referred to as “ the approved plans ”).
- (5) Upon signifying his approval or disapproval of the 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 dispatch and the Executive shall not commence the construction of the works until the engineer shall have notified the Executive that the protective works have been completed.

- (6) The Executive shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works and also, except in emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the works in so far as such works of repair or maintenance affect or interfere with railway property.
- (7) The works shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans 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 as little interference as may be with the conduct of traffic on the railways of the Board and the use by passengers of railway property, and if any damage to railway property or any such interference shall be caused by the carrying out of the works the Executive shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the Board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage or interference:  
Provided that nothing in this paragraph shall impose any liability on the Executive with respect to any damage, costs, expenses or loss which is attributable to the act, neglect or default of the Board or their servants, contractors or agents.
- (8) The Executive 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.
- (9) The Board shall at all times afford reasonable facilities to the Executive and their agents for access to any works carried out by the Board under this section during their construction and shall supply the Executive with such information as they may reasonably require with regard to such works or the method of construction thereof.
- (10) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the works or during a period of twelve months after the completion thereof 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 Executive and the Executive shall pay to the Board on demand the cost thereof as certified by the engineer including, in respect of permanent alterations and additions, a capitalised

**PART IV**  
—cont.

sum representing the increased or additional cost of maintaining, working and, when necessary, renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving may be set off against any sum payable by the Executive to the Board under this section.

- (11) The Executive 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 Executive as provided by paragraph (4) of this section or in constructing any protective works under the provisions of paragraph (5) of this section including, in respect of any permanent protective works, a capitalised sum representing the cost to the Board of maintaining and renewing such works;

(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 reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the works;

(c) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed and which may be due to the construction or failure of the works 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 during and by reason of the construction or failure of the works;

(e) in respect of the supervision by the engineer of the construction of the works.

- (12) Any additional expense which the Board shall reasonably incur after giving twenty-eight days' notice to the Executive in altering, reconstructing or maintaining railway property in pursuance of any powers existing at the commencement of this Order by reason of the existence of the works shall be repaid by the Executive to the Board.

- (13) The Executive 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 construction of the works or the failure thereof; or



(b) by reason of any act or omission of the Executive or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the works;

PART IV  
—cont.

and the Executive shall effectively indemnify and hold harmless the Board from and against all claims and demands arising out of or in connection with the construction of 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 Executive, or in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the Board or of any person in their employ or of their contractors or agents whilst engaged upon the construction of the works) excuse the Executive from any liability under the provisions of this section:

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

- (14) Before undertaking any blasting operation in connection with the works which might affect the stability of any railway of the Board or the safety of the traffic thereon the Executive shall consult the Board and comply with any reasonable requirements of the Board with regard thereto without expense to the Board.
- (15) As soon as reasonably practicable after the completion of any part of the authorised works the Executive will furnish the Board with a plan and section showing the position and level of such part of the works as constructed.
- (16) Any difference arising between the Executive and the Board under this section shall be determined by arbitration.

#### PART V

##### MISCELLANEOUS AND GENERAL

31. Where under this Order any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) is to be determined by arbitration, then, unless otherwise provided, the difference shall be referred to, and settled by, a single arbiter to be agreed between the parties or, failing agreement, to be appointed on the application of any party (after notice in writing to the other) by the President of the Institution of Civil Engineers. Arbitration.

32. Nothing in this Order shall affect the operation of the Control of Pollution Act 1974.

Saving for  
Control of  
Pollution Act  
1974.  
1974 c. 40.

33.—(1) Section 274 of the Town and Country Planning (Scotland) Act 1972 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred

Saving for Town  
and Country  
Planning  
(Scotland)  
Act 1972.  
1972 c. 52.

PART V  
—cont.

1972 c. 52.

in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session of Parliament held during the regnal years 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Order as if it had been passed during that session; and accordingly the Town and Country Planning (Scotland) Act 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Order.

(2) In their application to development authorised by this Act, article 3 of, and Class X in Schedule 1 to, the Town and Country Planning (General Development) (Scotland) Order 1975 (which permit development authorised by any local or private Act or by any other order approved by both Houses of Parliament, being an Act or order designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Order were limited to development begun within ten years after the commencement of this Order.

(3) In this section the reference to article 3 and Class X in Schedule 1 to the Town and Country Planning (General Development) (Scotland) Order 1975 includes a reference to corresponding provisions of any general order superseding that order made under section 21 of the Town and Country Planning (Scotland) Act 1972 or any corresponding provisions of an Act repealing that section.

Costs of Order

34. 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 Executive and may in whole or in part be defrayed out of revenue.

SCHEDULES

SCHEDULE 1

Sections  
9 and 10.

Street (1)	Marking (2)
In the district—	
Ashton Lane .. .. .	X, Z.
Broomloan Road .. .. .	X, Z.
Buchanan Street .. .. .	X, Y, Z.
Byres Road .. .. .	X, Z.
Cessnock Street .. .. .	X, Y, Z.
Coburg Street .. .. .	X, Z.
Copland Road .. .. .	X, Z.
Cornwall Street .. .. .	X, Z.
Cowcaddens Street .. .. .	X, Y, Z.
Cresswell Lane .. .. .	X, Z.
Dalcross Pass .. .. .	X, Z.
Dalcross Street .. .. .	X, Z.
Dumbarton Road .. .. .	X, Z.
Dundas Lane .. .. .	X, Z.
Dundas Place .. .. .	X, Z.
Dundas Street .. .. .	X, Y, Z.
Eglington Street .. .. .	X, Z.
Govan Road .. .. .	X, Z.
Great George Lane .. .. .	X, Z.
Great George Street .. .. .	X, Z.
Great Western Road .. .. .	X, Y, Z.
Greenhaugh Street .. .. .	X, Z.
Herbertson Street .. .. .	X, Z.
Howard Street .. .. .	X, Z.
Maryhill Road .. .. .	X, Z.
Merkland Street .. .. .	X, Z.
Neptune Street .. .. .	X, Z.
New City Road .. .. .	X, Z.
North Drive .. .. .	X, Z.
Orkney Place .. .. .	X, Z.
Orkney Street .. .. .	X, Z.
Russell Street .. .. .	X, Z.
St. Enoch Place .. .. .	X, Z.
St. Enoch Square .. .. .	X, Y, Z.
St. George's Cross .. .. .	X, Z.
St. George's Place .. .. .	X, Z.
St. George's Road .. .. .	X, Z.
Scotland Street .. .. .	X, Z.
South Woodside Road .. .. .	X, Y, Z.
Summerton Road .. .. .	X, Z.
Vicarfield Street .. .. .	X, Z.
Walmer Crescent .. .. .	X, Z.
West Street .. .. .	X, Z.
West George Street .. .. .	X, Z.
Woodville Street .. .. .	X, Z.
Unnamed street west of Weir Street joining Scotland Street .. .. .	X, Z.
Unnamed street intersecting with Great Western Road .. .. .	X, Z.
Unnamed street south of Middleton Street .. .. .	X, Z.

## Section 13.

## SCHEDULE 2

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 13 (POWER TO ACQUIRE  
LANDS) OF THIS ORDER

Purposes for which lands may be acquired or used (1)	No. on deposited plans (2)
For the reconstruction, alteration and improvement of—	
(a) Buchanan Street Station ...	1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 14, 17, 18, 19, 20 and 21.
(b) St. Enoch Station ...	22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33.
(c) Bridge Street Station ...	34, 35, 37 and 40.
(d) West Street Station ...	41, 42 and 45.
(e) Shields Road Station ...	47, 48 and 49.
(f) Kinning Park Station ...	51.
(g) Cessnock Station ...	54, 55, 56 and 57.
(h) Copland Road Station...	61, 62, 63, 65, 66, 67, 68, 69 and 70.
(i) Broomloan Road Depot and Govan Cross Station	71, 73, 76, 77, 78, 80, 83, 85, 87, 88, 89, 92 and 94.
(j) Merkland Street Station ...	95, 97, 100, 101 and 102.
(k) Partick Cross Station ...	105, 106 and 108.
(l) Hillhead Station ...	110, 111, 112, 114, 115, 117, 118, 119, 121, 122, 123, 124 and 125.
(m) Kelvinbridge Station ...	127, 128, 129, 130, 131, 132 and 134.
(n) St. George's Cross Station ...	136, 138 and 140.
(o) Cowcaddens Station ...	145 and 147.

## Section 17.

## SCHEDULE 3

LANDS WHEREOF PORTIONS ONLY MAY BE TAKEN COMPULSORILY

Area	No. on deposited plans
The district ...	1 to 4, 7 to 11, 13, 14, 17 to 21, 24 to 33, 35, 37, 40, 41, 45, 48, 49, 51, 54 to 57, 61 to 63, 65 to 71, 73, 77, 78, 83, 85, 87 to 89, 92, 94, 95, 97, 100 to 102, 105, 106, 108, 110 to 112, 114, 117 to 119, 121 to 125, 127 to 132, 134, 138, 140, 145 and 147.

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