# Forth Road Bridge Order Confirmation Act, 1958

6 & 7 ELIZ. 2 Ch. vi

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# CHAPTER vi

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the Forth Road Bridge. [20th February 1958.]

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 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 Confirmation annexed is hereby confirmed.

  of Order in schedule.
- 2. This Act may be cited as the Forth Road Bridge Order Short title. Confirmation Act 1958.

# SCHEDULE

## FORTH ROAD BRIDGE

Provisional Order to authorise the Forth Road Bridge Joint Board to acquire additional lands and to construct further works to repeal the provisions of the Forth Road Bridge Orders 1947 to 1954 relative to the financing of the undertaking of the said board and to enact new provisions with respect thereto and for other purposes.

Whereas by the Forth Road Bridge Order 1947 the Forth Road Bridge Joint Board (hereinafter respectively referred to as "the Order of 1947" and "the Joint Board") was established and was authorised to construct a bridge over the Firth of Forth and relative works and to acquire lands for such purposes:

And whereas further powers were conferred on the Joint Board by the Forth Road Bridge Order 1950 and by the Forth Road Bridge Order 1954:

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

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

Purchase of lands minerals and permanent rights ... £22,000 For the construction of Works Nos. 15 and 16 ... £195,000

And whereas discussions have taken place between the Secretary of State and the Joint Board regarding the financing of the construction of the bridge and works authorised by the Forth Road Bridge Orders 1947 to 1954 and by this Order and of the undertaking of the Joint Board and agreement has been reached between the Secretary of State and the Joint Board as to the arrangements to be made therefor:

And whereas in pursuance of the said arrangements a payment of £500,000 (subject to the deductions in this Order mentioned) is to be made in agreed proportions by the constituent authorities of the Joint Board towards the capital cost of constructing the said bridge and works and the balance of the said cost is to be met (subject to provision by Parliament of the necessary funds) to the extent of £4,650,000 by grant made by the Secretary of State with the approval of the Treasury and as to the remainder by borrowing by the Joint Board from the Secretary of State such loan being interest free until the date of the opening of the said bridge for traffic and thereafter the rate of interest being such as may be fixed in accordance with the provisions of this Order:

And whereas the terms of the said arrangements including the arrangements for the repayment of the said loan are set forth in the Second Schedule to this Order:

And whereas it is expedient that effect should be given to the said arrangements and that for this purpose the provisions contained in this Order relative to the financing of the undertaking of the Joint Board and as to the tolls to be charged for the use of the said bridge should be enacted:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and plans of the additional lands to be acquired under this Order with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order have been deposited with the sheriff clerks of the counties of Fife and West Lothian and such plans sections and book of reference are in this Order respectively referred to as "the deposited plans sections and book of reference":

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

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

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

# PART I PRELIMINARY

- 1.—(1) This Order may be cited as the Forth Road Bridge Short and collective titles.
- (2) This Order shall be construed as one with the Forth Road Bridge Orders 1947 to 1954 and the Forth Road Bridge Orders 1947 to 1954 and this Order may be cited together as the Forth Road Bridge Orders 1947 to 1958.
  - 2. In this Order unless the context otherwise requires—

Interpretation.

- (a) the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Order shall subject to the provisions of this Order have the same respective meanings;
- (b) words and expressions to which meanings are assigned by the Forth Road Bridge Order 1947 (in this Order referred to as "the Order of 1947") shall have the same respective meanings:

Provided that references therein to the tolls authorised by that Order shall be deemed to be references to the tolls authorised by this Order:

Provided further that the reference to the Town and Country Planning (Scotland) Act 1945 in the definition of the Lands Clauses Acts in section 4 (Interpretation) of the Order of 1947 shall be deemed to be a reference to Part IV of the Town and Country Planning (Scotland) Act 1947 as amended by the Town and Country Planning Act 1953; and

PART I —cont.

(c) the expressions "Act of 1947" means the Local Government (Scotland) Act 1947 "opening of the bridge" means the date of the opening of the bridge for traffic and "Orders of 1947 and 1950" means the Order of 1947 and the Forth Road Bridge Order 1950.

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):—
  - The Lands Clauses Acts (except sections 84 and 120 to 124 of the Lands Clauses Consolidation (Scotland) Act 1845);
  - Sections 6 and 16 of the Railways Clauses Consolidation (Scotland) Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof the crossing of roads or other interference therewith and with respect to mines lying under or near the railway.
- (2) In construing for the purposes of this Order the enactments incorporated with this Order—
  - (a) this Order shall be deemed to be the special Act;
  - (b) the Joint Board shall be deemed to be the promoters of the undertaking or the company;
  - (c) the works authorised by this Order shall be deemed to be the works or the undertaking or the railway; and
  - (d) any part of the works authorised by this Order shall be deemed to be the centre of the railway;

all as the case may require.

#### PART II

#### LANDS

Power to acquire further lands.

- 4. Subject to the provisions of this Order the Joint Board may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require—
  - (a) for the purposes of the works authorised by this Order;
  - (b) for the purposes of the works authorised by the Orders of 1947 and 1950 and for purposes connected with or ancillary to the said works.

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

5. Whereas in the construction of the works authorised by this Order or otherwise in exercise of the powers of this Order it may happen that portions only of the lands and properties shown or partly shown on the deposited plans and described or referred to in the First Schedule to this Order may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested

in the said lands and properties and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the official arbiter or other authority to be appointed under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Joint Board the portions only of the said properties so required without the Joint Board being obliged to purchase the whole or any greater portion thereof the Joint Board paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

PART II --cont.

- 6. The powers of the Joint Board under this Order for the com- Period for pulsory purchase of lands for the purposes of this Order shall cease compulsory on the thirty-first day of December one thousand nine hundred and purchase fifty-nine.
- 7. The following provisions of the Order of 1947 shall extend and Application of apply with respect to the acquisition by the Joint Board of the lands provisions of which the Joint Board are by this Order authorised to enter upon Order of 1947 take and use to the same extent as if the said provisions were with of lands. all necessary modifications re-enacted in this Order (that is to say): -

- Section 48 (Persons under disability may grant servitudes &c.);
- Section 49 (Extinction of private rights of way over lands compulsorily acquired);
- Section 50 (Power to enter upon lands and buildings for survey and valuation);
- Section 51 (Power of entry on lands compulsorily acquired);
- Section 52 (Benefits to be set off against compensation);
- Section 55 (Agreements with owners of property);
- Section 56 (Power to reinstate owners of property);
- Section 59 (Power to retain sell &c. lands).
- 8.—(1) In determining any question of disputed compensation or Disregard of purchase money in respect of land acquired under this Order the recent tribunal shall not take into account-

improvements and interests.

- (a) any improvement or alteration made or building erected after the twentieth day of March one thousand nine hundred and fifty-seven; or
- (b) any interest in the land created after the said date;

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

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

PART II

--cont.

Correction
of errors in
deposited plans
and book of
reference.

- 9.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Joint Board after giving ten days' notice to the owner lessee and occupier of the land in question may apply to the sheriff of the county in which such land is situated for the correction thereof.
- (2) If on any such application it appears to the sheriff that the omission misstatement or wrong description arose from mistake the sheriff shall certify the fact accordingly and shall in his certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.
- (3) Any such certificate shall be deposited with the sheriff-clerk of such county and a duplicate thereof with the town clerk of the burgh or with the clerk of the district council of the district as the case may be in which the land to which the certificate relates is situated and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Joint Board to take the land and execute the works authorised by this Order in accordance with the certificate.
- (4) Any certificate and duplicate thereof deposited under this section with any person shall be kept by him with the other documents to which the same relate.

For protection of British Transport Commission.

- 10. For protection of the British Transport Commission (in this section referred to as "the Commission") the following provisions shall unless otherwise agreed in writing between the Joint Board and the Commission apply and have effect:—
  - (1) The Joint Board shall not acquire any part of the lands shown on the deposited plans and thereon respectively numbered 140 in the parish of Inverkeithing 141 in the burgh and parish of Inverkeithing and 167 in the burgh and parish of Dunfermline which belongs to the Commission and is reasonably required by the Commission for the maintenance of their existing railways and works immediately adjoining the said lands;
    - (2) Any question or difference between the Joint Board and the Commission as to whether or not any part of the said lands is reasonably required for the maintenance of the said railways and works shall be referred to and determined by an arbiter to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

## PART III

#### NEW WORKS

Power to execute works.

11. Subject to the provisions of this Order the Joint Board may make and maintain in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the works hereinafter described

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

PART III -cont.

- Work No. 15 A diversion situated wholly in the County of Fife and parish of Inverkeithing of the Inverkeithing to North Queensferry Road (A.90) commencing at a point on that road 200 yards or thereabouts south of the Labour Exchange and terminating by a junction with that road at a point 70 yards or thereabouts north-west of St. Margaret's Quarry.
- Work No. 16 A diversion of Castlandhill Road (A.823) situated in the burgh of Dunfermline and parish of Dunfermline and in the burgh of Inverkeithing and parish of Inverkeithing in the county of Fife commencing by a junction with Castlandhill Road (A.823) at a point 100 yards or thereabouts north-west of the junction of Castlandhill Road and Dunfermline Wynd and terminating by a junction with Castlandhill Road (A.823) near Seggsburn Cottages.
- 12.—(1) As from the respective dates of the opening for traffic Vesting and of the several works authorised by this Order or of any portion of maintenance the said works the said works or portion thereof opened to traffic of roads. (in this section referred to as "the transferred works") shall cease to form part of the undertaking and subject to the provisions of subsection (5) of this section and to the provisions of section 13 (For protection of Inverkeithing Town Council) of this Order shall in the case of Work No. 15 be transferred to and vested in the Fife County Council and in the case of Work No. 16 the Dunfermline Town Council.

- (2) The date upon which any portion of the transferred works is to be opened for traffic shall be subject to the approval of the Secretary of State.
- (3) (i) As from the date on which any portion of the transferred works situated on embankments not less than twenty-five feet in height has been transferred to the Dunfermline Town Council or the Fife County Council as the case may be until the date of completion of the transferred works aforesaid any expenditure incurred by the Dunfermline Town Council or the Fife County Council as the case may be with the approval of the Joint Board and the Secretary of State on and in connection with the maintenance of any portion of the transferred works aforesaid and the final resurfacing of the roadways comprised therein shall be repaid by the Joint Board to the Dunfermline Town Council or the Fife County Council as the case may be.
- (ii) All such expenditure shall be deemed to be capital expenditure incurred by the Joint Board and shall be defrayed accordingly in the manner provided by this Order.
- (4) All property transferred to and vested in the Dunfermline Town Council and the Fife County Council respectively by virtue of this section shall vest in them without the necessity of recording in the register of sasines any conveyance notice of title notarial instrument

PART III —cont.

or other deed or writing but for the purpose of enabling the Dunfermline Town Council and the Fife County Council respectively to complete a title if thought fit to any property transferred to and vested in them by virtue of this section by expeding a notice of title or notarial instrument or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation (as the case may be) of such property in favour of the Dunfermline Town Council or the Fife County Council as the case may be.

- (5) The expression "the date of completion of the transferred works aforesaid" where used in this section means the date on which the roadways comprised in the transferred works situated on embankments not less than twenty-five feet in height referred to in paragraph (i) of subsection (3) of this section have been finally resurfaced.
- (6) The final resurfacing shall not be carried out until the embankments carrying the said roadways have consolidated and the date of such consolidation and the dates upon which the final resurfacing is to be commenced and is to be deemed to have been completed shall be agreed between the Joint Board and the Dunfermline Town Council or the Fife County Council as the case may be or (failing agreement) shall be determined by the Secretary of State.

For protection of Inverkeithing Town Council.

13. Notwithstanding anything contained in section 12 (Vesting and maintenance of roads) of this Order that portion (if any) of Work No. 16 authorised by this Order which is constructed within the royal burgh of Inverkeithing shall on the opening thereof for traffic be transferred to and vested in the town council of the royal burgh of Inverkeithing and the provisions of subsection (4) of the said section shall extend and apply with respect to any property transferred to and vested in the said Town Council in pursuance of this section as if the said Town Council were referred to in the said subsection (4) and as if such property were transferred to and vested in the said Town Council by virtue of the said section 12.

Power to deviate.

14. In the construction of the works authorised by this Order the Joint Board may deviate laterally from the lines or situations of the works shown on the deposited plans to any extent not exceeding the limits of deviation shown upon those plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding thirty feet upwards and twenty feet downwards.

Application of provisions of Order of 1947 to new works.

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

Section 16 (Subsidiary works);

Section 18 (Power to alter roads &c. temporarily);

Section 19 (Penalty for obstructing works);

Section 20 (Connection of drains &c. with streams &c.);

Section 23 (Vesting and disposal of materials);

Section 33 (Accommodation for workmen &c.):

Section 37 (For further protection of Postmaster-General); Section 39 (For protection of electricity undertakers).

PART III --cont.

- (2) In the application of the foregoing provisions of the Order of 1947 references to "the works" to "the deposited plans" and to "the deposited book of reference" shall be deemed to be references to the works authorised by this Order and to the plans and book of reference respectively deposited with reference to this Order and references to "railway company" shall be deemed to be references to the British Transport Commission.
- 16. If the works are not completed by the thirty-first day of Period for December one thousand nine hundred and sixty-six the powers by this completion Order granted for executing the works or otherwise in relation thereto of works. shall cease except as to so much thereof as is then completed.
- 17.—(1) The Joint Board may subject to the provisions of this Power to stop Order for the purposes of and in connection with the works autho- up roads. rised by the Orders of 1947 and 1950 and by this Order stop up any road or footpath or portion of road or footpath shown upon the deposited plans as intended to be stopped up and shall make compensation to the owners and occupiers of any lands injuriously affected by the exercise of the powers of this section such compensation in case of difference to be determined by an official arbiter under the Acquisition of Land (Assessment of Compensation) Act 1919.
- (2) Notwithstanding anything in this section the Joint Board shall not under the powers of this section stop up any portion of the public road as shown on the deposited plans to be stopped up comprising the property numbered 138 on the deposited plans and 62 on the plans deposited with respect to the Order of 1947 until they have made such suitable alternative provision for access to any property served by such road at the date of the passing of the Act confirming this Order (other than any such property acquired by them under the powers of the Order of 1947) as may be agreed upon between the Joint Board and the proprietors for the time being of such properties or as failing agreement may be determined by an arbiter to be mutually agreed upon between the Joint Board and such proprietors or failing agreement to be appointed on the application of any party by the sheriff of the county of Fife.
- 18.—(1) On the stopping up of any roads or footpaths or portions Vesting of of roads or footpaths under the powers of the immediately pre-solum of roads ceding section of this Order the solum of the roads or footpaths or up etc. portions of roads or footpaths so stopped up shall—

- (a) so far as forming part of the site of the works authorised by the Orders of 1947 and 1950 and by this Order vest in the Joint Board; and
- (b) so far as situated elsewhere vest in the persons whose lands immediately adjoin thereto;

and the solum so vested in the Joint Board or in any such persons shall thereupon be deemed to be freed and discharged from the public use thereof.

PART III —cont.

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

Acquisition etc. of portion of disused railway.

19. Notwithstanding anything in section 41 (For protection of London and North Eastern and Forth Bridge Railway Companies) of the Order of 1947 the Joint Board may acquire so much of that portion of the disused railway of the British Transport Commission which is situated between a point seventy yards or thereabouts north-east of the Labour Exchange on the Inverkeithing to North Queensferry Road (A. 90) and a point five yards or thereabouts north of the tunnel portal near Welldean Quarry as may be required by them for the purpose of constructing Work No. 15 by this Order authorised and for the purpose of constructing Work No. 2 authorised by the Order of 1947 and on the acquisition of the said portion of the said disused railway or any part thereof the said Commission shall be relieved from all obligations to maintain the portion of the said disused railway acquired by the Joint Board and all public rights in and over the said portion of the said railway as such shall cease and be extinguished.

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

- Additional lands may be used for construction of works authorised by Order of 1947.
- 20. The construction of Work No. 8 authorised by the Order of 1947 (for which work the road diversion Work No. 16 authorised by this Order is in substitution) shall not be proceeded with and the powers of the Joint Board in relation to the said Work No. 8 shall cease and determine.

21. Section 13 (Power to execute works) of the Order of 1947 shall apply and have effect in relation to the Works Nos. 2 5 7 and 10 authorised by the Order of 1947 as if the limits of deviation shown on the deposited plans referred to in the Order of 1947 had been extended by the inclusion therein of the lands referred to in paragraph (b) of section 4 (Power to acquire further lands) of this Order and the Joint Board may accordingly make and maintain the said works authorised by the Order of 1947 within the said limits of deviation as so extended.

For protection of Scottish Gas Board.

- 22. The following provisions for the protection of the Scottish Gas Board (hereafter in this section referred to as "the Gas Board") shall unless otherwise agreed in writing between the Joint Board and the Gas Board apply and have effect (that is to say):—
  - (1) In this section—
    - "apparatus" means all mains pipes and other works and apparatus belonging to the Gas Board;
    - "in" includes in a context relating to apparatus under across along and upon;
      - "position" includes depth;
    - "stopped-up road" means any road or any portion of a road in which there is any apparatus and which is stopped up by the Joint Board under the powers of section 17 (Power to stop up roads) of this Order:

(2) The Joint Board shall give to the Gas Board not less than one month's notice in writing of their intention to stop up any of the roads which they are authorised to stop up under the powers of section 17 (Power to stop up roads) of this Order:

PART III —cont.

- (3) (a) Whenever by reason of the exercise or proposed exercise by the Joint Board of the powers conferred on them by this Order it is reasonably necessary for any apparatus in any stopped-up road to be removed or for the use thereof to be discontinued the Gas Board may and if so required by the Joint Board shall in the Gas Board's option either—
  - (i) remove the apparatus and relay or replace it to such extent if any as the Gas Board may deem necessary in any other road or in such position as may be agreed between the Gas Board and the Joint Board; or
  - (ii) discontinue the use of the apparatus and in lieu thereof provide and lay or place in any other road or in such other position as aforesaid other apparatus to such extent as aforesaid; or
  - (iii) proceed partly in one of the foregoing ways and partly in the other:
- (b) Whenever any apparatus in a stopped-up road is rendered derelict useless or unnecessary the Joint Board shall except as provided in the second proviso to paragraph (4) of this section forthwith pay to the Gas Board such a sum as may be agreed between the Joint Board and the Gas Board or as failing agreement between them may be determined by arbitration under the provisions of this section to be the value of the apparatus so rendered derelict useless or unnecessary and such apparatus shall upon such payment become the property of the Joint Board:
- (4) The Joint Board shall repay to the Gas Board the reasonable expenses incurred by the Gas Board of or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (3) of this section and the reasonable cost of and incidental to—
  - (i) the cutting off of any apparatus from any other apparatus; and
  - (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payments) shall so far as applicable extend and apply to any payment to be made by the Joint Board under this paragraph as if the works therein mentioned were undertakers' works within the meaning of subsection (2) of the said section 23 and as if in the said subsection (3) all the words between "existing apparatus was" and "then" were omitted:

PART III ---cont.

Provided further that where other apparatus is provided and laid or placed in lieu of any existing apparatus in accordance with the provisions of paragraph (3) of this section the Joint Board shall not be required to make any payment to the Gas Board for any such existing apparatus which has been rendered derelict useless or unnecessary and such last-mentioned apparatus shall so soon as the new apparatus has been laid become the property of the Joint Board:

- (5) The Gas Board shall not be entitled to any payment under paragraph (4) of this section in respect of any apparatus laid or placed in any stopped-up road after the date of the passing of the Act confirming this Order other than apparatus so laid in replacement of or in substitution for apparatus laid in such road prior to that date:
- (6) Notwithstanding the temporary alteration of stopping up or interference with any road or street or part of any road or street or permanent stopping up of any road or part of a road by the Joint Board under the powers of this Order the Gas Board their engineers or workmen and others in their employment shall at all times have such right of access to all or any apparatus in any such road or street or part thereof as they had immediately before such temporary alteration stopping up or interference or such permanent stopping up thereof and shall be at liberty at all times to execute and do all such works or things in such road or street or part thereof as may be necessary for inspecting repairing maintaining renewing or removing any apparatus:

Provided that this paragraph shall not apply in any case in which any road or part of a road has been permanently stopped up and the apparatus therein has been rendered derelict useless or unnecessary and other apparatus has been laid or placed in lieu thereof in another road or in another

position by or at the cost of the Joint Board:

(7) If at any time after the permanent stopping up of any road or part of a road by the Joint Board under the powers of this Order the Gas Board deem it necessary to remove or to alter the position of any apparatus therein (other than apparatus rendered derelict and becoming the property of the Joint Board under the provisions of sub-paragraph (b) of paragraph (3) of this section) they shall be at liberty to do so and the expenses incurred by them in so doing and otherwise in connection therewith shall be repaid to them by the Joint Board in accordance with the provisions of paragraph (4) of this section:

(8) (a) Any difference which may arise between the Joint Board and the Gas Board under this section shall be referred to and determined by an arbiter to be mutually agreed upon between the Joint Board and the Gas Board or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the

Institution of Civil Engineers:

(b) In settling any difference under this section the arbiter shall have regard to any duties or obligations which the Gas Board may be under in respect of any apparatus and may if he thinks fit require the Joint Board to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART III -cont.

#### PART IV

## **FINANCE**

23. For the purposes of this Part of this Order—

**Definitions** of Order.

- "Councils' contribution towards the initial capital expenditure" of Order means the sum to be paid by the Councils towards the initial capital expenditure in pursuance of section 25 (Councils' contributions towards initial capital expenditure) of this Order and "Council's contribution towards the initial capital expenditure" in relation to any of the Councils means the sum to be paid by that council towards the initial capital expenditure;
- "initial capital expenditure" means the cost of the construction of the works authorised by the Forth Road Bridge Orders 1947 to 1958 and of the acquisition of lands servitudes and other rights in connection therewith together with such sums as may be required to meet the administrative expenses of the Joint Board from the date of the passing of the Act confirming this Order until the twenty-eighth day of May next following the opening of the bridge.
- 24. The general conditions relating to the financial arrangements Confirming with respect to the undertaking and with respect to the execution of financial the works and the payment of the cost thereof as set forth in the arrangements Second Schedule to this Order are hereby confirmed and made undertakings, binding.
- 25.—(1) In addition to any moneys to be paid by the Secretary Councils' of State to the Joint Board the Joint Board shall be entitled to contributions receive from the Councils and the Councils shall an receive and the Councils shall an receive towards receive from the Councils and the Councils shall on requisition as initial capital hereinafter provided pay to the Joint Board towards the initial capi-expenditure. tal expenditure a sum of five hundred thousand pounds under deduction of the amounts paid by the Councils and by the Joint Board in respect of the costs charges and expenses of applying for obtaining and of the confirming of the Forth Road Bridge Orders 1947 to 1958.

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

In the case of—

- (a) the Corporation ... ... sixty-three per centum;
- (b) Fife County Council ... nineteen per centum;

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PART IV ---cont.

- (c) West Lothian County Council three per
  - centum;
- (d) Midlothian County Council ...

three per centum;

(e) Dunfermline Town Council ...

six per centum;

(f) Kirkcaldy Town Council

six per centum.

(3) The Council's contribution towards the initial capital expenditure shall in the case of each of the Councils be deemed to be expenditure payable wholly out of rates and shall be deemed to have been incurred by that Council for the purpose of the construction of a new classified road within the area of that Council.

Requisitions for Councils' contributions towards initial capital expenditure.

- 26.—(1) Subject to the provisions of this Order the Joint Board shall at such times as they deem expedient cause a requisition to be sent to each of the Councils specifying the amount required to be paid by that Council as part of that Council's contribution towards the initial capital expenditure stating the purpose for which the money requisitioned is required and specifying the time at which the money so requisitioned is to be paid.
- (2) The amount specified in any such requisition shall at or before the date for payment specified in the requisition being a date not later than two months after the date of the requisition be paid by the Council concerned to the Joint Board and shall be deemed to be a debt due by that Council to the Joint Board as from the said date.

Power of Councils to borrow.

- 27.—(1) Each of the Councils may from time to time borrow such sums as may be required for the purpose of enabling the Council to make payment to the Joint Board of the Council's contribution towards the initial capital expenditure.
- (2) Subject to the provisions of this Order any sum borrowed by a Council under this section shall be deemed to have been borrowed for the purpose of defraying expenditure payable wholly out of rates incurred by that Council for the purpose of the construction of a new classified road within the area of that Council.

Repayment of moneys borrowed by Councils.

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

Borrowing by Joint Board from Secretary of State. 29. The Joint Board may from time to time borrow from the Secretary of State on the security of the undertaking such sums as may be required by the Joint Board for defraying the initial capital expenditure in so far as such expenditure is not otherwise met.

Temporary borrowing by Joint Board.

30.—(1) The Joint Board may borrow such sums as may be required by the Joint Board to provide temporarily for current expenditure (not being expenditure of a capital nature and not being expenditure comprised in the initial capital expenditure) required to be incurred for the purposes of the undertaking.

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

PART IV ---cont

31.—(1) All money borrowed by the Joint Board from the Secre-Repayment of tary of State in pursuance of section 29 (Borrowing by Joint Board money borrowed from Secretary of State) of this Order shall subject to the pro- under section 29 visions of this section be repaid by them out of the revenues of the Joint Board in accordance with the provisions of section 36 (Application of revenues of undertaking) of this Order within a period of thirty years from the opening of the bridge:

Provided that if at the expiry of the said period of thirty years any portion of the said money is still outstanding an amount equal to the sum so outstanding may be reborrowed by the Joint Board from the Secretary of State for such further period not exceeding thirty years as may be agreed between the Secretary of State and the Joint Board and shall be repaid by the Joint Board in like manner within the said further period.

- (2) The money borrowed by the Joint Board from the Secretary of State shall be interest free until the opening of the bridge and thereafter the rate of interest payable thereon shall be the current rate of interest chargeable at the date or dates of borrowing on loans for a comparable period from the local loans fund to local authorities on the security of local rates or such other rate as the Secretary of State may with the consent of the Treasury determine.
- 32. The financial year of the Joint Board shall be the year com-Financial year mencing on the twenty-ninth day of May and ending on the twenty- of Joint Board. eighth day of May in the year immediately following.
- 33.—(1) The Joint Board shall establish and administer a fund General fund. (to be called "the general fund") and all money received by the Joint Board whether on capital or revenue account including (but without prejudice to the generality of this provision) interest and other annual proceeds from time to time received by the Joint Board on the investments or balances forming part of any funds established by them shall be credited to and form part of the general fund.
- (2) All moneys standing to the credit of the general fund established and maintained under the provisions of section 81 (General fund) of the Order of 1947 at the date of the passing of the Act confirming this Order shall be transferred to and form part of the general fund.
- (3) All interest on moneys borrowed and other payments whether on capital or revenue account made and incurred by the Joint Board in carrying into execution the powers and provisions of the Forth Road Bridge Orders 1947 to 1958 (including all sums required by law to be paid applied or transferred or which the Joint Board may determine to pay apply or transfer to any funds established by them) shall be paid or transferred out of the general fund.
- (4) Nothing in this section shall authorise the Joint Board to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

PART IV
—cont.
General
reserve fund.

34.—(1) The Joint Board may establish and maintain a fund (to be called "the general reserve fund") to which there shall be transferred out of the general fund such sums as the Joint Board may with the consent of the Secretary of State from time to time determine:

Provided that the amount standing to the credit of the general reserve fund shall not exceed one million five hundred thousand pounds or such other amount as may be agreed between the Joint Board and the Secretary of State.

- (2) The general reserve fund shall be applicable to meet—
  - (a) the cost of major works of improvement or renewal of the undertaking; and
  - (b) after the expiry of the period during which the Joint Board are authorised to demand take and recover tolls in accordance with the provisions of this Order the administration management carrying on operation maintenance and repair of the undertaking.

Investment of general reserve fund.

35. Moneys at any time standing at the credit of the general reserve fund shall from time to time be invested and all moneys to be invested by the Joint Board shall be invested in trustee securities.

Application of revenues of undertaking.

- 36. The revenue received by the Joint Board from tolls under the Forth Road Bridge Orders 1947 to 1958 and all other income of the Joint Board shall be applied for the purposes and in the order following and not otherwise:—
  - (a) In defraying the expense of the administration management carrying on operation maintenance and repair of the undertaking;
  - (b) In payment of the interest on money borrowed by the Joint Board under the powers of section 30 (Temporary borrowing by Joint Board) of this Order and in the repayment of such money;
  - (c) In payment of the instalments to be paid by the Joint Board to the British Transport Commission in accordance with the provisions of section 92 (Payment by Joint Board to London and North Eastern Railway Company) of the Order of 1947;
  - (d) In payment of interest on money borrowed by the Joint Board under the powers of section 29 (Borrowing by Joint Board from Secretary of State) of this Order;
  - (e) Subject to the provisions of section 34 (General reserve fund) of this Order in the repayment of money borrowed by the Joint Board under the powers of section 29 (Borrowing by Joint Board from Secretary of State) of this Order.

Accounts.

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

(2) In the accounts of the Joint Board there shall be carried to the credit of the general reserve fund established by them sums equivalent to the interest received by them on the investments or balances forming part of that fund:

PART IV --cont.

Provided that further sums in respect of such interest shall not be so carried to the credit of the general reserve fund as from the date upon which that fund reaches the maximum amount authorised by this Order.

- 38.—(1) Immediately after the end of each financial year the Accounts accounts of the Joint Board for that year shall be brought to a to be made up yearly. balance and a balance sheet shall be prepared with respect thereto.
- (2) The accounts and balance sheet shall be made up so as to exhibit a complete statement showing with regard to each account the income and expenditure and the assets and liabilities.
- (3) The accounts shall be completed and signed by the treasurer of the Joint Board on or before the thirty-first day of July first occurring after the end of the financial year to which the accounts relate.
- 39. The provisions of Part X (which relates to the audit of Audit of accounts of local authorities) of the Act of 1947 with respect to the accounts. audit of the accounts of a local authority shall with all necessary modifications apply to the accounts of the Joint Board in like manner as they apply to the accounts of a local authority.
- 40. The audited abstract of the accounts together with the auditor's Audited report thereon shall be submitted to a meeting of the Joint Board accounts to be to be held not later than the thirty-first day of October first occurring laid before of the end of the financial ways to rubish the second of the second of the financial ways to rubish the second of the after the end of the financial year to which the accounts relate and the said accounts shall if and as approved by the Joint Board be signed by the chairman of the meeting and by the clerk of the Joint Board and shall be deposited with the clerk of the Joint Board or such other officer as the Joint Board may designate.

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

Copies of audited accounts to be sent to Secretary of State.

42. As regards any rates which may at any time be levied by the Differential Councils or any other rating authority for the purpose of defraying rating for any expenditure incurred under section 25 (Councils' contributions Transport towards initial capital expenditure) and section 53 (Costs of Order) of Commission. this Order the British Transport Commission in respect of any lands or heritages belonging to or leased by them and forming part of their undertaking shall be liable to pay one-fourth part only of any such rate.

# PART V Tolls

43.—(1) As from the opening of the bridge the Joint Board shall demand take and recover in respect of traffic using the bridge the tolls specified in a schedule of tolls to be approved by the Secretary Secretary of State as hereinafter provided in this section.

New schedule of tolls to be fixed by of State.

PART V —cont.

(2) Not more than twelve months nor less than six months before the probable date of the opening of the bridge the Joint Board shall submit to the Secretary of State for his approval a schedule of the tolls proposed to be demanded taken and recovered by the Joint Board in respect of traffic using the bridge and the Secretary of State may approve such schedule with or without modifications.

Revision of tolls. 44.—(1) If at any time after the expiry of twelve months from the opening of the bridge—

- (a) the Secretary of State after consultation with the Joint Board and after taking into consideration any representations made to him by the Joint Board is of opinion; or
- (b) it is represented in writing to the Secretary of State-
  - (i) by any representative body of traders or of owners or users of vehicles or by any person who in the opinion of the Secretary of State is a proper person for the purpose; or
    - (ii) by any of the Councils; or
    - (iii) by the Joint Board;

that in the circumstances then existing all or any of the authorised tolls should be revised the Secretary of State may if he thinks fit make an order revising all or any of the authorised tolls and may fix the date as from which such order shall take effect and such order shall remain in force until it expires or is revoked or modified by a further order made by the Secretary of State in pursuance of this section.

- (2) Before making an order under the provisions of paragraph (a) of subsection (1) of this section the Secretary of State shall give to the Joint Board notice of his intention to make such order and of the effect thereof.
- (3) As soon as may be after the receipt by the Secretary of State of a representation pursuant to subsection (1) of this section from any body or person other than the Joint Board the Secretary of State shall send a copy of the representation to the Joint Board.
- (4) For the purposes of this section "authorised tolls" means the tolls for the time being authorised to be demanded taken and recovered by the Joint Board in pursuance of this Order or any order made under this section.

Notice of fixing or revision of tolls and inquiries.

- 45.—(1) The Joint Board shall as soon as may be after—
  - (a) the submission by them to the Secretary of State of a schedule of tolls in pursuance of subsection (2) of section 43 (New schedule of tolls to be fixed by Secretary of State) of this Order;
  - (b) the receipt by them of a notice from the Secretary of State of his intention to make an order in pursuance of paragraph (a) of subsection (1) of section 44 (Revision of tolls) of this Order; or

(c) the making of any representation by them or the receipt by them of a copy of any representation made in pursuance of paragraph (b) of subsection (1) of the said section 44;

PART V —cont.

publish a notice with respect thereto in the Edinburgh Gazette and in such one or more newspapers as the Secretary of State may specify.

(2) Such notice shall as the case may require state—

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- (a) (i) that a schedule of tolls has been submitted by them to the Secretary of State and the places at which copies of the proposed schedule may be inspected free of charge and copies thereof purchased and the price of such copies;
- (ii) that such a notice of the intention of the Secretary of State to make an order has been received by them and the general effect thereof;
- (iii) that a representation has been made to the Secretary of State as aforesaid and the general effect thereof;
- (b) the date (being not less than forty-two days after the first publication of the notice) by which objection to the said proposed schedule or to the proposal of the Secretary of State or to the representation (as the case may be) may be made in writing to the Secretary of State.
- (3) Before exercising any of his powers under subsection (2) of the said section 43 or making an order under the said section 44 the Secretary of State shall if requested to do so in writing by the Joint Board or by any of the Councils or by any person who made objection as aforesaid and has not withdrawn such objection and in any other case if he thinks it necessary or desirable cause a local inquiry to be held and the provisions of section 355 of the Act of 1947 shall apply to any such inquiry.
- 46. Subject to the provisions of this Order the power to demand Period for which take and recover tolls conferred on the Joint Board by this Order tolls to be levied, shall cease and determine on the twenty-eighth day of May immediately following the expiration of thirty years from the opening of the bridge:

Provided that the Secretary of State may from time to time within the said period of thirty years (or if such period has been extended as herein provided within any such extended period) on the application of the Joint Board or otherwise by order authorise the Joint Board to demand and take and recover tolls for such longer period as he may specify in such order.

#### PART VI

#### MISCELLANEOUS

47.—(1) (a) On the application of the Joint Board the Secretary Extension of of State may by order extend the periods referred to in section 6 time may be (Period for compulsory purchase of lands) and section 16 (Period authorised, for completion of works) of this Order or either of such periods.

PART VI —cont.

- (b) Any such period which has been extended under the provisions of this subsection may from time to time be further extended by an order made by the Secretary of State on the application of the Joint Board under this subsection.
- (2) The provisions of subsection (2) of section 6 (Further extensions of time may be authorised) of the Forth Road Bridge Order 1954 shall apply to any order made under this section as if such order were an order made under section 6 of the said Order of 1954.

Repeal.

48.—(1) The following provisions of the undermentioned Orders are hereby repealed:—

Order of 1947—

Section 61 (Tolls);

Section 62 (Revision of tolls);

Section 63 (Tolls to be regulated with reference to expenditure);

Section 71 (Councils' contributions towards initial capital expenditure);

Section 72 (Power of Joint Board to borrow);

Section 73 (Requisitions for capital moneys);

Section 74 (Power of Councils to borrow);

Section 75 (Saving for emergency restrictions on borrowing);

Section 76 (Redemption of borrowed moneys);

Section 77 (Requisitions in respect of deficiencies on revenue account);

Section 78 (Provisions as to requisitions by Joint Board);

Section 79 (Power of Joint Board to borrow for current expenses);

Section 80 (Financial year of Joint Board);

Section 81 (General fund);

Section 82 (Contingency fund);

Section 83 (Renewals fund);

Section 84 (Equalisation fund);

Section 85 (Investment of balances);

Section 86 (Accounts);

Section 87 (Accounts to be made up yearly);

Section 88 (Audit of accounts);

Section 89 (Audited accounts to be laid before Joint Board);

Section 90 (Copies of audited accounts to be sent to the Councils and others);

Section 91 (Differential rating for certain railway companies);

Fourth Schedule:

Forth Road Bridge Order 1950—

Section 21 (Financial provisions);

PART VI ---cont.

Subsection (2) of section 26 (Repeal and amendment of certain provisions of Order of 1947).

- (2) Nothing in such repeal shall affect any requisition made by the Joint Board under the provisions of the Orders of 1947 and 1950 which are repealed by this section or the liability of any of the Councils to the Joint Board in respect of any such requisition or the powers of any of the Councils with respect to the moneys to be paid by them in pursuance of any such requisition.
- 49. It shall not be lawful to exercise the powers of borrowing Saving for conferred by this Order otherwise than in compliance with the powers of provisions of any order for the time being in force made under Treasury. section 1 of the Borrowing (Control and Guarantees) Act 1946.

50. Nothing in this Order shall affect prejudicially any estate Crown rights. 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 Joint Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to 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.

- 51. Notwithstanding the provisions contained in section 50 (Crown Crown minerals, rights) of this Order or in any public statute but subject as hereinafter in this section provided Her Majesty and Her lessees for their respective interests may work any minerals belonging to Her Majesty in right of Her Crown under or adjacent to lands and works authorised by this Order to be taken or constructed but in the event of any such right being at any time intended to be exercised sections 70 to 78 (both inclusive) of the Railways Clauses Consolidation (Scotland) Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act as the same are incorporated with and modified by the Order of 1947 shall apply in relation to such minerals and as if the Crown Estate Commissioners were the mine owners or royalty owners as the case may be and so that any compensation payable by the Joint Board to or for the benefit of Her Majesty as the mine owner or royalty owner or payable to the Joint Board by Her Majesty as such owner shall be payable to or by the said Commissioners as the case may be.
- 52. This Order shall be deemed to be an enactment passed before Saving for town and in force at the passing of the Town and Country Planning (Scot- and country land) Act 1947 for the purposes of subsection (4) of section 11 and planning. subsection (1) of section 112 of that Act.

PART VI
—cont.

Costs of Order.

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

# SCHEDULES

## FIRST SCHEDULE

(Referred to in section 5 (Owners may be required to sell parts only of certain lands and buildings) of this Order)

PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN COMPULSORILY

Area					Reference numbers on deposited plans
County of West Lothian— Parish of Dalmeny		•••	•••		105
County of Fife-					
Burgh of Dunfermline	•••				159, 160
Burgh of Inverkeithing	•••	•••	***		155 156

## SECOND SCHEDULE

(Referred to in section 24 (Confirming financial arrangements relative to undertaking) of this Order)

# FINANCIAL ARRANGEMENTS RELATIVE TO UNDERTAKING

- 1. The Councils' contributions towards the initial capital expenditure will be the sum of five hundred thousand pounds under deduction of the amounts paid by the Councils and by the Joint Board in respect of the costs charges and expenses of applying for obtaining and of the confirming of the Forth Road Bridge Orders 1947 to 1958.
- 2. The Secretary of State will make a grant of the sum of four million six hundred and fifty thousand pounds to the Joint Board towards the initial capital expenditure. The instalments of such grant will be made at the same times as and pro rata with the instalments of the said sum of five hundred thousand pounds paid by the Councils.
- 3. The Secretary of State will lend to the Joint Board such sum (hereinafter referred to as "the loan") as is required to meet the whole amount of the initial capital expenditure, so far as not met by the Councils' contributions and by the grant made by the Secretary of State as aforesaid The loan will be free of interest until the opening of the bridge After the opening of the bridge interest as after-mentioned will be charged on the loan so far as the loan remains outstanding.
- 4. The period for the repayment of the loan will be thirty years in the first instance provided that if at the end of that period any part of the loan is outstanding the Secretary of State will extend by way of reborrowing the period for the repayment of the loan for a further period not exceeding thirty years as may be agreed between the Secretary of State and the Joint Board.
- 5. Subject to the provisions of paragraph 7 hereof the loan will be a charge on the revenues of the Joint Board.
- 6. Interest on the loan will be payable after the opening of the bridge by the Joint Board to the Secretary of State at the current rates of interest chargeable at the date or dates of borrowing on loans for a comparable period from the local loans fund to local authorities on the security of local rates or such other rate as the Secretary of State may with the consent of the Treasury determine The due dates for the payment of interest will be Whitsunday and Martinmas in each year.
- 7. Payments of interest on the loan and in respect of the repayment of the loan will be met out of the revenues of the general fund of the Joint Board but such payments will not be made unless and until there is a surplus of revenue on the general fund after the payment in full of the expenses of the Joint Board specified under sub-paragraphs (a) (b) and (c) of section 36 (Application of revenues of undertaking) of this Order and any surplus of revenue

2ND SCH. —cont.

on the general fund after the payment of the said expenses and of the sums due to the Secretary of State for interest shall (subject to the provisions of section 34 (General reserve fund) of this Order) be paid to the Secretary of State in repayment of the loan provided that the Secretary of State may authorise the Joint Board to retain a part of such surplus at the credit of the general fund as working capital of the Joint Board Provided that interest not paid at the due date of payment shall be added to the outstanding balance of the loan and shall be deemed to be capital advanced for the purpose for which the moneys in respect of which the interest is due were advanced.

8. The tolls will not be terminated until adequate provision is made for the continued management working and maintenance of the undertaking.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation (Scotland) Act 1845 Railways Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 19. 8 & 9 Vict. c. 20.
Acquisition of Land (Assessment of Compensa- tion) Act 1919	9 & 10 Geo. 5 c. 57. 13 & 14 Geo. 5 c. 20. 26 Geo. 5 & 1 Edw. 8 c. 52.
Town and Country Planning (Scotland) Act 1945 Borrowing (Control and Guarantees) Act 1946 Local Government (Scotland) Act 1947 Town and Country Planning (Scotland) Act 1947 Public Utilities Street Works Act 1950 Town and Country Planning Act 1953	8 & 9 Geo. 6 c. 33. 9 & 10 Geo. 6 c. 58. 10 & 11 Geo. 6 c. 43. 10 & 11 Geo. 6 c. 53. 14 Geo. 6 c. 39. 1 & 2 Eliz. 2 c. 16.

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