



# Bell's Bridge Order Confirmation Act 1995

## 1995 CHAPTER iv

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Bell's Bridge. [19th July 1995]

WHEREAS the Provisional Order set forth in the Schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 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 Confirmation of Order in Schedule**

The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed.

### **2 Short title**

This Act may be cited as the Bell's Bridge Order Confirmation Act 1995.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

## SCHEDULE

### BELL'S BRIDGE

*Provisional Order to empower Scottish Enterprise to construct works to make Bell's Bridge a permanent footbridge over the river Clyde; and for related purposes.*

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Bell's Bridge.

[19th July 1995]

WHEREAS—

- (1) The Scottish Development Agency (hereinafter called “the Agency”) were established by the Scottish Development Agency Act 1975 for the purposes of furthering the development of Scotland's economy and improving its environment:
- (2) The Agency were empowered by a licence issued by the Clyde Port Authority on 10th October 1986 to construct a temporary footbridge now known as Bell's Bridge over the river Clyde in the city of Glasgow, linking the Scottish Exhibition Centre on the north bank of the river to a site on the south bank of the river where the third National Garden Festival was held in 1988:
- (3) In accordance with the provisions of the Enterprise and New Towns (Scotland) Act 1990 Scottish Enterprise (hereinafter called “Scottish Enterprise”) were established with the general functions of (amongst others) furthering the development of Scotland's economy and improvement of the environment of Scotland and by an order made thereunder all property, rights and liabilities to which the Agency were entitled or subject became property, rights and liabilities of, and vested in, Scottish Enterprise:
- (4) The site of the National Garden Festival is now being developed to provide homes, a business park, a public park and a leisure and recreation area and it is expedient, and would be of public and local advantage, that Scottish Enterprise should be empowered to construct the further works by this Order provided to make permanent that footbridge, and that the other provisions of this Order should be enacted:
- (5) Plans and sections showing the lines and levels of the works authorised by this Order have been deposited with the sheriff clerk of the sheriff court district of Glasgow and Strathkelvin, the said plans and sections being in this Order referred to respectively as the deposited plans and the deposited sections:
- (6) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the said Act of 1936, the Secretary of State orders as follows:—

#### *Short title*

- 1 This Order may be cited as the Bell's Bridge Order 1995.

#### *Interpretation*

- 2 (1) In this Order, unless the context otherwise requires—

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

“Bell's Bridge” means the bridge referred to as such in the Preamble to this Order (as shown on the deposited plans) or as it may from time to time be reconstructed, renewed or altered and the work;

“the level of high water” means the level of mean high-water springs;

“the limits of deviation” means the limits of deviation shown on the deposited plans;

“the navigation channel” means that part of the river Clyde in the immediate vicinity of Bell's Bridge which is 35 metres wide and which is open to navigation by vessels capable of navigating in the channel;

“the Port Authority” means Clydeport Operations Limited, a company limited by shares and registered in Scotland, formerly called Clydeport Limited, to whom the property, rights, liabilities and functions of the former Clyde Port Authority were transferred by order in accordance with a scheme of transfer made and confirmed under the provisions of Part I of the Ports Act 1991;

“tidal work” means so much of a work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water and includes Bell's Bridge;

“the work” means the work, authorised by section 3 below, and includes any such work (including Bell's Bridge) as reconstructed, renewed or altered under that section.

- (2) In the event of Strathclyde Regional Council or a successor authority as local roads authority becoming the owner of Bell's Bridge or otherwise responsible for its operation or management, any reference to “Scottish Enterprise” shall, unless the context otherwise requires, be construed as a reference to that Council or that authority.
- (3) In this Order, except in section 4 below, situations, points, directions, distances or dimensions stated in any description of the work, lands or powers shall be construed as if the words “or thereabouts” were inserted after each such situation, point, direction, distance or dimension.

#### *Power to construct work*

- 3 (1) Subject to the provisions of this Order Scottish Enterprise may, in the lines and situations, within the limits of deviation and according to the levels shown on the deposited sections, construct and maintain the work hereinafter described, with all necessary works and conveniences connected therewith in the parishes of Glasgow and Govan in the city of Glasgow district, that is to say:—

Tubular steel dolphins with caps, outwith the navigation channel at each side of Bell's Bridge, commencing at a point at NS256764665203 and terminating at a point at NS256851665164.

- (2) Subject to the provisions of this Order Scottish Enterprise may, within the limits of deviation—
  - (a) maintain and operate Bell's Bridge; and
  - (b) reconstruct, renew or alter Bell's Bridge.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

### *Power to deviate*

- 4 Subject to the provisions of this Order, in the construction, reconstruction, renewal or alteration of the work Scottish Enterprise may deviate laterally from the lines or situations thereof shown on the deposited plan 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 three metres upwards and to such extent downwards as may be found necessary or convenient, but in the exercise of any of the powers granted to them by this Order Scottish Enterprise shall at all times provide in the navigation channel an opening span affording for navigation a clear width of not less than 35 metres between protective fenders and having when closed a clear headway above the level of mean high-water springs (1985) of not less than 3.73 metres being a clear headway of 5.93 metres above ordnance datum (Newlyn) throughout such width and shall not reconstruct, renew or alter Bell's Bridge otherwise than in a line or situation conforming with or parallel to that shown on the deposited plans.

### *Subsidiary works*

- 5 Subject to the provisions of this Order, Scottish Enterprise, for the purposes of or in connection with the work may from time to time within the limits of deviation construct and maintain all such subsidiary or incidental works and conveniences as may be necessary or expedient for the purposes of or in connection with the construction, maintenance and use of the work.

### *Period for completion of work and authorised extension thereof*

- 6 (1) Subject to subsection (2) below, if the work is not completed within two years from the coming into operation of this Order, all of the powers by this Order granted to Scottish Enterprise shall cease except as to so much of the work as shall then be completed in which event Scottish Enterprise shall cause Bell's Bridge and any other work authorised by this Order to be removed and shall restore the site thereof to its former condition.
- (2) On the application of Scottish Enterprise, and whether before or after the expiration of the period referred to in subsection (1) above, the Port Authority may, by written consent, extend that period.

### *Tidal works not to be executed without approval of Secretary of State*

- 7 (1) A tidal work shall not be constructed, renewed or altered except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work of construction, renewal or alteration is begun.
- (2) If a tidal work is constructed, renewed or altered in contravention of this section—
- (a) the Secretary of State may by notice in writing require Scottish Enterprise at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition and if, on the expiration of 30 days from the date when the notice is served upon Scottish Enterprise they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or
  - (b) if it appears to the Secretary of State urgently necessary so to do, he may himself remove the tidal work or part of it and restore the site to its former condition;

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from Scottish Enterprise.

*Lights on tidal works during construction*

- 8 (1) Scottish Enterprise shall at or near a tidal work during the whole time of the construction, renewal or alteration thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation, as the Secretary of State shall from time to time direct after consultation with the Port Authority and with the sanction of the Commissioners of Northern Lighthouses.
- (2) If Scottish Enterprise fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

*Permanent lights on tidal works*

- 9 (1) After the completion of a tidal work Scottish Enterprise shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for preventing danger to navigation as the Port Authority with the sanction of the Commissioners of Northern Lighthouses shall from time to time direct.
- (2) If Scottish Enterprise fail to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

*Survey of tidal works*

- 10 The Secretary of State or the Port Authority may at any time if they deem it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct that work and any reasonable expenditure incurred by him or the Port Authority in such survey and examination shall be recoverable from Scottish Enterprise.

*Provision against danger to navigation*

- 11 (1) In the case of injury to or destruction or decay of a tidal work or any part thereof Scottish Enterprise shall forthwith notify the Port Authority and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Port Authority with the sanction of the Commissioners of Northern Lighthouses shall from time to time direct.
- (2) If Scottish Enterprise fail to notify the Port Authority as required by this section or to comply in any respect with a direction given under this section they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

*Abatement of works abandoned or decayed*

- 12 (1) Where a tidal work is abandoned or suffered to fall into decay the Secretary of State or the Port Authority may by notice in writing require Scottish Enterprise at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and