



Tay Road Bridge Order Confirmation Act 1991

1991 CHAPTER iv

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Tay Road Bridge. [9th May 1991]

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 Tay Road Bridge Order Confirmation Act 1991.

Status: This is the original version (as it was originally enacted).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

SCHEDULE

TAY ROAD BRIDGE

Provisional Order to re-enact with amendments certain provisions of the Tay Road Bridge Order 1962; to confer further powers upon the Tay Road Bridge Joint Board; and for other purposes.

“WHEREAS—

- (1) By virtue of the Tay Road Bridge Order 1962 (hereinafter referred to as the “Order of 1962”) the Tay Road Bridge Joint Board (hereinafter called the “former Joint Board”) were established as provided in the Order of 1962 to construct and maintain the Tay Road Bridge, to take tolls in respect of the use of the said bridge and for other purposes:
- (2) The said bridge was duly constructed and the works and undertaking as defined in the Order of 1962 are now vested in the former Joint Board:
- (3) Certain provisions of the Order of 1962 are now spent and it is expedient that there should be established a new Tay Road Bridge Joint Board (hereinafter called the “Joint Board”) and that other provisions of the said Order should be replaced by more up to date and more appropriate provisions and that certain provisions of the said Order should be re-enacted with amendments:
- (4) It is expedient that the other provisions of this Order be enacted:
- (5) The purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

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

PART I

PRELIMINARY

Short title

1 Short title

This Order may be cited as the Tay Road Bridge Order 1991.

Interpretation

2 Interpretation

In this Order, except where the context otherwise requires—

“accommodation facilities” means the accesses, gangways, brackets, fixings, handrails, fittings and other things necessary to permit of the accommodation and the inspection, maintenance and repair from time to time of the water mains together with such other facilities therefor as the water authorities may reasonably require together with the accommodation, things and facilities

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provided for a public telecommunications operator in pursuance of section 31 (Accommodation for telecommunication apparatus on bridge, etc.) of this Order;

“Act of 1973” means the Local Government (Scotland) Act 1973;

“authorised works” means the works authorised by the Order of 1962;

“bridge” means the Tay Road Bridge;

“council” means either of the councils;

“councils” means Fife Regional Council and Tayside Regional Council;

“former Joint Board” means the Joint Board established by the Order of 1962;

“Joint Board” means the Joint Board established by this Order;

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

“Order of 1962” means the Tay Road Bridge Order 1962;

“port authority” means the Dundee Port Authority;

“public telecommunications operator” has the meaning assigned to it in section 9 (3) of the Telecommunications Act 1984;

“roads authorities” means the councils in their capacities of roads authorities;

“the scheme of 1966” means the Scheme approved by the Tay Road Bridge (Scheme) Approval Order 1966;

“the scheme of 1969” means the Scheme approved by the Tay Road Bridge (Scheme) Approval Order 1969;

“the scheme of 1985” means the Scheme approved by the Tay Road Bridge (Scheme) Approval Order 1985;

“the Tay Road Bridge Orders 1962 to 1985” means the Order of 1962, the scheme of 1966, the scheme of 1969 and the scheme of 1985;

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

“undertaking” means the bridge and any road, quay wall and other property for the time being belonging to the Joint Board;

“water authorities” means the councils in their capacities of water authorities;

“Work No. 1” means Work No. 1 as authorised by and described in section 11 of the Order of 1962;

“Work No. 2” means Work No. 2 as authorised by and described in section 11 of the Order of 1962;

“Work No. 9” means Work No. 9 as authorised by and described in section 11 of the Order of 1962.

PART II

ESTABLISHMENT AND CONSTITUTION OF JOINT BOARD

Establishment and constitution of Joint Board, etc

3 Establishment and constitution of Joint Board, etc

- (1) A Joint Board, to be called “the Tay Road Bridge Joint Board”, shall be and is hereby established for the purpose of exercising, subject to the provisions of this Order, the powers conferred on the Joint Board by this Order or, on the former Joint Board, or by any other enactment and such powers shall be exercised by the Joint Board accordingly.
- (2) The Joint Board shall be a body corporate.

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- (3) The Joint Board shall consist of twelve members, of whom seven shall be members of Tayside Regional Council and five shall be members of Fife Regional Council.
- (4) A chairman and a vice-chairman of the Joint Board shall be appointed by and from the members of the Joint Board but shall not both be persons appointed by the same council.
- (5) Subject to the provisions of this Order, the provisions of Schedule 1 to this Order with respect to the appointment, tenure of office and qualifications of members of the Joint Board and of the chairman and vice-chairman of the Joint Board and with respect to meetings and proceedings of the Joint Board shall have effect.
- (6) The proceedings of the Joint Board shall not require the approval of the councils, but not later than 21 days from the approval by the Joint Board of the minutes of any proceedings a copy of such minutes shall be sent to each of the councils.

Saving for former Joint Board

4 Saving for former Joint Board

Until the appointment of the Joint Board in pursuance of this Order the former Joint Board shall continue in office and shall continue to exercise their powers under the Order of 1962 and any other enactment.

PART III

OFFICERS

Appointment of clerk, treasurer, etc

5 Appointment of clerk, treasurer, etc

- (1) The Joint Board shall appoint a clerk, a treasurer and an engineer who shall be clerk, treasurer and engineer respectively of the Joint Board.
- (2) No person shall hold more than one of the offices of clerk, treasurer or engineer, and no person who stands in relation to the holder of any of those offices as partner, employer or employee shall be appointed to any of those offices.
- (3) The Joint Board shall appoint such other officers as they think necessary for carrying out the purposes of this Order.
- (4) An officer of either of the councils may also be an officer of the Joint Board.
- (5) The Joint Board shall pay to every officer appointed by them under this section such reasonable salary as they may determine.
- (6) Every officer appointed by the Joint Board shall hold office during the pleasure of the Joint Board.

Appointment of deposes

6 Appointment of deposes

- (1) The clerk, treasurer and engineer of the Joint Board may, and if required by the Joint Board shall, appoint one or more persons approved by the Joint Board to act as their

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deputes respectively and all things authorised by law to be done by or to the officer appointing the depute may be done by or to any depute so appointed by him.

(2) A depute appointed under this section shall—

- (a) notwithstanding that the officer appointing the depute has by reason of death or resignation or other cause ceased to hold office, exercise and discharge the powers and duties of the office until the Joint Board otherwise determine;
- (b) be deemed to be an officer of the Joint Board; and
- (c) cease to hold office if either the officer appointing the depute or the Joint Board so determine.

(3) The Joint Board shall pay to a depute appointed by them under this section such reasonable salary as they may determine.

Member of Joint Board or council not to be appointed officer

7 Member of Joint Board or council not to be appointed officer

It shall not be lawful for the Joint Board to appoint to any paid office in the gift or disposal of the Joint Board a person who is, or has within six months prior to the date of appointment been, a member of the Joint Board or of the former Joint Board or of either of the councils.

Security to be given by officers

8 Security to be given by officers

- (1) The Joint Board, in the case of the treasurer shall, and in the case of any other officer employed by them may, take security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him to such amount as the Joint Board think sufficient.
- (2) The Joint Board shall defray the premium in respect of any security taken under this section.
- (3) Every deed of security shall be produced by the officer to whom it has been delivered to the auditor at the audit of the accounts of the Joint Board.

Disclosure by officers of interests in contracts

9 Disclosure by officers of interests in contracts

The provisions of section 68 of the Act of 1973 shall have effect with respect to officers of the Joint Board as if the Joint Board were a local authority.

Superannuation

10 Superannuation

For the purposes of regulation C1 of the Local Government Superannuation (Scotland) Regulations 1987 the appropriate superannuation fund in relation to the pensionable employees of the Joint Board shall be the fund administered by Tayside Regional Council.