CHAPTER cix.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Forth and Clyde Navigation (Castlecary and Kirkintilloch Road Bridges). A.D. 1926.

[15th December 1926.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore enacted by the King'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 shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Forth and Clyde Navigation (Castlecary and Kirkintilloch Road Bridges) Order Confirmation Act 1926. Short title.

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SCHEDULE.

FORTH AND CLYDE NAVIGATION (CASTLECARY AND KIRKINTILLOCH ROAD BRIDGES).

Provisional Order to authorise the County Council of the county of Stirling and the County Council of the county of Lanark to construct and maintain bridges over the Forth and Clyde Navigation at Castlecary and at Easter Cawder near Kirkintilloch respectively and for other purposes.

WHEREAS by an Act passed in the eighth year of King George III the Company of Proprietors of the Forth and Clyde Navigation was incorporated for the purposes inter alia of making and maintaining a canal between the Firths of Forth and Clyde now known as the Forth and Clyde Navigation and hereinafter referred to as "the canal":

And whereas by section 62 of the said Act it was amongst other things provided that the said Company of Proprietors should not make the canal in or across any common highway public bridleway or footpath until such time as they should at their own proper charges have made passable and convenient such bridge or bridges over the said place where the canal should be intended to be made through such roadway or path and of such dimensions and in such manner as certain commissioners appointed by the said Act should adjudge proper and also that all such bridges should from time to time be supported maintained and kept in sufficient repair by the said Company of Proprietors their successors and assigns:

And whereas the canal was duly constructed and various wooden bridges of the bascule type were provided to carry highways over the canal including a bridge (hereinafter referred to as "Castlecary Bridge") at Castlecary in the parish of Falkirk and county of

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Stirling and a bridge (hereinafter referred to as "Kirkintilloch Road Bridge") at Easter Cawder near Kirkintilloch in the parish of Cadder in the county of Lanark:

And whereas by the Act 4 and 5 Victoria cap. LV. the said Company of Proprietors was dissolved and reincorporated and the Acts relating to the canal were consolidated and the canal undertaking including the bridges and other works thereof was vested in the company incorporated by that Act:

And whereas by the Caledonian Railway and Forth and Clyde Navigation Companies Act 1867 the canal and the bridges and other works thereof were transferred to the Caledonian Railway Company and the same are now vested in the London Midland and Scottish Railway Company (hereinafter referred to as "the railway company") by virtue of the North Western Midland and West Scottish Group Amalgamation Scheme 1923:

And whereas Castlecary Bridge is situate on the main road from the south and west to the north of Scotland known as Castlecary Mill Road and Kirkintilloch Road Bridge is situate on the main road from Glasgow to Kirkintilloch known as Kirkintilloch Road:

And whereas the said bridges are narrow and are wholly unsuited for the class of motor traffic which uses the roads in which the said bridges are situate:

And whereas the obligation of the railway company to maintain the said bridges is limited to the maintenance thereof as originally constructed:

And whereas the County Council of the county of Stirling and the district committee of the eastern district of that county are the local and road authorities for the district of the said county of Stirling in which Castlecary Bridge is situate:

And whereas the County Council of the county of Lanark and the district committee of the district of the Lower Ward of that county are the local and road authorities for the district of the said county of Lanark in which Kirkintilloch Road Bridge is situate:

And whereas it is expedient that the property in and control of Castlecary Bridge should be vested in the

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County Council of the county of Stirling and that they should be authorised to construct a new bridge in lieu thereof of the nature and in manner provided by this Order and that similar provision should be made for vesting the property in and control of Kirkintilloch Road Bridge in the County Council of the county of Lanark and that similar powers should be conferred on that Council for the construction of a new bridge in lieu thereof;

And whereas an estimate has been prepared of the cost of the acquisition of land and servitudes for and the construction of the works authorised by this Order and such estimate amounts in the case of the new Castlecary Bridge to the sum of eight thousand two hundred and seventy pounds and in the case of the new Kirkintilloch Road Bridge to the sum of six thousand eight hundred and sixty pounds:

And whereas the works included in the said estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and a book of reference to the said 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 of or under the powers of this Order have been deposited in the offices at Stirling and Falkirk of the sheriff clerk of the county of Stirling and in the office at Glasgow of the sheriff clerk of the county of Lanark and the same are in this Order referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows:—

Short title.

1. This Order may be cited for all purposes as the Forth and Clyde Navigation (Castlecary and Kirkintilloch Road Bridges) Order 1926.

Commencement of Order.

2. This Order shall except where otherwise expressly provided commence and have effect on and after the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Incorporation of Acts.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Order are incorporated with and form part of this Order (that is to say):—

The Lands Clauses Acts except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845;

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of land near the railway during the construction thereof;

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be under the seal of the County Council and shall be sufficient without the securities mentioned in the said section:

This Order shall be deemed a special Act within the meaning of the Acts wholly or partially incorporated herewith.

Interpretation.

4. In this Order the words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Order unless the context otherwise requires:—

The expression "the Stirling County Council" means the County Council of the county of Stirling;

The expression "the Lanark County Council" means the County Council of the county of Lanark;

The expression "the existing bridge" for the purposes of and in relation to the powers conferred on the Stirling County Council by this Order means the bridge carrying the road from the south and west to the north of Scotland known as Castlecary Mill Road over the canal in the

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parish of Falkirk in the county of Stirling and for the purposes of and in relation to the powers conferred on the Lanark County Council means the bridge carrying the road from Glasgow to Kirkintilloch known as Kirkintilloch Road over the canal at Easter Cawder near Kirkintilloch in the parish of Cadder in the county of Lanark;

The expression "the new bridge" for the purposes of and in relation to the powers conferred on the Stirling County Council by this Order means the Bridge (No. 1) by this Order authorised and for the purposes of and in relation to the powers conferred on the Lanark County Council means the Bridge (No. 2) by this Order authorised;

The expression "the County Council" means the Stirling County Council in relation to the existing bridge and to Bridge (No. 1) by this Order authorised and the Lanark County Council in relation to the existing bridge and to Bridge (No. 2) by this Order authorised;

The expression "the district committee" means in relation to Bridge (No. 1) by this Order authorised the eastern district committee of the county of Stirling and in relation to Bridge (No. 2) by this Order authorised the district committee of the district of the Lower Ward of the county of Lanark;

The expression "the canal" means the canal from the Firth of Forth to the Firth of Clyde forming part of the Forth and Clyde Navigation;

The expression "the Canal Acts" means the Acts relating to the canal referred to in the preamble to this Order;

The expression "the railway company" means the London Midland and Scottish Railway Company.

In the Acts wholly or partially incorporated with this Order:—

The expressions "the company" "the Undertakers" and "the promoters of the undertaking" and other like expressions mean for the purposes of this Order the County Council;

The expressions "railway" "work" and "the undertaking" or other like expressions in the Lands Clauses Acts and in the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 incorporated with this Order mean for the purposes of this Order the new bridge and the expression "centre of the railway" in the last-mentioned provisions means for the purposes of this Order any part of the new bridge.

Power to construct new Castlecary Bridge.

5. Subject to the provisions of this Order the Stirling County Council may make and the district committee may maintain in the lines and according to the levels shown on the deposited plans and sections the bridge hereinafter mentioned together with all such carriageways footways approaches abutments piers embankments culverts sewers drains bridge-keeper's house and other buildings piles fenders booms dolphins buoys beacons engines and other plant works and conveniences as it may be necessary or convenient to construct and maintain in connection with the said bridge and the Stirling County Council may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

The bridge hereinbefore in this section referred to is:—

An opening bridge (No. 1) over the canal and approaches thereto at Castlecary in the parish of Falkirk in the county of Stirling commencing at a point twenty-four feet or thereabouts measured in a south-easterly direction from the south-east corner of the existing bridge and terminating at a point thirty-four feet or thereabouts measured in a north-easterly direction from the north-east corner of the existing bridge.

Power to construct new Kirkintilloch Road Bridge.

6. Subject to the provisions of this Order the Lanark County Council may make and the district committee may maintain in the lines and according to the levels shown on the deposited plans and sections the bridge hereinafter mentioned together with all such carriageways footways approaches abutments piers embankments culverts sewers drains bridge-keeper's house and

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other buildings piles fenders booms dolphins buoys beacons engines and other plant works and conveniences as it may be necessary or convenient to construct and maintain in connection with the said bridge and the Lanark County Council may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

The bridge hereinbefore in this section referred to is :—

An opening bridge (No. 2) over the canal and approaches thereto at Easter Cawder near Kirkintilloch in the parish of Cadder in the county of Lanark commencing at a point in the centre of the Kirkintilloch Road twenty-nine feet or thereabouts measured in a southerly direction from the centre of the southern end of the existing bridge and terminating at a point one foot or thereabouts south of the centre of the northern end of the existing bridge.

Power to alter roads temporarily.

7. Without prejudice to any other statutory powers vested in the County Council and the district committee or either of them the County Council and the district committee may according to their respective powers for the purposes and during the execution of the works by this Order authorised and in maintaining the same and subject to the provisions of this Order and within the limits of deviation shown on the deposited plans temporarily break up or cross over alter or stop up remove or otherwise interfere with any roads footpaths bridges culverts drains sewers gas and water mains and pipes telegraphic telephonic electric and other wires pipes posts and apparatus and other works which they may find it expedient so to cross break up alter stop up or otherwise interfere with the County Council or the district committee as the case may be providing a proper temporary substitute before interfering with the traffic on any such road footpath or bridge or interrupting the flow of gas water sewage or electricity Provided that nothing in this section shall extend to authorise any interference with any telegraphic line (as defined in the Telegraph Act 1878) or other property of His Majesty's

Postmaster-General

Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 otherwise than in accordance with the provisions of section 15 of the Electric Lighting Act 1882.

Temporary bridge.

8. During and in connection with the construction of the new bridge the County Council may erect and maintain a temporary bridge over the canal.

Power to deviate.

9. Subject to the provisions of this Order the County Council may in the construction of the new bridge deviate laterally from the lines or situation of the new bridge to any extent within the limits of deviation shown on the deposited plans and vertically upwards from the levels defined on the deposited sections to any extent not exceeding three feet.

Power to stop up roads.

10. Without prejudice to any other statutory powers vested in them the County Council may subject to the provisions of this Order and within the limits of deviation defined upon the deposited plans for the purposes of and in connection with the new bridge stop up any road shown upon the said plans making compensation to any person who suffers damage by any such stopping up as aforesaid such compensation in case of difference to be settled in manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 with reference to the acquisition of land compulsorily.

Incorporation of provisions of 4 and 5 Victoria cap. LV. relating to mines.

11. The provisions of sections 187 to 193 both inclusive (which relate to mines under land purchased and set out for the Forth and Clyde Navigation) of the Act 4 and 5 Victoria chapter LV. shall apply to the new bridge in like manner as those sections apply to the existing bridge and in the application of those sections to the new bridge the expression "the County Council" shall be substituted for the expression "the company" occurring therein.

Lowering of water level of canal during construction.

12.—(1) If during and for the purposes of the construction of the new bridge it shall in the opinion of the County Council be necessary or expedient to draw down the level of the water in the canal at the point of crossing the County Council may give to the railway

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company not less than fourteen days' notice in writing requiring the railway company to draw down and to keep drawn down the water in the canal at the point aforesaid to such a level on such a date and for such period as may be specified in such notice and the railway company shall draw down and keep drawn down the water in the canal in accordance with the requirements contained in such notice Provided that this power shall not be exercised except with the consent of the railway company which consent shall not be unreasonably withheld and in the event of any dispute or difference arising as to the exercise of this power or as to the withholding of consent by the railway company such dispute or difference shall be referred to a single arbiter to be appointed failing agreement in the manner provided by the Arbitration (Scotland) Act 1894.

(2) The County Council shall pay to the railway company the expenses reasonably incurred by the railway company in pursuance of this section and compensation for any damage or loss which the railway company may incur by reason or in consequence of compliance with the provisions of this section the amount of such expenses or compensation to be determined in case of difference by arbitration in manner provided by subsection (1) of this section.

Construction maintenance and working of new bridge.

13.—(1) The new bridge shall be constructed as an opening bridge with a single span over the canal and shall be so constructed that the headway above the weir level of the canal shall not be less than the headway shown on the deposited sections.

(2) The new bridge shall form part of the public highways under the jurisdiction of the County Council and the district committee and shall be subject to the statutory provisions relating to such highways.

(3) The new bridge shall be maintained opened and worked by the district committee and shall at all times be so maintained opened and worked as not to cause any avoidable interruption or interference with the traffic on the canal and so as to give and secure precedence and priority to vessels and boats requiring to pass through the new bridge over the road traffic requiring to use the bridge.

14. As from the commencement of this Order :— A.D. 1926.

Vesting of existing bridge in County Council &c.

(A) The piers and abutments of the existing bridge shall by virtue of this Order and without payment of any consideration therefor vest in the County Council and the County Council shall remove the materials of the existing bridge and the works connected therewith or such part or parts thereof as may not be required for the purposes of the construction of the new bridge and shall hand over such materials to the railway company without any payment therefor Provided that there shall be as little delay as is reasonably practicable between the removal of the existing bridge and the opening for traffic of the new bridge;

(B) The obligation of the railway company under the Canal Acts or otherwise to support maintain and keep the existing bridge or any other bridge in lieu thereof shall cease and determine.

Byelaws for new bridge.

15.—(1) Subject to the provisions of this Order the County Council may from time to time make byelaws for regulating the use of the new bridge and for prohibiting the use thereof in certain cases and by certain engines carriages or vehicles or other classes of traffic and for providing that the new bridge may be temporarily closed to road traffic for repairs or in other emergencies.

(2) No such byelaws shall come into operation until the same shall have been approved by the Minister of Transport.

(3) Not less than one month before submitting to the Minister of Transport any byelaw made under the provisions of this section the County Council shall advertise in some newspaper circulating in the county of Stirling or the county of Lanark as the case may be the intention of the County Council to make such byelaws and shall deliver a copy thereof to any person making application for a copy on payment of a sum not exceeding one shilling per copy and before approving any such byelaws the said Minister shall consider any representation

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with reference thereto which may be made to him by any person appearing to the said Minister to be affected by such byelaws within six weeks from the date of the publication of such advertisement.

(4) Any person offending against any byelaw made and approved under the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds for a first offence and ten pounds for a second or any subsequent offence.

(5) An offence against any of the said byelaws may be prosecuted and any fine or penalty together with the expenses of process may be recovered at the instance of the Procurator Fiscal of the county of Stirling or the county of Lanark as the case may be under the provisions of the Summary Jurisdiction (Scotland) Act 1908 and Acts amending the same Every fine or penalty shall be paid to the County Council and be applied by them towards the upkeep of the new bridge.

Power to acquire servitudes or easements.

16. Notwithstanding anything contained in this Order or shown on the deposited plans the County Council shall not be required to purchase or acquire any part of the bed or banks of the canal or to acquire any greater right or interest therein than the servitude or right of constructing and maintaining the new bridge on and over the same but the County Council may purchase and acquire and the owners of and other persons interested in the said bed and banks shall sell to the County Council if required such servitude or right as aforesaid and the provisions of the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of any such servitude or right as fully as if the same were land within the meaning of this Order.

As to private rights of way over lands taken compulsorily.

17. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the County Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 with reference to the acquisition of land compulsorily.

Persons under disability may grant servitudes &c.

18. Persons empowered by the Lands Clauses Acts to convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the County Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Correction of errors in deposited plans and book of reference.

19. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the County Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county in which such lands are situate for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited in the office of the sheriff clerk of the said county and a duplicate thereof shall also be deposited with the clerk of the parish council of the parish in which the lands to which such certificate relates are situate and such certificate and duplicate shall be kept by such sheriff clerk and clerk of the parish council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the County Council to exercise the powers of this Order in accordance therewith.

Period for compulsory purchase of lands.

20. The powers of the County Council for the compulsory purchase of lands for the purposes of this Order shall cease on the thirty-first day of December one thousand nine hundred and twenty-nine.

Period for completion of works.

21. If the new bridge is not completed within five years from the commencement of this Order then

A.D. 1926. on the expiration of that period the powers by this Order granted to the County Council for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

For protection of London Midland and Scottish Railway Company and Admiralty.

22. Notwithstanding anything contained in this Order or shown upon the deposited plans and sections the following provisions for the protection of the railway company and the Admiralty shall unless otherwise agreed in writing between the railway company and the County Council or between the Admiralty and the County Council (as the case may be) apply and have effect (that is to say) :—

(1) The County Council shall not under the powers of this Order take or acquire by compulsion any lands or property of the railway company or of the Admiralty but the railway company shall grant to the County Council without any payment therefor such right or servitude in under over or upon the lands property and works of the railway company as may be required for making and maintaining in accordance with the provisions of this Order the works by this Order authorised :

(2) The new bridge and any temporary bridge erected under this Order shall be a swing bridge or a bridge of an otherwise opening character equipped with any signals and signalling apparatus gates and fences or other means of protection which may be required by the Minister of Transport for due protection of the traffic using the bridge :

(3) The County Council shall before they commence the construction of any temporary or permanent work or the provision of any temporary or permanent equipment (in pursuance of this Order) deposit with the engineer of the railway company (in this section referred to as "the engineer") for his approval proper and sufficient plans sections detailed drawings and specifications of such work and equipment Provided that if the engineer for the space of one month

after such deposit does not signify his disapproval of the said plans sections drawings and specifications he shall be deemed to have approved thereof and if he shall disapprove the same then such plans sections drawings and specifications shall be submitted to an arbiter to be appointed as in this section provided for his approval All such works and equipment shall be constructed or provided at the costs charges and expenses of the County Council and only according to such plans sections drawings and specifications as shall be approved by the engineer or by the arbiter and under the superintendence and to the reasonable satisfaction of the engineer:

(4) All works in connection with the new bridge or any temporary bridge shall when commenced be proceeded with and completed as soon as reasonably practicable and the County Council shall upon the completion of the works remove any temporary works and materials for temporary works which may have been erected or placed in the canal or on over or under the bed shores or banks thereof in connection therewith and if and whenever the County Council fail so to do after receipt of notice from the railway company the railway company may remove the same and the sum which shall have been reasonably expended in so doing shall be repaid to the railway company by the County Council:

(5) The demolition of the existing bridge shall when commenced be proceeded with and carried out with all reasonable expedition and in such manner as the railway company reasonably approve and the County Council shall remove entirely from the canal and from the bed shores and banks thereof all temporary works erected or placed in the canal or on over or under the bed shores or banks thereof in connection with such demolition and all materials resulting from such demolition excepting such as the railway company shall give notice in

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pursuance of this Order of their desire to retain :

(6) In the construction maintenance and repair of the new bridge and of any temporary bridge and any works in the canal or on over or under the bed shores or banks thereof and in the demolition of the existing bridge or any temporary bridge the County Council or the district committee (as the case may be) shall not break up or cross over alter or stop up remove or otherwise interfere with any culverts drains sewers gas and water mains and pipes telegraphic telephonic electric or other wires pipes posts and apparatus or other works of the railway company or with the oil pipeline of the Admiralty laid in the towing path of the canal without the consent in writing of the railway company or of the Admiralty (as the case may be) which consent shall not be unreasonably withheld :

(7) Except in so far as necessary for the construction maintenance and repair of the new bridge and any temporary bridge and any works in the canal or on over or under the bed shores or banks thereof and for the demolition of the existing bridge or any temporary bridge no alteration shall be made in the line or level of the canal or of the towing path thereof or in the level of the water in the canal and so far as practicable no interference shall be caused to the navigation of the canal or to the passage of traffic along the towing path thereof :

(8) The County Council shall during the progress of any works (whether temporary or permanent) in pursuance of this Order in the canal or on over or under the bed shores or banks thereof and during the subsequent repair of any such works and during the demolition of the existing bridge or any temporary bridge hang out and exhibit on or near to the works during every night from sunset to sunrise such lights (to be kept burning by and at the expense of the County Council) and during every day from sunrise to sunset such marks as shall be proper

and sufficient for the navigation and safe guidance of vessels The said lights and marks shall from time to time be altered by the County Council in such manner and be of such kind and number and be so placed and used as the railway company shall approve:

(9) The County Council shall bear and on demand pay to the railway company the reasonable expense of the employment by the railway company during the execution and repair of any work in pursuance of this Order of such inspectors and watchmen to be appointed by the railway company as may be reasonably necessary for supervising the works and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations or from the acts or defaults of the County Council or their contractors or any person in the employment of the County Council or of their contractors:

(10) If during the construction and repair of the works by this Order authorised there should be any injury to or interference with the canal or relative works or the towing path of the canal or any other works or property of the railway company or the oil pipeline of the Admiralty laid in the said towing path or if there should be any obstruction to the navigation of the canal or to the passage of traffic along the said towing-path or if there should be any loss of water from the canal or any other detriment resulting from the operations or from the acts or defaults of the County Council or their contractors or any person in the employment of the County Council or of their contractors the County Council shall as soon as reasonably practicable carry out at their own cost and to the satisfaction of the railway company or of the Admiralty (as the case may be) such remedial works and operations as may be necessary and in the case of default by the County Council in so doing the railway company or the Admiralty (as the case may be) may carry out such works

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and operations and the sum which shall have been reasonably expended in so doing shall be repaid to the railway company or the Admiralty (as the case may be) by the County Council:

(11) The County Council shall during the construction and repair of the works by this Order authorised be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company in consequence of the works by this Order authorised and shall also be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company in consequence of the failure from any cause of any works constructed in pursuance of this Order or of any default of the County Council or their contractors or any person in the employment of the County Council or of their contractors and the County Council shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such construction repair or failure or of any such default:

(12) If any question or difference shall arise under this section between the County Council and the railway company or their respective engineers or between the County Council and the Admiralty or their respective engineers such question or difference shall be determined by a single arbiter to be appointed in the manner provided by the Arbitration (Scotland) Act 1894 on the application of the County Council or of the railway company or the Admiralty (as the case may be).

Borrowing by County Councils.

23. The purposes of this Order shall be deemed to be purposes for which the County Council are authorised to borrow money by section 58 of the Roads and Bridges (Scotland) Act 1878 and the provisions of that Act as read with the Local Government (Scotland) Act 1889 and the Roads and Bridges (Scotland) Amendment Act 1892 relating to assessment and borrowing shall with the necessary variations apply to the

purposes of this Order Provided that the total amount borrowed under and for the purposes of this Order including payment of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order shall not without the consent of a Secretary of State exceed (*a*) in the case of the Stirling County Council the sum of sixteen thousand pounds and (*b*) in the case of the Lanark County Council the sum of fourteen thousand pounds Provided further that any money borrowed for the purpose of paying the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order shall be repaid within five years from the commencement of this Order out of such rate as the County Council may determine.

Costs of Order.

24. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Stirling County Council and the Lanark County Council in equal shares.

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