CHAPTER vi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Glasgow Corporation. [24th March 1948.]

WHEREAS a Provisional Order relating to Glasgow Corporation has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is expedient that the said Order should subject to amendment be confirmed by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 52.

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 so made which as amended is set forth in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Glasgow Corporation Order Confirmation Act 1948. Short title.

SCHEDULE.

Provisional Order to authorise the corporation of the city of Glasgow to construct tunnels under the river Clyde between Linthouse and Whiteinch to construct a tramway and to provide and work trolley vehicles to borrow money to make further provision with respect to the finances of the Corporation and for other purposes.

WHEREAS the construction of tunnels for vehicular traffic under the river Clyde between Linthouse and Whiteinch in the city and royal burgh of Glasgow (hereinafter referred to as "the city") and approaches thereto would be of public and local advantage and it is expedient that the Corporation of the city of Glasgow (hereinafter referred to as "the Corporation") should be empowered to construct the tunnels and other works authorised by this Order:

And whereas under the Glasgow Tramways Acts 1905 to 1946 the Corporation have constructed and maintain tramways in and in the neighbourhood of the city and it is expedient that they should be authorised to construct and maintain the additional tramway in the city hereinafter described in this Order:

And whereas by the Glasgow Corporation Order 1934 the Corporation were authorised to provide and work trolley vehicles on certain routes in and in the neighbourhood of the city and it is expedient that they should be authorised to provide and work trolley vehicles along the routes described in this Order:

53 & 54 Vict. c. clii.

And whereas by the Glasgow Corporation Act 1890 the Corporation were authorised to make and maintain a series of river walls and embankments along the banks of the river Clyde for the protection and preservation of those banks and were by the said Act authorised to impose levy and recover an assessment not exceeding one halfpenny per pound for the purposes of the said Act:

And whereas the amount of the said assessment is inadequate and it is expedient that the amount thereof should be increased as provided in this Order:

And whereas by the Glasgow Corporation Order 1914 the Corporation were authorised to assess and levy an annual assessment not exceeding sixpence per pound for the lighting purposes of the city and by the Glasgow Corporation Order 1923 the amount of the said assessment was increased to ninepence per pound:

And whereas the amount of the said assessment is insufficient to meet the expenditure on the lighting purposes of the city and it is expedient that the existing limitation of the said assessment should be raised as provided in this Order:

And whereas it is expedient that powers should be conferred on the Corporation with respect to the creation of reserve depreciation and renewal funds in connection with their rating accounts and in respect of the water undertaking of the Corporation as provided in this Order:

And whereas it is expedient that the provisions contained in this Order with respect to the water annuities waterworks funded debt and gas annuity stocks issued in pursuance of the Glasgow Corporation Waterworks Act 1855 and the Glasgow Corporation Gas Act 1869 should be enacted: 18 & 19 Vict. c. cxviii. 32 & 33 Vict. c. lviii.

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

And whereas estimates have been prepared by the Corporation in respect of the following purposes and such estimates are as follows:—

	£
For the purchase of lands and servitudes for the purposes of the tunnels tunnel approaches and works in connection therewith	330,000
For the construction of the tunnels tunnel approaches and works in connection therewith	2,550,000
For the construction of the intended tramway ...	18,000
For the provision of trolley vehicles	135,000
For the provision of electrical equipment and the construction of other works necessary for working trolley vehicles	100,000

And whereas the works included in such estimates 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 also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the sheriff-clerk of the county of Lanark and with the town clerk of the city and such plans sections and book of reference are hereinafter respectively 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 1936: 26 Geo. 5. & 1 Edw. 8. c. 52.

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:— 16 & 17 Geo. 5. c. 18.

PART I.

PRELIMINARY.

1. This Order may be cited as the Glasgow Corporation Order 1948. Short title and citations.

This Order and the Glasgow Gas Acts 1910 to 1946 may be cited together as the Glasgow Gas Acts 1910 to 1948.

This Order and the Glasgow Improvements Acts 1866 to 1937 may be cited together as the Glasgow Improvements Acts 1866 to 1948.

This Order and the Glasgow Libraries Acts 1899 to 1946 may be cited together as the Glasgow Libraries Acts 1899 to 1948.

PART I. —*cont.*

This Order and the Glasgow Loans Acts 1883 to 1946 may be cited together as the Glasgow Loans Acts 1883 to 1948.

This Order and the Glasgow Markets Acts 1865 to 1937 may be cited together as the Glasgow Markets Acts 1865 to 1948.

This Act and the Glasgow Municipal Buildings Acts 1878 to 1937 may be cited together as the Glasgow Municipal Buildings Acts 1878 to 1948.

This Order and the Glasgow Parks Acts 1878 to 1937 may be cited together as the Glasgow Parks Acts 1878 to 1948.

This Order and the Glasgow Police Acts 1866 to 1946 may be cited together as the Glasgow Police Acts 1866 to 1948.

This Order and the Glasgow Sewage Acts 1935 and 1937 may be cited together as the Glasgow Sewage Acts 1935 to 1948.

This Order and the Glasgow Streets Sewers and Buildings Act 1937 may be cited together as the Glasgow Streets Sewers and Buildings Acts 1937 to 1948.

This Order and the Glasgow Tramways Acts 1905 to 1946 may be cited together as the Glasgow Tramways Acts 1905 to 1948.

This Order and the Glasgow Water Acts 1855 to 1946 may be cited together as the Glasgow Water Acts 1855 to 1948.

This Order and the Glasgow Corporation Acts 1855 to 1946 may be cited together as the Glasgow Corporation Acts 1855 to 1948.

Order divided into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Tunnel.
Part IV.—Tramway and trolley vehicles.
Part V.—Financial and assessments.
Part VI.—Miscellaneous.

Interpretation.

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

29 & 30 Vict. c. cclxxiii.

"Act of 1866" means the Glasgow Police Act 1866;

"city" means the city and royal burgh of Glasgow;

"Clyde Navigation Acts" means the Clyde Navigation Acts 1858 to 1929;

"Corporation" means the corporation of the city of Glasgow;

"Corporation Acts" means the Glasgow Corporation Acts 1855 to 1946;

"intended tramway" means the tramway by this Order authorised;

9 & 10 Geo. 5. c. 57.
21 & 22 Geo. 5. c. 11.
10 & 11 Geo. 6. c. 53.

"Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931 and by Part IV of the Town and Country Planning (Scotland) Act 1947;

"Loans Acts" means the Glasgow Loans Acts 1883 to 1946;

PART I. —*cont.*

" loans fund " means the fund provided by the Loans Acts;
" magistrate " means a magistrate or judge having jurisdiction under the Police Acts;
" the Minister " means the Minister of Transport;
" Order of 1905 " means the Glasgow Corporation (Tramways Consolidation) Order 1905;
" Order of 1934 " means the Glasgow Corporation Order 1934;
" Police Acts " means the Glasgow Police Acts 1866 to 1946;
" police offence " means any offence consisting either of an act or the neglect or omission to do an act which the magistrate is authorised by this Order to try;
" sheriff " means the sheriff of Lanarkshire and includes his substitutes;
" the tunnel " means the tunnels and relative works authorised by Part III (Tunnel) of this Order;
" town clerk " means the town clerk of the city;
" Tramways Acts " means the Glasgow Tramways Acts 1905 to 1946;
" tramway undertaking " means the undertaking authorised by the Tramways Acts;
" trolley vehicle " means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source;
" trustees " means the trustees of the Clyde Navigation, and

any reference in this Order to the British Transport Commission shall in relation to any functions of the said Commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 be construed as a reference to that executive.

Incorporation of Acts.

4. The following Acts so far as they are applicable to the purposes of and are not inconsistent with this Order are hereby (except where expressly varied by this Order) incorporated with this Order:—

The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845); 8 & 9 Vict. c. 19.

The Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of land near the railway during the construction thereof and in that Act where applied to this Order the expressions " the promoters of the undertaking " and " the company " respectively mean " the Corporation " and the expressions " the railway " and " the undertaking " mean the works authorised by this Order; 8 & 9 Vict. c. 33.

and this Order shall be deemed to be a special Act within the meaning of those Acts.

PART II.

LANDS.

Power to acquire lands.

5. Subject to the provisions and for the purposes of Part III (Tunnel) of this Order the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Period for compulsory purchase.

6. The powers of the Corporation for the compulsory purchase of lands under this Order shall cease on the thirty-first day of December one thousand nine hundred and fifty.

PART II. —*cont.*

Servitudes &c. by agreement.

7. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation 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 rentcharges or feu duties 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.

Increase of Rent and Mortgage Interest (Restrictions) Act 1920 not to apply. 10 & 11 Geo. 5. c. 17.

8. Nothing contained in the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 or in the enactments amending and extending that Act shall be deemed to prevent the Corporation from obtaining possession of any lands houses or property delineated on the deposited plans which are vested in or which may under the powers of this Order be acquired by the Corporation and the possession of which is required by them for the purpose of exercising their powers under this Order.

Provision of accommodation for persons dispossessed and allowance for expense of removal.

9.—(1) The Corporation shall in so far as there is not other residential accommodation available on reasonable terms to the tenant or occupier of any dwelling-house who is dispossessed under the provisions of this Order secure to such tenant or occupier the provision of such accommodation in advance of his removal from the dwelling-house tenanted or occupied by him.

(2) The Corporation shall pay to the tenant or occupier of every dwelling-house to which the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 or the enactments amending or extending that Act would have applied but for the section of this Order of which the marginal note is "Increase of Rent and Mortgage Interest (Restrictions) Act 1920 not to apply" who is dispossessed under the provisions of this Order such reasonable allowance on account of his expense in removing as shall (failing agreement between the tenant or occupier and the Corporation) be determined on the application of either party by the sheriff whose decision shall be final.

Power to purchase cellars &c.

10. Notwithstanding anything contained in this Order the owners of and other persons interested in any cellar vault or other construction in or under any lands which the Corporation are authorised by this Order to enter upon take and use for the purposes of Part III (Tunnel) of this Order shall if need be sell the same for such purposes the Corporation paying such sum for such cellar vault or other construction including compensation for any damage sustained by such owners or persons by severance or otherwise as (failing agreement) shall be settled by the arbiter and such cellar vault or other construction to be taken and used as aforesaid shall not be deemed part of a house or other building or manufactory within the meaning of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Owners may be required to sell parts only of certain properties.

11.—(1) Whereas in the exercise of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of this Order or any of them and that such portions or some other portions

less than the whole can be severed from the remainder of the said properties without material detriment thereto:

PART II. —*cont.*

Therefore the following provisions shall have effect:—

(i) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Order and whereof a portion only is required for the purposes of this Order or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter in this section referred to as "the scheduled property";

(ii) If for twenty-one days after the service of notice to treat in respect of a specified portion of the scheduled property the owner fails to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(iii) If within such twenty-one days the owner by notice in writing to the Corporation alleges that such portion cannot be so severed the arbiter to whom the question of disputed compensation is submitted shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;

(iv) If the arbiter determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the arbiter has determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbiter;

(v) If the arbiter determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto he may in his absolute discretion determine and order that any costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner;

(vi) If the arbiter determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he determines that any other portion can be so

PART II. —*cont.*

severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

(vii) If the arbiter determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation if they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbiter shall having regard to the circumstances of the case and his final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation (Scotland) Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled property or any part thereof is or is not or but for this section would be or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

(3) The provisions of this section shall be stated in every notice to treat given in respect of a specified portion of the scheduled property.

Compensation in case of recently [illegible] buildings.

12. In settling any question of disputed purchase money or compensation payable under this Order by the Corporation the arbiter shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of February one thousand nine hundred and forty-seven if in the opinion of such arbiter the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing purchase money or compensation under this Order.

As to private rights of way over lands taken compulsorily.

13. All private rights of way over any lands which under the powers of this Order are acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Corporation shall make compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the acquisition of land otherwise than by agreement.

Power to enter upon property for survey and valuation.

14. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Order to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

PART II. —*cont.*

Further powers of entry.

15. At any time after notice to treat has been served for any land which the Corporation are authorised by this Order to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 83 to 89 of the Lands Clauses Consolidation (Scotland) Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Additional land.

16. The Corporation may for the purposes of this Order by agreement acquire or feu any quantity of land not exceeding in the whole twenty acres but nothing in this Order shall exempt the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired or feued under the provisions of this section.

Underpinning or otherwise strengthening houses.

17. Whereas in order to avoid in the execution and maintenance of any works authorised by this Order injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own expense may and if required by the owners or lessees of any such house or building shall subject as hereinafter in this section provided underpin or otherwise strengthen the same and the following provisions shall unless otherwise agreed have effect and be binding on the Corporation (that is to say):—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice if given by the Corporation shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or lessees of any such house or building to be underpinned or strengthened shall be sent to the principal office of the Corporation:

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require within seven days after the giving of such notice gives a counter-notice in writing that he or they as the case may be dispute the necessity of such underpinning or strengthening the question of the necessity shall (failing agreement) be determined by an engineer to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers:

(4) The arbiter to be appointed shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same

PART II. —*cont.*

shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:

(5) The Corporation shall be liable to compensate the owners lessees and the occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:

(6) If in any case in which any house or building has been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening proves inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening has been done in pursuance of and in the mode prescribed by the arbiter the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing contained in this section nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act:

(8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts; and

(9) Nothing contained in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Further protection for owners &c. of property injuriously affected.

18.—(1) Notwithstanding anything contained in this Order where any house or building is injuriously affected by the construction maintenance or use of the tunnel notwithstanding any steps taken by the Corporation for the underpinning or otherwise strengthening of such house or building in pursuance of the section of this Order of which the marginal note is "Underpinning or otherwise strengthening houses" the Corporation shall make compensation to the owner lessee and occupier of such house or building provided the claim for compensation in respect thereof is made by the owner within twelve months and by the lessee or occupier within six months from the discovery thereof.

(2) Every case of compensation under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

Correction of errors in deposited plans and book of reference.

19.—(1) 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 Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff 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 he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

(3) Such certificate shall be deposited with the sheriff-clerk of Lanarkshire and a duplicate thereof shall also be deposited with the town clerk 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 Corporation to take the lands and execute the works in accordance with such certificate.

(4) Such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate.

PART III.

TUNNEL.

Power to construct tunnel.

20.—(1) Subject to the provisions of this Order the Corporation may make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works (that is to say):—

Tunnel No. 1. A tunnel for mechanically propelled vehicular traffic under the river Clyde with approaches at each end commencing on the south side of the river Clyde on the north building line of Govan Road at a point 313 feet or thereabouts east of the intersection of the north building line of Govan Road with the west building line of Holmfauld Road and terminating on the north side of the river Clyde on the south building line of Dumbarton Road at a point 302 feet or thereabouts west of the intersection of the south building line of Dumbarton Road with the west building line of Ferryden Street;

Tunnel No. 2. A tunnel for mechanically propelled vehicular traffic under the river Clyde with approaches at each end commencing on the south side of the river Clyde on the north building line of Govan Road at a point 30 feet or thereabouts east of the commencement of Tunnel No. 1 and terminating on the north side of the river Clyde on the south building line of Dumbarton Road at a point 30 feet or thereabouts east of the termination of Tunnel No. 1;

together with all such approaches roundabouts tunnels lifts stairs subways passages means of ingress or egress shafts stagings buildings apparatus plant machinery and subsidiary and incidental works as may be necessary or convenient..

(2) The works will be situated wholly in the parish of Govan and in the city.

Power to deviate.

21. In executing any of the works authorised by this Part of this Order the Corporation may subject to the provisions of this Order deviate laterally to any extent from the line or situation thereof within

PART III. —*cont.*

the limits of deviation defined on the deposited plans and vertically from the levels thereof defined on the deposited sections to any extent not exceeding one foot upwards and to any extent downwards.

Subsidiary works.

22. The Corporation may in connection with the works authorised by this Part of this Order alter the levels and widths of the existing roadways and approaches to such works and for the purposes thereof make junctions and communications with any existing streets and roads which may be intersected or interfered with by or be contiguous to such works and may make such approaches to and ways from and out of such works or such alterations or deviations of approaches or other works and conveniences in connection with the same respectively as may be necessary or expedient and may also make and maintain all such temporary approaches landing places and works as may be necessary or expedient.

Subsidiary works affecting river Clyde.

23. Subject to the provisions of this Order the Corporation may in connection with the works authorised by this Part of this Order construct place and maintain in the river Clyde and on the quays banks bed and foreshore thereof all such temporary piles fenders booms dolphins pontoons caissons stagings coffer dams embankments piers abutments wharves walls fences drains stairs buildings and other works and conveniences as may be necessary or expedient.

Restrictions as to landing place.

24. None of the works constructed under the powers of this Part of this Order shall be used as a landing or loading place for goods or passengers conveyed or intended to be conveyed in any vessel.

Period for completion of works.

25. If the tunnel is not completed by the thirty-first day of December one thousand nine hundred and fifty-seven the powers by this Order granted to the Corporation for making and completing the tunnel or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Stopping up of roads.

26. The Corporation may stop up the whole or such portion or portions of streets and roads as are shown on the deposited plans as intended to be stopped up.

Power temporarily to stop up or interfere with streets.

27. Subject to the provisions of this Order the Corporation within the limits of deviation shown upon the deposited plans may stop up break up make junctions and communications with and alterations of the lines and levels of and otherwise interfere with alter or divert temporarily all or any part of any road street bridge stairs footpath way wharf stream or watercourse as they think necessary and may put up or cause to be put up sufficient pallisades hoardings bars posts and other erections and may construct temporary works for keeping any such road street bridge stairs footpath way or wharf open for traffic and make such orders for regulating the traffic as to them shall seem proper Provided that the Corporation shall provide reasonable access for all persons bona fide going to or returning from any land house or building in any such road street or place.

Vesting of soil of streets stopped up.

28. On the stopping up (otherwise than temporarily) of any street road or lane or part of a street road or lane under the powers of this Part of this Order all rights of way over such street road or lane or the part thereof stopped up shall be extinguished and the site and soil

PART III. —*cont.*

thereof shall vest in the Corporation but the Corporation shall not permanently stop up any street or portion thereof or appropriate the site and soil thereof unless they are owners in possession of all houses and lands on both sides of the street or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may consent thereto but such consent shall not be unreasonably withheld and any question which may arise as to whether or not such consent is unreasonably withheld shall be determined by the sheriff.

Power to pump and remove water.

29. Subject to the provisions of this Order the Corporation may pump any water found by them in the execution and maintenance of the works authorised by this Part of this Order and may use for the discharge of any such water the river Clyde or any available stream or watercourse or any sewer or drain and for that purpose may within the limits of deviation shown on the deposited plans lay down take up and alter conduits pipes and other works and make any convenient connections with any such stream watercourse sewer or drain Provided that the Corporation shall not discharge water into the river Clyde without the approval of the trustees and then only at such times as the trustees may approve and in a manner approved by them as not likely to injure the quays walls or embankments of the river Clyde or interfere with traffic thereon.

Alteration of position of water gas and other pipes.

30.—(1) Subject to the provisions of this section the Corporation may for the purposes of this Part of this Order upon the lands acquired by them under the powers of this Order and also in any street road or place within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse sewer drain water pipe or gas pipe belonging to or connected with any house or building and also any pipe tube cable wire or apparatus laid down or placed for telegraphic postal or other purposes or for supplying electricity (all of which mains pipes tubes cables wires and apparatus are in this section included in the expression "apparatus") and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company authority or person who suffers damage by any such alteration.

(2) (*a*) Before the Corporation alter the position of or execute any work which would interfere with or endanger any apparatus laid down or used by any such company authority or person they shall (except in cases of emergency) give to the company authority or person to whom the same belongs notice of the intention to do so specifying the time at which the Corporation will begin to do so such notice to be given except in case of emergency fourteen days at least before the commencement of the work.

(*b*) Such work shall be done at the expense of the Corporation under the superintendence of the company authority or person to whom such apparatus belongs unless such company authority or person refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work and the Corporation shall execute such work to the reasonable satisfaction and in accordance with the reasonable directions of such company authority or person.

PART III. —*cont.*

(3) If within seven days of the receipt of such notice any such company authority or person gives notice to the Corporation of their desire themselves to execute any such work of alteration they shall forthwith proceed to do so and the cost reasonably incurred by them in so doing shall be repaid to them by the Corporation Provided that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the Corporation.

(4) The Corporation shall not cause any land street road or way to be lowered nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering of less than three feet where the covering now existing is not less than three feet or the existing covering if the existing covering is less than three feet unless the Corporation in such case protect such apparatus from frost or injury by artificial covering to the reasonable satisfaction of the company authority or person to whom the same belongs nor cause any land street road or way to be raised more than four feet where the covering now existing does not exceed four feet or more than such existing covering where the same exceeds four feet unless the Corporation in such case provide special means of access to such apparatus to the reasonable satisfaction of such company authority or person.

(5) If any difference arises between the Corporation and any such company authority or person touching the amount of any costs expenses or charges under the provisions of this section to be paid by the Corporation to any such company authority or person or touching any work matter or thing with reference to such apparatus under such provisions to be done or executed by the Corporation or the mode of doing or executing the same such difference shall unless otherwise agreed be settled by arbitration.

Power to alter steps areas &c. and execute protective works.

31. The Corporation may within the limits of deviation defined on the deposited plans and for the purposes of this Part of this Order—

(*a*) raise sink or otherwise alter or cause to be altered the position of any of the steps areas vaults cellars cellar-flaps pavement lights gratings boundary walls railings fences windows watercourses drains pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit the Corporation making reasonable compensation to any person who suffers damage by any such alteration;

(*b*) execute any works and do any things necessary for the protection of any adjoining land or buildings and for the strengthening and supporting of any walls or other parts of such buildings:

Provided that in the exercise of the powers conferred by this section the Corporation shall interfere as little as is reasonably practicable with the carrying on of the undertaking of the trustees and the execution in pursuance of this section of such works as will or may affect the property or rights of the trustees shall be carried out at the sight and to the reasonable satisfaction of the engineer of the trustees.

As to closing tunnel and works.

32. The Corporation may whenever in their opinion it is necessary so to do for the purposes of the maintenance repair or improvement of the tunnel or any work forming part of or laid in the tunnel wholly or partially close the tunnel or any such work or any portion thereof:

Provided that except in an emergency the Corporation shall not close the tunnel or any work forming part thereof without giving at least seven days' previous notice by advertisement in some newspaper or newspapers circulating in the city.

Mains or pipes not to be laid in tunnel.

33. Notwithstanding anything contained in any enactment it shall not be lawful for any person to enter upon break up or interfere with the tunnel or the carriageways and footways of the same for the purpose of laying down any main pipe cable or wire or executing any work therein thereon or thereunder except with the consent of the Corporation in writing and in accordance with such terms and conditions as the Corporation may determine.

Power to sell materials.

34. The Corporation may sell or dispose of all matters or things excavated or obtained in the construction of the works authorised by this Part of this Order and all building and other materials of any houses buildings or structures acquired by them under the powers of this Order and not required for the purposes of this Part of this Order and also all matters or things in under or upon any road street or other place altered by them for the purposes of this Part of this Order and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Order.

Agreements with owners of property.

35. Subject to the provisions of this Order the Corporation may in connection with the powers granted to them by this Order enter into and carry into effect agreements with any person being the owner of or interested in any lands or property which may be acquired under the provisions of this Order or which may be in the neighbourhood of the works authorised by this Part of this Order with respect to the sale or purchase by the Corporation of any lands or property or any rights or servitudes in on or affecting the same for such consideration as may be agreed upon between the Corporation and such person or with respect to the reinstatement of such person or the exchange of lands for such purpose and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by them for the purposes of this Part of this Order and may pay or receive money for equality of exchange.

Works below high-water mark to be subject to approval of Minister.

36.—(1) Subject to the provisions of this Order any work authorised by this Part of this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work is commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the

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Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Lights on works during construction.

37.—(1) The Corporation shall at or near such part of the works authorised by this Part of this Order as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister shall after consultation with the trustees from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Survey of works by Minister.

38. If at any time the Minister deems it expedient for the purposes of this Part of this Order to order a survey and examination of any work constructed by the Corporation under the powers of this Part of this Order which is on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Abatement of work abandoned or decayed.

39.—(1) Where any work constructed by the Corporation under the powers of this Part of this Order and situated wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister or the trustees may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situated below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister or the trustees may think proper Provided that if there be any conflict between a requirement of the Minister and a requirement of the trustees under this section the requirement of the Minister shall prevail.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situated above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister or the trustees may include any such part of such work or any portion thereof in any notice under this section.

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(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Minister or the trustees may execute the work required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown or the trustees respectively and in the former case shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Provision against danger to navigation.

40. In case of injury to or destruction or decay of the works authorised by this Part of this Order or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the trustees and shall apply to the trustees for directions as to the means to be taken.

Restriction on construction of works by Clyde Navigation Trustees.

41.—(1) Notwithstanding anything contained in the Clyde Navigation Acts the trustees shall before carrying out in pursuance of the powers vested in them under the Clyde Navigation Acts any works (other than works of dredging necessary for maintaining a depth of water in the river Clyde of not more than thirty-nine feet below the level of low water at ordinary spring tides which level is 6.27 feet below Ordnance datum) within the limits of deviation shown on the deposited plans submit to the Corporation plans sections specifications and such other particulars of the proposed works as may be reasonably required by the Corporation and shall carry out such works only in accordance with plans sections and specifications reasonably approved by the Corporation and in such manner as may be agreed between the Corporation and the trustees Provided that if within six weeks from the receipt of such plans sections and specifications the Corporation do not signify to the trustees their disapproval thereof and their requirements in relation thereto the Corporation shall be deemed to have approved thereof.

(2) If in any case any difference arises between the Corporation and the trustees with respect to the approval of any plans sections and specifications submitted to the Corporation for approval in accordance with the foregoing provisions of this section or to the manner in which any works are to be carried out such difference shall be determined by arbitration the arbiter being specially empowered (*a*) to take into consideration on the one hand the safety of the tunnel and on the other hand the desirability of maintaining and improving at reasonable cost the navigational and other facilities of the Port of Glasgow and (*b*) to find that any additional cost to the trustees of carrying out any works which may be attributable to the requirements of the Corporation or to the decision of the arbiter or a specified part of any such additional cost shall be repayable by the Corporation.

Byelaws.

42.—(1) The Corporation may make and enforce byelaws for the regulation control and protection of the tunnel and of persons resorting to or using the same and for the management regulation direction and control of traffic of every description using the tunnel

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with power to fix a speed limit for vehicles and to prohibit or restrict the use of the tunnel by vehicles of any specified class or description either generally or during particular hours.

(2) Such byelaws shall before coming into operation be confirmed by the Minister and may be enforced by penalties imposed by any such byelaws not exceeding five pounds for each offence and any person who contravenes any such byelaws shall be guilty of a police offence.

(3) All police offences under any such byelaws may be prosecuted in a summary manner before the magistrate and any penalties in respect of such offences shall be recoverable and applied in the same manner as penalties imposed by the magistrate under the Police Acts.

Abandonment of Whiteinch ferries.

43.—(1) Notwithstanding anything contained in the Clyde Navigation Acts and the Corporation Acts the trustees may and if required by the Corporation shall abandon the Whiteinch vehicular and passenger ferries maintained by them or either of them whenever such abandonment has in the opinion of the Corporation become necessary for the construction of the works authorised by this Part of this Order and the trustees shall permanently abandon both those ferries when the tunnel is open for traffic.

(2) On the abandonment of the said ferries the Corporation may make such arrangements as they think fit for providing for pedestrians and pedal cyclists and for vehicles other than mechanically propelled vehicles free cross-river communication between Linthouse and Whiteinch either by means of the tunnel or otherwise in place of the free cross-river communication now provided by means of the said ferries and in particular the Corporation shall make arrangements for free cross-river communication for pedestrians and pedal cyclists by means of the tunnel.

(3) On the abandonment of the said ferries the trustees may remove the dolphins and wharves ferry stairs and other appurtenances in connection therewith on both banks of the river Clyde and construct embankments and pitching in front across the ferry recesses and passenger ferry stairs and build up the said recesses and ferry stairs and make up the surfaces to the level of the adjoining surfaces so as to align and connect up the existing embankments and pitching and surface levels respectively east and west of the said recesses and the Corporation shall repay to the trustees all expenses reasonably incurred by the trustees in carrying out the said works.

(4) Before commencing any of the works referred to in subsection (3) of this section the trustees shall submit to the Corporation for approval plans sections working drawings specifications and estimates (in this subsection included in the expression " plans ") showing the limits within which the manner in which the materials with which and the cost at which such works are to be carried out and such plans shall be subject to the reasonable approval in writing of the Corporation provided that if the Corporation do not within six weeks after the submission of such plans to them intimate to the trustees their approval or disapproval thereof the trustees may proceed with the said works in accordance with such plans but if within the said

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period the Corporation shall intimate their disapproval of the plans the same shall (unless the Corporation and the trustees otherwise agree in writing) be referred to arbitration as provided in the section of this Order of which the marginal note is "For protection of trustees of Clyde Navigation" and the trustees shall proceed with and complete as soon as practicable the said works in accordance with the plans as approved by the Corporation or determined by the arbiter.

Abandonment of tramway.

44.—(1) The Corporation may whenever in their opinion it has become necessary for the construction of the works authorised by this Part of this Order so to do abandon the whole or any part of Tramway No. 3 described in section 5 (New tramways and tramroads) of and authorised by the Glasgow Corporation Order 1922 and may take up and remove and use or dispose of the rails of the said tramway and the posts poles wires and other works and apparatus provided in connection therewith.

(2) As from the date upon which the Corporation abandon the said tramway in pursuance of this section all obligations and liabilities imposed on the Corporation under the Tramways Acts in respect of the said tramway shall cease and determine.

For protection of Postmaster-General.

41 & 42 Vict. c. 76.

45.—(1) For the purpose of the Telegraph Acts 1863 to 1943 the tunnel shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act 1878.

(2) Nothing in the section of this Order of which the marginal note is "Mains or pipes not to be laid in tunnel" shall alter or affect any of the rights and powers of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1943.

(3) The Corporation shall in constructing the tunnel provide for the telegraphic lines of the Postmaster-General such reasonable accommodation as shall be sufficient for twenty-eight lead-covered cables each with an external diameter not exceeding three inches The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Corporation his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

For further protection of Postmaster-General.

46.—(1) Where in exercise of the powers conferred by the section of this Order of which the marginal note is "Stopping up of roads" any street or road specified in that section or any portion of such a street or road is stopped up the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such street or road or portion of a street or road at the time of such stopping up:—

(*a*) The Postmaster-General shall have power to remove the line so however that the said power shall not be exerciseable as

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respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;

(*b*) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(*c*) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;

(*d*) Where under paragraph (*b*) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any of the said streets or roads has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) If in relation to the works authorised by the sections of this Order of which the marginal notes are "Power to construct tunnel" "Subsidiary works" and "Alteration of position of water gas and other pipes" respectively (which said sections are hereinafter referred to as "the specified sections") the Corporation require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration.

(4) If in consequence of the exercise or intended exercise by the Corporation of any of the powers conferred on them by the specified sections the Postmaster-General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any highway affected by the exercise or intended exercise by the Corporation of any of the said powers the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Corporation shall pay to the Postmaster-General all the expenses incurred by him

in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof Provided that—

(*a*) before making such alteration the Postmaster-General shall give a notice to the Corporation containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;

(*b*) the Corporation may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Corporation is to be carried out.

(5) Expressions in this section have the same meaning as in the Telegraph Act 1878.

For protection of trustees of Clyde Navigation.

47. For the protection of the trustees the following provisions shall notwithstanding anything contained in this Order or shown on the deposited plans and sections (unless otherwise agreed upon in writing between the Corporation and the trustees) apply and have effect:—

(1) (*a*) Notwithstanding anything in this Order the Corporation shall not without the previous consent in writing of the trustees purchase or acquire any part of so much as belongs to the trustees of the properties delineated on the deposited plans and described in the deposited book of reference (except such area as may be agreed between the Corporation and the trustees as being required in connection with the ventilation of the tunnel) but subject to the provisions of this section and the other provisions of this Order the Corporation may purchase and acquire and the trustees if so required by the Corporation shall sell and grant to the Corporation such servitudes or rights under the surface of so much as belongs to the trustees of the said properties as may be reasonably required by the Corporation for the purposes of constructing maintaining repairing ventilating and lighting and permitting the operation and user of the tunnel;

(*b*) Any servitudes or rights to be sold and granted by the trustees to the Corporation under the provisions of this subsection shall be sold and granted on such terms as (failing agreement) shall be determined under the Lands Clauses Acts:

(2) The trustees shall in no way be responsible or answerable for any damage or injury to the tunnel or to any vehicle cycle person goods or things in or using or being conveyed along the tunnel or any persons employed on or in connection with the tunnel caused by or attributable to—

(*a*) the dredging and deepening (including any necessary breaking up of rock or other hard material) of the part of the bed and foreshore of the river Clyde (as referred to in the section of this Order of which the marginal note is " Restriction on construction of works by Clyde Navigation

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Trustees ") within the limits of deviation shown on the deposited plans (in this section called " the specified part of the bed of the river ") to the extent necessary to maintain a depth of water of not more than thirty-nine feet below the level of low water at ordinary spring tides which level is 6.27 feet below Ordnance datum;

(*b*) the dredging and deepening (including any necessary breaking up of rock or other hard material or the removal of any obstruction including sunken vessels) to any depth of any part of the bed or foreshore of the river Clyde other than the specified part of the bed of the river;

(*c*) the removal in the course of carrying out dredging and deepening to the depth specified in paragraph (*a*) of this subsection of any boulder block of stone or rock or obstruction or the removal of sunken vessels in the specified part of the bed of the river which may be partly above and partly below that depth;

nor shall any part of the tunnel or any of the works and conveniences connected therewith be constructed or placed in such position or of such dimensions or otherwise as to prevent the trustees from dredging and deepening the river Clyde as aforesaid Provided that in the event of the trustees—

(*a*) in the course of dredging and deepening the bed and foreshore of the river Clyde encountering any boulder block of stone or rock or obstruction the removal of which would or might cause injury to the tunnel; or

(*b*) being under the necessity of removing a sunken vessel where such removal would or might cause injury to the tunnel;

they shall notify the Corporation before proceeding with the removal thereof and shall consult with the engineer of the Corporation as to the method to be adopted for the removal thereof and in the event of any difference arising as to the method to be adopted such difference shall be referred to arbitration, and the arbiter shall take into consideration on the one hand the safety of the tunnel and on the other hand the necessity of keeping open the navigational and other facilities of the Port of Glasgow and any additional cost to the trustees in dredging and deepening or removing sunken vessels due to the adoption of such method of removal as may have been required by the Corporation or determined by the arbiter as aforesaid or such specified part of any such additional cost as the arbiter may determine shall be repayable by the Corporation and in addition the Corporation shall make good to the trustees any loss of revenue sustained by them and shall indemnify and free and relieve the trustees of any claim or claims which may be made against them in consequence of the interruption of such navigational and other facilities of the said port due to the adoption of such method of removal as may have been required by the Corporation or determined by the arbiter as aforesaid:

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(3) The Corporation shall not construct any permanent shafts openings or other works of any description whatsoever on the bed or foreshore of the river Clyde:

(4) Nothing in this Order shall authorise or empower the Corporation without the previous consent of the trustees to embank encroach upon or interfere with any part of the bed and foreshore or banks of the river Clyde except as is expressly authorised by this Order:

(5) (*a*) Prior to the commencement of the construction of the tunnel the Corporation shall deliver to the trustees for their use longitudinal and cross sections in duplicate of so much of the tunnel as will be situate under the bed and foreshore of the river Clyde or under the properties numbered 6 7 8 and 9 on the deposited plans with a plan in duplicate showing the lines on which the sections are taken;

(*b*) Prior to the commencement of all or any temporary works to be executed in or under the bed and foreshore or banks of or adjoining the river Clyde the Corporation shall submit to the trustees for their approval and deliver to them for their use plans sections and specifications in duplicate of such temporary works;

(*c*) None of the said temporary works in or under the bed and foreshore or banks of or adjoining the river Clyde shall be commenced until the trustees shall have expressed in writing their approval or disapproval of the plans sections and specifications thereof Provided that such approval shall not be unreasonably withheld and that if the trustees fail to signify their approval or disapproval of such plans sections and specifications within six weeks after the receipt thereof they shall be deemed to have approved thereof:

(6) The Corporation shall allow the engineer of the trustees and his authorised representatives to inspect and survey all or any of the works executed by the Corporation under the bed and foreshore or banks of or adjoining the river Clyde or under the said properties numbered 6 7 8 and 9 while in course of construction and shall give all reasonable facilities for so doing and shall pay to the trustees all reasonable expenses incurred in connection therewith:

(7) Except with the prior approval of the trustees the Corporation shall not deposit any material on the bed or foreshore of the river Clyde and all material excavated by the Corporation from the bed or foreshore of the said river in the construction of the tunnel shall be removed by and at the expense of the Corporation and shall not be allowed to fall into or to be washed into the said river:

(8) All the works and operations of the Corporation shall be executed and performed so as in no way to obstruct or interfere with the free uninterrupted and safe navigation of the river Clyde or with the traffic thereon or with the due exercise and performance by the trustees of their statutory

PART III. —*cont.*

powers and duties and if any such obstruction or interference shall be caused or take place the Corporation shall pay to the trustees if injuriously affected thereby or to the owner of any vessel or other person injuriously affected thereby compensation in respect thereof and shall indemnify free and relieve the trustees of all claims arising as a result of the works and operations of the Corporation:

(9) The Corporation shall upon reasonable notice in writing from trustees so to do remove any temporary works and materials for temporary works which may have been placed in the river Clyde or on the quays banks bed or foreshore thereof by the Corporation and are no longer in use and in any event within six months after completion of the construction of the tunnel and if the Corporation fail so to do the trustees may remove the same and charge the Corporation with the expense of so doing and the Corporation shall forthwith repay to the trustees the expense so incurred:

(10) All responsibility in connection with the tunnel and all or any of the works (both temporary and permanent) connected therewith (whether of construction or maintenance) and for loss and damage occasioned thereby shall be and remain with the Corporation and the trustees shall not be liable for any damage or injury to the tunnel or any of such works resulting from any of the operations of the trustees in the exercise of their statutory powers or from the use of the river Clyde for navigation of vessels or from vessels sunk in the said river or from sunken vessels being lifted destroyed or otherwise dealt with in the said river in the manner provided in subsection (2) of this section Provided that nothing in this subsection shall exonerate the trustees from liability to the Corporation for any such damage or injury which may be caused by negligence on the part of the trustees their officers servants agents or contractors nor for damage or injury arising from dredging and deepening (otherwise than in connection with breaking up of hard material or lifting destroying or otherwise dealing in the manner provided in subsection (2) of this section with any vessels sunk in the said river) the specified part of the bed of the river to a greater depth than that specified or referred to in paragraph (*a*) or permitted under paragraph (*c*) of subsection (2) of this section:

(11) The owners and masters of vessels shall not be liable to make good any damage which may be caused to the tunnel or to any other works (whether temporary or permanent) authorised by this Order except such as may arise from the wilful act or wilful default of such owners or masters or their servants or agents:

(12) In the exercise of the powers of this Order the Corporation shall not in any way injure or damage the trustees' Merklands quay and its appurtenances or obstruct or interfere with the the working thereof or the road or river access thereto:

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(13) On the completion of the tunnel the Corporation shall supply to the trustees without payment a plan on a scale of not less than one inch to 208.33 feet and longitudinal sections and cross-sections on scales of not less than one-eighth of an inch to one foot showing the situation and levels of the tunnel and of all other permanent works (if any) constructed by the Corporation under the bed and foreshore of the river Clyde or under the said properties numbered 6 7 8 and 9:

(14) Except with the consent of the trustees which shall not be unreasonably withheld the Corporation shall not exercise the powers conferred by the sections of this Order of which the marginal notes respectively are:—

Subsidiary works;
Stopping up of roads;
Power temporarily to stop up or interfere with streets;
Alteration of roads &c. temporarily;

so as to obstruct or render less convenient the access to or exit from any quays roadways sheds lines of railway or other premises used by the trustees for the purposes of their undertaking:

(15) Any difference between the Corporation and the trustees in connection with any of the provisions of this section (other than subsection (1) thereof) or with anything contained in this Order shall failing agreement be determined from time to time by an arbiter to be mutually agreed upon between the Corporation and the trustees or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party:

(16) Except as expressly provided by this Order nothing in this Order shall prejudice or derogate from the estates rights interests privileges liberties or franchises of the trustees or prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the making of this Order the trustees did or might lawfully claim use or exercise under and by virtue of the Clyde Navigation Acts.

For protection of British Transport Commission.

48. The following provisions for the protection of the British Transport Commission (in this section called "the Commission") shall unless otherwise agreed in writing between the Corporation and the Commission apply and have effect (that is to say):—

(1) In this section the expression "the railway and works" means any railway or tramway of the Commission and all sidings stations depots roads bridges bridge approaches and other works and conveniences connected therewith or any property or buildings of the Commission:

(2) The tunnel where the same is intended to be constructed under or near to or which may in any way affect the railway and works shall be constructed of such design strength and durability as shall be sufficient for the effectual and safe support of the railway and works and shall be constructed and completed and thereafter altered repaired renewed and

PART III. —*cont.*

maintained under the superintendence of the Commission at the expense in all things of the Corporation and in accordance only with plans and specifications to be submitted to the Commission at least three weeks before the commencement of the construction of the tunnel or of any alterations repairs or renewals thereof or if the Commission shall object to the construction of the tunnel or of any alterations repairs or renewals thereof as shown on any plans and specifications so submitted to them then failing agreement as to any modification thereof in accordance only with plans and specifications to be settled by the arbiter to be appointed as hereinafter in this section provided of which last-mentioned plans and specifications a copy shall be delivered to the Commission at least three weeks before the commencement of the construction of the tunnel or of any alterations repairs or renewals thereof Provided that if the Commission shall not express their approval or disapproval of any plans and specifications within twenty-one days after the same shall have been submitted to them as aforesaid the Corporation shall be entitled to proceed with the construction of the tunnel and with the said alterations repairs or renewals in accordance with such plans and specifications but the Commission shall not be held to have approved or acquiesced in such plans and specifications:

(3) The fact that the tunnel and any alterations repairs or renewals thereof have been constructed or carried out in accordance with any plans and specifications approved or not objected to by the Commission or with any requirement of the Commission or under the superintendence of the engineer of the Commission shall not relieve the Corporation from any liability for damage caused to the railway and works or affect any claim by the Commission for damage caused to the railway and works:

(4) The Corporation shall not either temporarily or permanently enter upon or interfere with the railway and works further or otherwise than may be necessary for constructing maintaining or effecting repairs to the tunnel which may be constructed under or near to the railway and works in accordance with any such plans and specifications as aforesaid and they shall not alter or interfere with the lines or levels of the railway and works and they shall not unless with the consent of the Commission acquire any land or property of the Commission but only such a servitude through or in any land or property of the Commission as may be necessary for the tunnel:

(5) Notwithstanding anything contained in this Order the Corporation shall not discharge or allow to be discharged the contents of any sewer drain or watercourse into any drain sewer or watercourse formed or used exclusively for the drainage of the railway and works:

(6) The Corporation shall pay to the Commission all reasonable expenses which the Commission may incur in connection with or in consequence of the construction alteration renewal repair or maintenance of the tunnel including (without prejudice to the said generality) any reasonable expense incurred by the Commission in connection with the employment of inspectors signalmen watchmen and others and for superintendence of such works and all extra precautions for the safety and working of the Commission's railway traffic or protection of their railway and works or the protection of the servants of the Corporation engaged within the property of the Commission on account of the construction alteration renewal repair or maintenance of the tunnel:

(7) The tunnel shall be constructed altered renewed repaired and maintained by the Corporation so as not to alter or interfere with (except so far as may be necessary for carrying out the works) or injure or endanger the structure or stability of the railway and works and the Corporation shall at their own expense execute all underpinning or other works which may be necessary to secure the support or safety of the railway and works or any part thereof and should any damage or injury to or interference with the traffic on the railway and works be caused by or be due to the construction alteration renewal repair or maintenance by the Corporation of or the failure of or defect in the tunnel the Corporation shall free of all expense to the Commission execute all such works as may be necessary for repairing and making good the damage or preventing such interference as the case may be or the Commission in their option may on giving the Corporation as long previous notice in writing as possible in the circumstances enter upon the works or property of the Corporation and execute all such works as may be necessary for repairing and making good such damage or preventing such interference and the Corporation shall repay to the Commission all reasonable expenses so incurred by them in connection therewith:

(8) The Corporation shall make full compensation to the Commission for all loss or damage which the Commission may incur caused by the construction alteration renewal repair or maintenance of (or failure to maintain) the tunnel or by any interruption impediment or interference to or with the railway and works consequent on the construction alteration renewal repair or maintenance of (or failure to maintain) the tunnel and the Corporation shall also free and relieve the Commission of and from all claims damages or compensation which may be made against or recovered from the Commission arising out of or in consequence of the construction of the tunnel or the alteration renewal repair or maintenance thereof or failure to maintain the same so far as such may have been occasioned by the act or default of the Corporation or those for whom they are responsible:

PART III. —*cont.*

(9) Should it be necessary in constructing altering renewing repairing or maintaining the tunnel to alter or remove any telegraph or telephone posts wires or other telegraphic telephonic or signalling apparatus belonging to or maintained by the Commission any works reasonably necessary for such alteration or removal may be executed by the Commission and the Corporation shall pay to the Commission all reasonable expenses incurred in connection therewith:

(10) Notwithstanding anything contained in this Order the Corporation shall not in constructing the tunnel or in altering repairing or renewing the same in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the Commission's tramway in South Street and Ferryden Street or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the tramway of the Commission or any traffic thereon shall be obstructed hindered or interfered with contrary to this section the Corporation shall notwithstanding the approval by the Commission of any plans and specifications submitted to them pay to the Commission all reasonable expenses to which they may be put as well as reasonable compensation for the loss sustained by them by reason of any such interruption or interference:

(11) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the Commission from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing strengthening widening deviating or enlarging the railway and works under statutory powers existing at the date of the passing of the Act confirming this Order Provided that such operations shall not injuriously affect the tunnel otherwise than may be reasonably necessary for carrying out such operations and if any injury shall arise to the tunnel the Commission shall forthwith make good or remove the injury so far as such injury may have been occasioned by the act or default of the Commission or of those for whom they are responsible Before commencing any operations under the provisions of this subsection the Commission shall give twenty-eight days' previous notice in writing to the Corporation and any such operations shall so far as they may interfere with the tunnel be carried out to the reasonable satisfaction of the engineer of the Corporation Any extra expense which the Commission may incur in carrying out such operations by reason of the existence of the tunnel shall be paid by the Corporation as such extra expense may in the event of any difference of opinion be determined by an arbiter to be appointed as hereinafter in this section provided:

(12) If any difference shall at any time arise between the Corporation and the Commission or their engineers with respect to any of the matters referred to in this section such difference shall be referred to and determined by an

arbiter to be agreed on or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either the Corporation or the Commission provided always that the award or decision of such arbiter shall not relieve the Corporation of their liability to make compensation to the Commission for loss or damage and to relieve them from claims as provided in subsection (8) hereof If any question of law shall arise in the course of such arbitration the arbiter shall have power at the request of either party to state a case for the opinion of the court of session and the court shall determine such question.

For protection of Barclay Curle & Co. Ltd.

49. The following provisions for the protection of Barclay Curle and Company Limited (hereinafter in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) In this section—

"The Clydeholm yard" means the Clydeholm shipbuilding yard of the company situate at Whiteinch on the river Clyde;

"The timber yard" means the timber yard belonging to the company and being the lands delineated on the deposited plans and thereon numbered twenty in the parish of Govan;

"The railway siding" means the railway siding connecting the timber yard with the main line of the British Transport Commission;

"The protected premises" means the Clydeholm yard the timber yard and the railway siding;

"The protected works" means any buildings railway lines ships building berths cranes machinery or apparatus of any description (including the foundations thereof) on the protected premises whether at the date of the passing of the Act confirming this Order or at any time thereafter;

"The prescribed distance" means the distance in a horizontal plane in any direction of 200 feet from any point on or vertically above or below—

(*a*) the eastern boundary of the Clydeholm yard;
(*b*) the southern boundary of the Clydeholm yard;
(*c*) the eastern boundary of the timber yard;
(*d*) the northern boundary of the timber yard; or
(*e*) the railway siding;

"The authorised works" means the tunnel and any work connected therewith;

"Construct" includes maintain alter or renew:

(2) The Corporation shall not under the powers of this Order purchase or take the protected premises or any part thereof

PART III. —*cont.*

but the Corporation may purchase and take and the company if so required by the Corporation shall sell and grant to the Corporation such servitude or right of using the subsoil or undersurface of so much of the protected premises as is within the limits of deviation and of land to be acquired as shown on the deposited plans as may be necessary for constructing the authorised works The company may attach to the grant of such servitude or right such reasonable conditions (including conditions as to such right of support as may be reasonably necessary for the carrying on by the company of their business and undertaking on the protected premises) as may be agreed between the company and the Corporation or in case of difference settled by arbitration:

(3) The Corporation shall not construct so much of the authorised works as is within the prescribed distance or in any way affects the protected premises or the protected works otherwise than in accordance with plans sections and specifications to be previously submitted to and approved in writing by the company or in case of difference between the company and the Corporation settled by arbitration and the Corporation shall not commence the authorised works until the plans sections and specifications relating thereto have been so submitted and approved or settled Provided always that if the company shall not within twenty-eight days after the submission to them of any plans sections or specifications signify their disapproval thereof and the grounds of such disapproval they shall be deemed to have approved thereof:

(4) So much of the authorised works as is within the prescribed distance—

(*a*) shall be constructed by the Corporation in such manner as to minimise so far as reasonably practicable the risk of injury to the protected premises and the protected works; and

(*b*) when commenced shall be completed with all reasonable dispatch:

(5) (*a*) The company may from time to time appoint an engineer or surveyor who may at all reasonable times during the construction of the authorised works on giving previous reasonable notice inspect the same and every reasonable facility shall be afforded to him by the Corporation for that purpose;

(*b*) The Corporation shall pay to the company the reasonable costs of such inspection as aforesaid as may be reasonably necessary:

(6) If in the opinion of the company it shall be necessary owing to the construction of the authorised works that any temporary works shall be constructed by the company in order to ensure the stability of the protected premises or of the

PART III. —*cont.*

protected works the company may carry out such temporary works as may be reasonably requisite in that behalf and the costs and expenses reasonably incurred by the company in connection therewith (including compensation payable to any workmen or the legal representatives or dependants of workmen who may be injured or killed whilst employed by the company or by their contractors exclusively in and about such works) shall be repaid by the Corporation to the company on demand Provided that before proceeding to carry out any such temporary works the company shall submit to the Corporation (except in the case of emergency) particulars of their proposals and in the event of any difference arising as to the necessity for such temporary works such difference shall be determined by arbitration:

(7) If it shall at any time appear to the company either before or during the construction or after the completion of the authorised works that any further or other works or appliances or measures of precaution are required so as to prevent subsidence or injury happening to any of the protected premises or to any of the protected works owing to or in consequence of the execution of any of the authorised works the Corporation shall on being thereunto required in writing make and execute at their own expense and according to plans sections and specifications to be reasonably approved by the company such works or take such measures of precaution including the use of compressed air or the temporary cessation of the construction of the authorised works as the company shall reasonably require and the construction of such further or other works when commenced shall proceed with all reasonable dispatch Any difference as to the necessity of any such further works or measures of precaution as aforesaid or as to the mode of execution thereof shall unless otherwise agreed be determined by arbitration:

(8) The Corporation shall not under the powers of this Order—

(*a*) open break up or interfere with the surface of Ferryden Street or South Street so as to obstruct the access to or egress from the Clydeholm yard or the timber yard (whether by road or rail) without the consent of the company but such consent shall not be unreasonably withheld;

(*b*) interfere with any apparatus by means of which water sewage gas or electricity is conveyed to or from the protected premises or by means of which telephonic communication with the protected premises is effected without previously having taken such measures of a temporary or permanent nature as may be necessary to ensure the continuity of such services to the company:

(9) The Corporation shall not under the powers of the section of this Order of which the marginal note is " Subsidiary works affecting river Clyde " execute any work or place any obstruction in the river Clyde or on the quays banks bed or

PART III. —*cont.*

foreshore thereof which will in any way interfere with the conduct of the business carried on by the company in the Clydeholm yard (including the launching of ships therefrom):

(10) (*a*) The Corporation shall be responsible for and make good to the company all costs losses damages and expenses which may be occasioned to the company whether during the construction of the authorised works or at any time thereafter by reason of the construction or failure of the authorised works or of any further works carried out under subsection (7) of this section (including any additional expense incurred in connection with the protected works) or by the acts or defaults of the Corporation or of any person in their employ or of their contractors;

(*b*) The Corporation shall indemnify and hold harmless the company from all claims or demands which may be made on or against them in consequence of the construction of the authorised works or the failure or want of repair thereof or in consequence of any act or omission of the Corporation their contractors agents workmen or servants:

Provided that the company shall give to the Corporation immediate notice of such claim or demand and that no settlement or compromise thereof shall be made except with the consent of the Corporation who shall (if they so elect) have the sole conduct of any settlement or compromise of any proceedings necessary to resist the same:

(11) The fact that any work or thing has been executed or done in accordance with a plan approved by or not objected to by the company or with any requirements of the company or any engineer appointed by the company or after inspection by or to the satisfaction of such engineer or in accordance with any directions or award of an arbiter under this section shall not relieve the Corporation from any liability for damage caused to the company or affect any claim by the company for injury caused to the protected premises or the protected works or any other claim competent to the company under this Order:

(12) Where under this section any claim question difference or dispute (other than a claim question difference or dispute to which the provisions of the Lands Clauses Acts apply) or any matter or thing is to be referred to arbitration the claim question difference or dispute or the matter or thing shall be referred to and settled by a single arbiter to be agreed upon between the Corporation and the company 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.

For protection of John Broadfoot & Sons Limited.

50. For the protection of John Broadfoot and Sons Limited and their successors in the ownership or their tenants of the lands and heritages or any part thereof of the said company at Ferryden Street in the city (all of whom are in this section included in the expression "the company") the following provisions shall notwithstanding anything contained in this Order or shown on the deposited plans and

sections and unless otherwise agreed upon in writing between the Corporation and the company apply and have effect (that is to say):—

(1) The Corporation shall acquire of the lands belonging to the company and coloured pink on the plan signed in duplicate by Robert Bruce on behalf of the Corporation and by George Taylor Williamson on behalf of the company (which plan is in this section referred to as " the said plan ") so much only as is necessary for the purposes of the tunnel and in addition the Corporation may purchase and take and the company shall if so required sell and grant to the Corporation a servitude in over under or upon such other portion of the lands and property of the company as may be necessary for the construction of the Tunnel No. 2 by this Order authorised:

(2) The price to be paid by the Corporation for the lands purchased by the Corporation as aforesaid and the terms on which the said servitude shall be granted shall failing agreement be determined under the provisions of the Lands Clauses Acts:

(3) The Corporation shall make good any damage and relieve the company from all claims for damage of whatsoever nature which may be caused by the construction or use of the said Tunnel No. 2:-

(4) The Corporation shall before commencing the construction of any works in under or upon or in any way affecting the lands and heritages of the company aforesaid at their sole expense and to the reasonable satisfaction of the company carry out the following works:—

(*a*) they shall enclose the entrance to the said Tunnel No. 2 by erecting a suitable wall along the southern boundary of the said land coloured pink on the said plan and shall erect suitable fences along the eastern and western boundaries thereof and such wall and fences shall thereafter be maintained by the Corporation;

(*b*) they shall extend the existing foundry building of the company at the east end thereof by the removal of the existing gable wall from the line A B to the line C D and shall erect walls along the lines A C and B D all as marked on the said plan and a roof covering the said extension all of the same type design and material as the existing foundry building They shall also erect new pillars and crane girders in the extended portion of the foundry and shall lift and relay in a corresponding position in the extension the rails which at present enter the foundry at the east end;

(*c*) they shall move the store buildings (the present site of which is shown on the said plan and which are thereon marked " store buildings to be removed and re-erected ") from their present site and re-erect the same on a corresponding site the same distance from the east gable of the extension as from the present gable;

PART III. —*cont.*

(*d*) they shall remove the hand crane marked "hand crane to be removed and re-erected" on the said plan from its present position and shall re-erect the same at a corresponding position to the east of the gable of the extension;

(*e*) they shall remove the building marked "building to be removed" on the said plan from its present site and shall suitably restore the site;

(*f*) they shall construct a new liner casting pit on a new site to be selected by the company:

(5) All the intended works referred to in the immediately preceding subsection of this section shall when commenced be completed with all due dispatch in accordance with the said plan and the foregoing conditions and so as not to cause injury to the company's works lands or property or the interruption of the company's business and if by the execution of the said intended works any injury shall arise to the company's works lands or property or interruption of the company's business the Corporation shall make compensation to the company in respect of such injury or interruption:

(6) If the company so elect they may themselves execute so much of the said intended works as will be situated on the property of the company and may recover from the Corporation the reasonable expenses incurred by the company in connection therewith:

(7) If any difference arises between the Corporation and the company under subsections (3 (4) (5) or (6) of this section the same shall be determined by an arbiter to be appointed failing agreement by the sheriff:

(8) In this section the expression "sheriff" shall mean the sheriff exclusive of his substitutes.

For protection of Alexander Stephen and Sons Limited.

51. For the protection of Alexander Stephen and Sons Limited and their successors and assigns as owners of the Linthouse shipbuilding and engineering works (all of whom are in this section included in the expression "the company") the following provisions shall notwithstanding anything contained in this Order or shown on the deposited plans and sections and unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

(1) Subject to the provisions of subsection (2) of this section—

(*a*) the Corporation shall not purchase or acquire the lands numbered on the deposited plans 1 2 3 4 5 and 6 in the parish of Govan (in this section referred to as "the said property") except so much of the said property as is required for the purposes of the tunnel where constructed in cutting and which shall include the area within the limits of the lands coloured pink upon the plan (in this section called "the signed plan")

which has been signed in duplicate by Robert Bruce on behalf of the Corporation and by Ralph Risk on behalf of the company one copy of which plan is deposited with the town clerk and the other with the company and the Corporation may also purchase and acquire and the company if so required by the Corporation shall sell and grant to the Corporation a servitude or right of constructing and maintaining the tunnel under so much of the said property as is included within the limits of the lands coloured blue upon the signed plan;

(*b*) Any servitude or right to be sold and granted by the company to the Corporation under the provisions of this subsection shall be sold and granted on such terms as (failing agreement) shall be determined in manner provided by the Lands Clauses Acts:

(2) If (by reason of the Corporation in the construction of the tunnel deviating vertically from the levels shown on the deposited sections) the portion of the tunnel to be constructed in cutting is increased or reduced the areas of the lands coloured pink and of the lands coloured blue respectively on the signed plan shall be correspondingly increased or reduced:

(3) Notwithstanding anything contained in this Order or shown on the deposited plans the Corporation shall not in constructing the tunnel so far as situated on or under the lands of the company deviate laterally to the eastward from the lines shown on the deposited plans to an extent exceeding twenty feet:

(4) The company shall have the same rights of using so much of the said property in respect of which the Corporation have acquired a servitude or right as aforesaid subject to such servitude or right at all times as if the Act confirming this Order had not been passed Provided that the company shall not carry out any works or operations or so use the portion of the said property in respect of which the Corporation have acquired a servitude or right as aforesaid as to affect the tunnel injuriously and if any injury shall arise to the tunnel the company shall forthwith make good or remove the injury so far as such injury may have been occasioned by the act or default of the company or of those for whom they are responsible Before commencing any works or operations which might affect the tunnel the company shall give twenty-eight days' previous notice in writing to the Corporation and any such works or operations shall so far as they may interfere with the tunnel be carried out in such manner as may be agreed between the company and the Corporation or in the event of difference as shall be determined by arbitration as provided in this section:

(5) The Corporation shall erect and maintain a suitable fence between the portion of the said property acquired by them and the remainder of the said property:

PART III. —*cont.*

(6) The Corporation shall not stop up either temporarily or permanently any road or way forming approaches to the works and property of the company until they shall have provided to the reasonable satisfaction of the company alternative facilities of equal load-bearing capacity to the road or way so stopped up:

(7) In addition to any other compensation payable to the company under this Order or the Acts incorporated therewith the Corporation shall be responsible for and make good to the company all costs charges losses damages and expenses which may be reasonably incurred by the company by reason or in consequence of the exercise by the Corporation of any of the powers conferred on them by this Part of this Order or in consequence of the carrying out by the Corporation of any of the works referred to in subsection (7) of the section of this Order of which the marginal note is "For protection of Barclay Curle and Co. Ltd." as applied by subsection (8) of this section and in particular but without prejudice to the foregoing generality the Corporation shall pay to the company the amount (if any) of any additional expense occasioned to the company in the construction of a wet dock or the erection of any works or apparatus in connection therewith on their existing lands attributable to the company being compelled (owing to the construction of the tunnel) to construct the walls or either or both of the walls of such dock to the east or partly to the east of the sites of such walls shown on the plan signed in duplicate by Robert Bruce on behalf of the Corporation and by Ralph Risk on behalf of the company one copy of which plan is deposited with the town clerk and the other with the company (in this section called "the wet dock plan") instead of on the sites shown on the wet dock plan as such additional expense shall failing agreement be determined by arbitration:

(8) In addition and without prejudice to the foregoing provisions of this section the provisions after mentioned of the section of this Order of which the marginal note is "For protection of Barclay Curle and Co. Ltd." shall mutatis mutandis and with any necessary modifications extend and apply to and for the benefit and protection of the company (that is to say) Subsections (2) (so far as relating to the attachment of conditions as to a right of support to the grant of a servitude) (3) (5) (6) (7) (8) (paragraph (*b*)) (10) (paragraph (*b*)) and (11) provided that in the application of the said provisions to the company the expression "the protected premises" means the Linthouse shipbuilding and engineering works of the company and the expressions "the protected works" "the authorised works" and "construct" have the meanings given to them respectively in subsection (1) of the said last-mentioned section:

(9) Any difference which shall arise between the company and the Corporation under this section (except under subsection (1) thereof) shall be determined by an arbiter to be mutually

agreed upon between the Corporation and the company or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers. PART III. —*cont.*

PART IV.

TRAMWAY AND TROLLEY VEHICLES.

New tramway.

52. Subject to the provisions of this Part of this Order the Corporation may make form lay down renew work use and maintain the tramway hereinafter described in this section in the lines and according to the levels shown on the deposited plans and sections with all necessary and proper rails chairs plates sleepers channels wires poles posts conduits section boxes tubes ropes engines engine-houses subways manholes shafts junctions sidings crossovers passing places points turntables turnouts weighbridges stables carriage-houses offices carriages sheds buildings warehouses shelters waiting rooms works and conveniences connected therewith or for the purposes thereof Provided that nothing in this Part of this Order shall authorise any interference with electric lines and works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section. 45 & 46 Vict. c. 56.

The tramway hereinbefore in this section referred to and authorised by this Part of this Order is—

A tramway 2 furlongs 3 chains 14 yards or thereabouts in length commencing in Boydstone Road by a junction with the existing tramways of the Corporation in that road at a point 94 yards or thereabouts west of the intersection of that road with Thornliebank Road thence passing westward along Boydstone Road and terminating in that road at a point 123 yards or thereabouts west of the junction of that road with Kiloran Street.

The intended tramway which will be situated wholly in the city the parish of Eastwood and the county of Lanark shall be laid as double lines and the distance between such lines shall be such that the sides of the widest tramcars to be used on the intended tramway when passing one another shall not be less than fifteen inches apart.

Period for completion of tramway.

53. The intended tramway shall be completed by the thirty-first day of December one thousand nine hundred and fifty and after that date the powers granted to the Corporation by this Part of this Order for the construction of the intended tramway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Application of Tramways Acts to tramway.

54.—(1) The intended tramway shall form one undertaking with the tramways authorised to be constructed under the Tramways Acts and the provisions contained in those Acts as amended by this Order shall extend and apply to the intended tramway in the same manner and to the like effect as if it was part of "the tramways" "the intended tramways" and "the tramway undertaking" as defined by section 2 (Interpretation) of the Order of 1905.

(2) Section 9 (Use of posts standards etc. by Postmaster-General) of the Glasgow Corporation Act 1907 shall extend and apply to the intended tramway. 7 Edw. 7. c. cxlvi.

PART IV. —*cont.*

Power to run trolley vehicles along route of tramway.

55. For the purposes of Part II (Trolley vehicles and tramways) of the Order of 1934 the intended tramway shall be deemed to be a tramway authorised to be constructed by the Corporation at the date of the passing of the Act confirming the Order of 1934 and the Corporation may work and run trolley vehicles along the route of the intended tramway accordingly.

Power to use trolley vehicles on additional routes.

56.—(1) The Corporation may provide maintain and equip trolley vehicles (but shall not manufacture such trolley vehicles except the bodies thereof) and may work and run the same along the following routes:—

Route No. 1. 1 mile 3 furlongs 4 chains 8 yards or thereabouts in length wholly in the parish of New Kilpatrick and the county of Dunbarton commencing in the Milngavie or Balfron Road at a point 61 yards or thereabouts south-west of the centre of the bridge at Hillfoot carrying the said road over the Glasgow to Milngavie railway of the British Transport Commission thence passing northwards along the Milngavie or Balfron Road and Main Street thence into and northwards along Park Road for a distance of 89 yards or thereabouts northwards from South Mains Road thence turning eastwards and southwards into Main Street and terminating in that street in the burgh of Milngavie at South Mains Road;

Route No. 2. 3 furlongs 5 chains or thereabouts in length wholly in the parish and city of Glasgow and the county of Lanark commencing in Royston Road at the termination of the existing tramways in that road at a point 37 yards or thereabouts west of Provanmill Road thence passing eastwards along Royston Road thence turning into and along Langdale Street thence into and along Greenrigg Street thence into and northwards along Provanmill Road and terminating in Royston Road at the junction of that road with Provanmill Road;

Route No. 3. 3 furlongs 8 chains 18 yards or thereabouts in length wholly in the parish and city of Glasgow and the county of Lanark commencing in Provanmill Road at the junction of that road with Greenrigg Street by a junction with Route No. 2 hereinbefore described thence passing eastwards along Provanmill Road and terminating in that road at the junction of that road with Cumbernauld Road;

Route No. 4. 1 furlong 2 chains 7 yards or thereabouts in length wholly in the parish and city of Glasgow and the county of Lanark commencing by a junction with the existing tramways of the Corporation in Castle Street at the junction of that street with McLeod Street thence passing into and along McLeod Street Collins Street and Cathedral Street and terminating by a junction with the existing tramways of the Corporation in Castle Street at the junction of that street with Cathedral Street;

Route No. 5. 2 furlongs 2 chains or thereabouts in length wholly in the parish of Govan the city and the county of

Lanark commencing by a junction with the existing tramways of the Corporation in Crown Street where that street crosses Adelphi Street thence passing northwestwards into and along Adelphi Street to Hospital Street thence passing into and along Hospital Street to Ballater Street thence passing south-eastwards along the route of the existing tramways of the Corporation in Ballater Street to Thistle Street thence passing into and along Thistle Street and terminating in Adelphi Street at the junction of that street with Thistle Street;

Route No. 6. 1 furlong 2 chains 9 yards or thereabouts in length in the parishes of Govan and Cathcart the city and the county of Lanark commencing in Aikenhead Road at the termination of the existing tramways of the Corporation in that road at a point 13 yards or thereabouts north of the junction of that road with Polmadie Street thence passing southwards along Aikenhead Road to Bennan Square thence passing into and along Bennan Square into and northwards along Brereton Street to Calder Street and eastwards along Calder Street and terminating by a junction with the existing tramways of the Corporation in Aikenhead Road where that road crosses Calder Street;

Route No. 7. 1 mile 3 furlongs 6 chains 11 yards or thereabouts in length in the parishes of Govan and Cathcart the city and the county of Lanark commencing in Aikenhead Road at the junction of that road with Bennan Square by a junction with Route No. 6 hereinbefore described thence passing southwards along Aikenhead Road to King's Park Avenue thence passing westwards into and along King's Park Avenue to Carmunnock Road thence passing into and northwards along Carmunnock Road and terminating in that road at its junction with Cordiner Street;

Route No. 8. 1 mile 2 furlongs 3 chains or thereabouts in length commencing in the parish of Cathcart the city and the county of Lanark in Aikenhead Road at the junction of that road with Prospecthill Road by a junction with Route No. 7 hereinbefore described thence passing eastwards into and along Prospecthill Road Westmuir Place Burnhill Street and Chapel Street to the junction of Glasgow Road with Main Street thence passing along the route of the existing tramways of the Corporation in Main Street to Farmeloan Road and continuing along Main Street to Caledonia Avenue thence passing into and northwards along Caledonia Avenue to King Street thence passing into and westwards along King Street to Farmeloan Road thence passing into and southwards along Farmeloan Road and terminating in Main Street at the junction of that street with Farmeloan Road in the parish and royal burgh of Rutherglen and the county of Lanark;

and with the consent of the Minister along any other street or road which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of obtaining access to a trolley vehicle route from any depot garage building or work of the Corporation.

PART IV. —*cont.*

(2) Before equipping any trolley vehicle route to include a turning point not being part of any of the routes described in subsection (1) of this section or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister for approval and such turning point shall not be fixed upon any street or road without the consent of the road authority which consent shall not be unreasonably withheld.

(3) Turning points (except those included in the routes specified in subsection (1) of this section) shall not be provided upon any street or road belonging to or wholly maintained by the British Transport Commission without the consent in writing of such Commission which consent shall not be unreasonably withheld.

(4) Any question as to whether or not any consent under this section has been unreasonably withheld shall be determined by the Minister whose decision shall be final.

(5) For the purposes of this section "road authority" means with reference to any road or bridge with the immediate approaches thereto or any part thereof the authority company or person charged with or liable to contribute to the maintenance of such road or bridge with the immediate approaches thereto or any part thereof and "street" means and includes any street highway road bridge square lane footpath court or passage or other place open and accessible to the public.

Application of certain provisions of Order of 1934 to trolley vehicles.

57. The following provisions of the Order of 1934 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order relating to trolley vehicles) are hereby incorporated with this Order and shall extend and apply to the trolley vehicles authorised by this Order as fully and effectually as if such provisions had been re-enacted in this Part of this Order with any necessary modifications (that is to say):—

Section 6 (As to electrical works);
Section 7 (Corporation to have exclusive right of using apparatus for working trolley vehicles);
Section 8 (Licence duties on trolley vehicles);
Section 9 (Approval of vehicles by Minister of Transport);
Section 10 (Certification by Minister of Transport);
Section 13 (For protection of London Midland and Scottish and London and North Eastern Railway Companies);
Section 14 (Conveyance of mails);
Section 15 (Fares and charges);
Section 18 (Application of tramway byelaws);
Section 19 (As to abandonment of tramways);
Section 21 (Trolley vehicle services not to be discontinued without consent);
Section 24 (For further protection of London Midland and Scottish and London and North Eastern Railway Companies);

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

33 & 34 Vict. c. 78.

58.—(1) The following provisions of the Tramways Act 1870 as modified by section 4 (Amendment of Tramways Act 1870) of the Order of 1905 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order) are hereby incorporated with this order and shall apply to the trolley vehicles

PART IV. —*cont.*

authorised by this Order and shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways (that is to say):—

Part II (Construction of tramways) except sections 25 28 and 29;
Section 41 (Tramways to be removed in certain cases);
Section 45 (Tolls &c.);
Section 49 (Penalty for obstruction of promoters in laying out tramway);
Section 50 (Penalties for wilful injury or obstruction to tramways &c.);
Section 51 (Penalty on passengers practising frauds on the promoters);
Section 53 (Penalty for bringing dangerous goods on the tramway);
Section 55 (Promoters or lessees to be responsible for all damages);
Section 57 (Right of user only);
Section 60 (Reserving powers of street authorities to widen &c. roads); and
Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of the Roads and Bridges (Scotland) Act 1878 as to the side of the road on which any carriage is to be kept. 41 & 42 Vict. c. 51.

Application of sections of Tramways Acts to trolley vehicles.

59.—(1) The sections hereinafter specified of the Orders mentioned in this section shall so far as the same are not varied by or inconsistent with the provisions of this Order extend and apply mutatis mutandis to the trolley vehicles authorised by this Order and to the Corporation and any lessees of the Corporation and to all other persons in respect thereof as fully and effectually as if those sections had been re-enacted in this Order with reference thereto (that is to say):—

Order of 1905—
Section 5 (Tramways to vest in Corporation);
Section 7 (Overhead wires &c.);
Section 37 (Construction of subsidiary works for operating tramways by mechanical power);
Section 38 (Purchase &c. of mechanical power &c.);
Section 41 (Mechanical power);
Section 42 (Use of electrical power);
Section 43 (Protection of Commissioners of Works);
Section 44 (Alteration of lines of Postmaster-General);
Section 45 (Protection of lines of Postmaster-General) as amended by section 38 (For further protection of Postmaster-General) of the Glasgow Corporation Order 1927;
Section 48 (Leasing working &c. of tramways);
Section 50 (Through cars);
Section 51 (Special cars);
Section 52 (Byelaws by Board of Trade);
Section 53 (Authentication of Board of Trade byelaws);
Section 54 (Byelaws by Corporation);

PART IV. —*cont.*

Section 55 (Byelaws by local authority);

other than the paragraph in the said sections 54 and 55 which reads—

"For regulating the passage of traffic along or across the roads in which the tramways are or may be laid and along over or across such tramways for preventing obstructions to all or any part of the traffic on such roads or tramways and for providing that all or any part of the slow-going traffic on such roads shall keep as near as possible to the side of such roads";

Section 56 (Byelaws as to speed of carriages);

Section 57 (Penalties for offences against byelaws);

Section 58 (Confirmation of byelaws);

Section 59 (Notice of confirmation of byelaws);

Section 60 (Proof of byelaws);

Section 61 (Carriages &c. not to be licensed);

but nothing in the said section 61 as by this section applied to the trolley vehicles of the Corporation shall prevent the application of sections 4 to 8 (both inclusive) of the Road Traffic Act 1930 to such trolley vehicles;

20 & 21 Geo. 5. c. 43.

Section 63 (Protection of local authorities) Subsections (3) (5) (7) (8) (9) (10) (11) (12) (14) (15) and (21);

Section 68 (Cutting trees overhanging highways);

Section 69 (Penalty for malicious damage);

Section 75 (Fares on Sundays and holidays);

Section 76 (Fares for labouring classes);

Section 77 (Fares to be paid as directed by Corporation);

Section 78 (Recovery and application of penalties &c.);

Section 79 (Lost property);

Section 80 (Notices under Tramways Act 1870);

Section 94 (References to arbitration); and

Section 95 (General Tramway Acts).

Glasgow Corporation Order 1922—

Section 23 (Cloakrooms &c.);

Section 24 (Power to require intending passengers to wait in lines or queues); and

Section 25 (Attachment of signs indicating stopping places to lamp-posts &c.).

(2) Section 9 (Use of posts standards &c. by Postmaster-General) of the Glasgow Corporation Act 1907 shall extend and apply to the trolley vehicles.

For protection of Clyde Valley Electrical Power Company and Strathclyde Electricity Supply Company Limited.

60. Notwithstanding anything contained in this Part of this Order the following provisions of this section shall apply and have effect for the protection of the Clyde Valley Electrical Power Company and the Strathclyde Electricity Supply Company Limited (hereinafter in this section for their respective interests referred to as "the company") unless otherwise agreed on in writing between the Corporation and the company (that is to say):—

The provisions of section 63 (For protection of Corporations) and of section 66 (For protection of Corporation of Glasgow) of the Clyde Valley Electrical Power Act 1901 (hereinafter referred to in this section as "the Act of 1901") shall not apply to the

1 Edw. 7. c. ccxxv.

works authorised by this Part of this Order or to the works in connection therewith authorised by the section of this Order of which the marginal note is " Alteration of roads &c. temporarily " and the Corporation shall not in connection with such works interfere with the electric lines and works of the company except in accordance with the provisions of section 15 of the Electric Lighting Act 1882 but subject to the exclusion of the sections of the Act of 1901 hereinbefore specified. PART IV. —*cont.* 45 & 46 Vict. c. 56.

61. In the construction of the intended tramway posts or other apparatus shall not be erected on the carriageway except with the consent of the Minister. Erection of posts on carriageway.

62. Nothing in this Part of this Order shall be in derogation of the provisions of Parts IV and V of the Road Traffic Act 1930. Saving for Road Traffic Act.

63. Section 301 of the Local Government (Scotland) Act 1947 (relating to the confirmation of byelaws made by local authorities) shall not apply to any byelaws made under the powers of this Order with respect to the intended tramway or with respect to the trolley vehicles authorised by this Order. Section 301 of Local Government (Scotland) Act 1947 not to apply to tramway and trolley vehicle byelaws.

64. Subject to the provisions of this Order the trolley vehicle undertaking authorised by this Order shall form one undertaking with the tramway undertaking. Trolley vehicles and tramways to be one undertaking.

PART V.

FINANCIAL AND ASSESSMENTS.

65.—(1) The Corporation may for the purpose of carrying out the powers conferred on them by this Order with respect to the tunnel borrow any sum or sums of money not exceeding the sum of two million eight hundred and eighty thousand pounds under deduction of any sum otherwise met. Power to borrow money and levy assessments for tunnel &c.

(2) The Corporation may again borrow any sums which may have been repaid by them otherwise than by the application of money received for lands and properties sold by them and by sinking fund provided by the immediately succeeding subsection of this section and any money so borrowed by them shall be deemed to have been borrowed under the powers and for the purposes of this Order and shall form part of the money authorised to be borrowed under this Order.

(3) The Corporation shall annually set apart as a sinking fund and pay into the loans fund provided by the Loans Acts such sums as are necessary to provide for the repayment of the money borrowed under the powers of subsection (1) of this section within fifty years from the date or dates of borrowing the same and not paid off by other means than such sinking fund and they shall apply such sinking fund in paying off the principal sums so borrowed.

(4) The provisions of the Loans Acts shall apply to the money borrowed by the Corporation under the powers of this section.

(5) All expenditure incurred by the Corporation in carrying out the powers conferred on them by this Order with respect to the tunnel and in respect of the maintenance of or otherwise in con-

PART V. —*cont.*

nection with the tunnel and not otherwise recovered shall be defrayed by the Corporation in the same manner as expenses incurred by them in the provision and maintenance of roads and bridges.

Saving for emergency restriction on borrowing. 8 & 9 Geo. 6. c. 18. 9 Geo. 6. c. 10. 9 & 10 Geo. 6. c. 58.

66. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any defence regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Creation of reserve or renewal funds in connection with rating accounts.

67. The Corporation may establish and administer such reserve depreciation or renewal funds in connection with their rating accounts as from time to time seem to the Corporation to be necessary or desirable Provided that the amount from time to time standing to the credit of any such reserve depreciation or renewal funds shall not exceed one-tenth of the aggregate capital expenditure on the particular account.

Power to create reserve &c. funds for water undertaking.

68.—(1) The Corporation may establish and administer such reserve depreciation or renewal funds in respect of the water undertaking of the Corporation as from time to time seem to the Corporation to be necessary or desirable by setting aside from time to time out of the revenue of the said undertaking such sums as they think fit and any sums so set aside shall be regarded as a charge against the revenue of the said undertaking and section 89 (Corporation to estimate annual sums required) of the Glasgow Corporation Waterworks Act 1855 shall be read and construed accordingly.

(2) The amount from time to time standing to the credit of any such reserve depreciation or renewal funds shall not exceed one-tenth of the aggregate capital expenditure on the said undertaking.

Investment of reserve funds &c.

69. The Corporation may invest in Government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest including stock or securities of the Corporation any reserve depreciation renewal superannuation or other funds belonging to or held by them on account of or in connection with any of the departments or undertakings administered by them or under their control.

As to transfers of water and gas annuities and waterworks funded debt. 10 Edw. 7. & 1 Geo. 5. c. cxxxi.

70.—(1) Notwithstanding anything contained in the Glasgow Corporation Waterworks Act 1855 the Glasgow Gas Act 1910 or any other enactment—

(i) the Corporation shall not be bound to enter in the register of transfers of the water annuities kept by them transfers of any amount less than one pound

(ii) in the case of the waterworks funded debt and the gas annuity stocks the Corporation shall enter in the registers of transfers kept by them in respect thereof transfers of any amount not being less than ten pounds:

Provided that in every transfer of water annuities waterworks funded debt and gas annuity stocks the amount so transferred shall be adjusted so as to exclude any fraction of one penny.

(2) In this section "water annuities" and "waterworks funded debt" mean respectively the Glasgow Corporation Waterworks Annuities and the Glasgow Corporation Waterworks Funded Debt and "gas annuity stocks" means the outstanding nine per centum annuities and six and three-quarters per centum annuities referred to in section 46 (Glasgow Corporation gas annuities) of the Glasgow Gas Act 1910.

Increase of lighting assessment.

71.—(1) Section 10 (Assessment for lighting purposes) of the Glasgow Corporation Order 1914 as amended by section 47 (Increase of lighting assessment) of the Glasgow Corporation Order 1923 shall be read and have effect as if the limitation on the amount of the assessment therein referred to were one shilling and two pence Provided that where the annual assessment levied under the said section 10 of the said Order of 1914 as amended by this section exceeds a rate of nine pence per pound on the rateable value of the lands and heritages within the city the British Transport Commission shall (in addition to the deduction from such assessment to which they are entitled by virtue of section 8 (Saving for Forth and Clyde Navigation) of the said Order of 1914 as amended by subsection (2) of section 47 (Increase of lighting assessment) of the Glasgow Corporation Order 1923) be entitled to a deduction of two-thirds of the amount by which the said rate per pound on the assessable value of the subjects referred to in the said section 8 of the said Order of 1914 exceeds nine pence as aforesaid.

(2) Subsection (1) of section 47 (Increase of lighting assessment) of the Glasgow Corporation Order 1923 is hereby repealed.

Increase of assessment for River Clyde embankments.

53 & 54 Vict. c. clii.

72. Section 15 (Assessments) of the Glasgow Corporation Act 1890 shall be read and have effect as if the words "one penny" were substituted for the words "one halfpenny" occurring therein.

PART VI.

MISCELLANEOUS.

Alteration of roads &c. temporarily.

73. For the purposes and during the construction of the works authorised by this Order and in maintaining the same and subject to the provisions of this Order the Corporation may temporarily use break up or cross over or under alter or stop up any streets highways roads lanes paths quays bridges railways tramways passages sewers drains watercourses mill lades or mill dams sluices gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway road lane path quay bridge railway tramway or passage or the flow of water gas sewage or electricity or telephonic communication in any such sewer drain watercourse mill lade mill dam sluice pipe or

PART VI. —*cont.*

apparatus as the case may be and making compensation to all persons injuriously affected by the exercise of the powers granted to the Corporation under this Order:

Provided that nothing contained in this section shall extend to authorise any interference with—

(*a*) any telegraphic line (as defined in the Telegraph Act 1878) or other property of His Majesty's Postmaster-General; or

(*b*) any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Repeal.

74. Section 27 (Costs of inquiry) of the Order of 1934 is hereby repealed.

Crown rights.

75. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any land buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing contained herein shall authorise the Corporation 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 His Majesty in right of his Crown and under the management of the Commissioners of Crown Lands or of the Minister respectively without the consent in writing of the Commissioners of Crown Lands or the Minister as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Order.

76. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation and shall be allocated between the several undertakings and services of the Corporation in such proportions as the Corporation may deem expedient and if paid out of borrowed money (which the Corporation are hereby authorised to borrow for the purpose) shall be repaid out of revenue within five years from the date of the passing of the Act confirming this Order.

SCHEDULE.

THE SCHEDULE referred to in the foregoing Order.

(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain properties.")

Parish.	County.	Number on deposited plans.
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