STATUTORY INSTRUMENTS

1985 No. 474 (S.43)

ROADS AND BRIDGES, SCOTLAND

The Tay Road Bridge (Scheme) Approval Order 1985

Laid before Parliament in draft

Made - - - - - -	14*th March* 1985
Coming into Operation	15*th March* 1985

Whereas in terms of sections 75(1) and 76 of the Tay Road Bridge Order 1962 as confirmed by the Tay Road Bridge Order Confirmation Act 1962(**a**) the Tay Road Bridge Joint Board and the Corporation of the city of Dundee, Fife County Council and Angus County Council agreed upon a scheme to defray excess capital expenditure, which scheme was approved by the Tay Road Bridge (Scheme) Approval Order 1966(**b**);

And whereas the Tay Road Bridge Joint Board and the Corporation of the city of Dundee, Fife County Council and Angus County Council agreed upon a scheme to amend the said scheme of 1966, which amendment scheme was approved by the Tay Road Bridge (Scheme) Approval Order 1969(**c**);

And whereas it has been found necessary to amend further the said scheme of 1966 and the Tay Road Bridge Joint Board and Fife and Tayside Regional Councils (which Councils are, by virtue of section 133 and section 225(3) of the Local Government (Scotland) Act 1973(**d**), the statutory successors of Fife County Council and of the corporation of the city of Dundee and Angus County Council respectively) have agreed and submitted for approval an amending scheme;

Now therefore in exercise of the powers conferred upon me by section 76 of the aforementioned order and of all other powers enabling me in that behalf, I hereby make the following order a draft of which has been laid before Parliament and has been approved by a resolution of each House of Parliament:—

1. The scheme contained in the Schedule hereto annexed is hereby approved.

2.—(1) This Order may be cited as the Tay Road Bridge (Scheme) Approval Order 1985 and shall come into operation on the day after the day on which it is made.

(**a**) 1962 c. xxxiii. (**b**) S.I. 1966/539. (**c**) S.I. 1969/1119. (**d**) 1973 c. 65.

(2) This Order, the Tay Road Bridge Order 1962, the Tay Road Bridge (Scheme) Approval Order 1966 and the Tay Road Bridge (Scheme) Approval Order 1969 may be cited together as the Tay Road Bridge Orders 1962 to 1985.

George Younger,
One of Her Majesty's
Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
14th March 1985.

SCHEDULE

TAY ROAD BRIDGE SCHEME

Scheme to authorise the Tay Road Bridge Joint Board to meet excess expenditure and to vary the order of ranking under section 81 of the Tay Road Bridge Order 1962.

Interpretation

1. In this scheme (which may be cited for all purposes as the Tay Road Bridge Scheme 1985), "the Councils" means Fife Regional Council and Tayside Regional Council and unless the context otherwise requires, other words and expressions to which meanings are assigned by the Tay Road Bridge Order, 1962 (hereinafter referred to as the order of 1962) shall have the same respective meanings.

Advances by Councils to Joint Board

2. In addition to the sums advanced or to be advanced by the Councils to the Joint Board under section 66 (advances by Councils to Joint Board) of the order of 1962, under section 2 of the scheme approved by the Tay Road Bridge (Scheme) Approval Order 1966 (hereinafter referred to as the scheme of 1966) and under section 2 of the scheme approved by the Tay Road Bridge (Scheme) Approval Order 1969 (hereinafter referred to as the scheme of 1969) the Councils shall advance to the Joint Board, and shall on requisition remit to the Joint Board, towards the capital expenditure, such further sum not greater than one quarter of the amount by which the capital expenditure exceeds £7,250,000 as may be necessary (together with the sums advanced by the Secretary of State under section 72 (borrowing by Joint Board from Secretary of State) of the order of 1962, under section 4 (advances by Secretary of State) of the scheme of 1966, under section 4 (advances by Secretary of State) of the scheme of 1969 and under section 4 (advances by Secretary of State) of this scheme) to meet the capital expenditure up to a maximum amount of £9,000,000.

Application of order of 1962

3. The following provisions of the order of 1962 shall extend and apply with respect to this scheme as if the said provisions were with all necessary modifications re-enacted in this scheme (that is to say):—

section 66(2), (3) and (4) (advances by Councils to Joint Board)

section 69 (requisitions for Councils' contributions)

section 70 (power of Councils to borrow)

section 71 (redemption of debt incurred by Councils)

section 74(2) and (3) (repayment by Joint Board of monies borrowed from Councils)

Advances by Secretary of State

4.—(1) In addition to the sums which may be borrowed by the Joint Board from the Secretary of State under section 72 (borrowing by Joint Board from Secretary of State) of the order of 1962, under section 4 (advances by Secretary of State) of the scheme of 1966 and under section 4 (advances by Secretary of State) of the scheme of 1969 the Joint Board may from time to time borrow from the Secretary of State such further sums, not greater than three-quarters of the amount by which the capital expenditure exceeds £7,250,000 as may be sufficient (together with the sums advanced under section 66 (advances by Councils to Joint Board) of the order of 1962, under section 2 (advances by Councils to Joint Board) of the scheme of 1966, under section 2 (advances by Councils to Joint Board) of the scheme of 1969 and under section 2 (advances by Councils to Joint Board) of this scheme) to meet the capital expenditure up to a maximum amount of £9,000,000.

(2) The further sums to be borrowed by the Joint Board from the Secretary of State under this section shall be advanced in such a manner that the amount from time to time borrowed shall bear to the sums from time to time advanced by the Councils under section 2 (advances by Councils to Joint Board) of this scheme, the proportion of three to one.

(3) The rate of interest payable by the Joint Board on the further sums to be borrowed from time to time by them from the Secretary of State under this section shall be the current lowest rate of interest payable under section 3 of the National Loans Act 1968(**a**) on Loans made by the Public Works Loan Commissioners to local authorities for a comparable period, on comparable repayment terms, and at the date or dates of the borrowing or such rate as the Secretary of State may with the consent of the Treasury determine, and interest calculated at such rate shall be paid as and when the revenues of the undertaking are sufficient to pay that interest in accordance with the provisions of section 81 (application of revenues of undertaking) of the order of 1962 as varied by section 7 of this scheme.

Repayment by Joint Board of monies borrowed from Councils and Secretary of State

5.—(1) All monies advanced by the Councils to the Joint Board under section 2 (advances by Councils to Joint Board) of this scheme, together with interest accrued thereon and expenses incurred by the Councils relative thereto, shall be repaid by the Joint Board within a period of 50 years from the opening of the bridge (or within such shorter period as the Joint Board may, with the consent of the Secretary of State and of the Councils, at any time determine as being appropriate having regard to the revenue of the undertaking) by equal yearly or half-yearly instalments of principal and interest combined.

(2) All monies borrowed by the Joint Board from the Secretary of State under section 4 (advances by Secretary of State) of this scheme together with interest accrued thereon shall be repaid by the Joint Board within such period and by such methods as the Secretary of State may with the consent of the Treasury at any time prescribe as being appropriate having regard to the revenue of the undertaking.

(**a**) 1968 c. 13; section 3 was amended by the Finance Act 1972 (c. 41), Section 132 and the Finance Act 1975 (c. 7), Section 55.

Capitalisation by Joint Board of interest on monies borrowed from Secretary of State

6. If the revenue received by the Joint Board from tolls, together with all other income of the Joint Board, is not sufficient to meet, in accordance with the provisions of section 81 (application of revenues of undertaking) of the order of 1962 as varied by section 7 of this scheme, the payments of interest on the sums borrowed from the Secretary of State under the provisions of the said section 4 of this scheme, those payments shall be charged as capital expenditure.

Variations in the order of ranking of application of revenues of undertaking

7. The order of ranking set out in section 81(1) (application of revenues of undertaking) of the order of 1962 as varied by section 7 of the scheme of 1966 and section 7 of the scheme of 1969 is hereby varied and accordingly that section shall read as follows:—

"**81.**—(1) The revenue received by the Joint Board from tolls under this order, and all other income of the Joint Board shall be applied for the purposes and in the order following and not otherwise and, so far as appropriate, in the agreed proportions—

(*a*) In defraying the expense of the administration, management, carrying on, operation, maintenance and repair of the undertaking, including the payment of any sums to be paid to the Harbour Trustees in accordance with the provisions of section 121 (Joint Board to meet cost of additional dredging due to existence of bridge or works) of this order in respect of additional dredging carried out after the opening of the bridge;

(*b*) In payment of the interest on money borrowed by the Joint Board under the powers of section 73 (temporary borrowing by Joint Board) of this order;

(*c*) In payment of any sums to be paid to the Harbour Trustees under the provisions of section 46(5)(ii) (abandonment of ferry) of this order;

(*d*) In repayment of the loan charges on the sum of £2,500,000, together with the interest accrued and expenses incurred by the Councils in connection therewith from the date or dates of borrowing to the opening of the bridge, advanced to the Joint Board by the Councils under the provisions of section 66 (advances by Councils to Joint Board) of this order;

(*e*) In repayment of the loan charges on the sum of £500,000, together with the interest accrued and expenses incurred by the Councils in connection therewith from the date or dates of borrowing to the opening of the bridge, advanced to the Joint Board by the Councils under the provisions of section 66 (advances by Councils to Joint Board) of this order;

(*f*) In repayment of the loan charges on any sum advanced to the Joint Board by the Councils under the provisions of section 2 (advances by Councils to Joint Board) of the Tay Road Bridge Scheme 1966 together with the interest accrued and the expenses incurred by the Councils in connection therewith, from the date or dates of borrowing to the opening of the bridge;

(*g*) In repayment of the loan charges on any sum advanced to the Joint Board by the Councils under the provisions of section 2 (advances by Councils to Joint Board) of the Tay Road Bridge Scheme 1969 together with the interest accrued and the expenses incurred by the Councils in connection therewith from the date or dates of borrowing;

(*h*) In repayment of the loan charges on any sum advanced to the Joint Board by the Councils under the provisions of section 2 (advances by Councils to Joint Board) of the Tay Road Bridge Scheme 1985 together with the interest accrued and expenses incurred by the Councils in connection therewith from the date or dates of borrowing;

(*i*) In repayment of the loan charges on any sum advanced to the Joint Board by the Councils under the provisions of section 75(2) (as to excess capital expenditure and deficiencies in revenue) of this order together with the interest accrued and expenses incurred by the Councils in connection with such advances;

(*j*) In payment of annual sums for the repayment in accordance with the provisions of section 74(4) (repayment by Joint Board of monies borrowed from Councils and from Secretary of State) of this order of monies lent by the Secretary of State to the Joint Board under the provisions of section 72 (borrowing by Joint Board from Secretary of State) of this order, together with the interest accrued thereon from the date or dates of lending to such date or dates as the revenues received are sufficient to meet such interest;

(*k*) In payment of annual sums for the repayment in accordance with the provisions of section 5(2) (repayment by Joint Board of monies borrowed from Councils and Secretary of State) of the Tay Road Bridge Scheme 1966 of monies lent by the Secretary of State to the Joint Board under the provisions of section 4(1) (advances by Secretary of State) of the said scheme together with the interest accrued thereon from the date or dates of lending to such date or dates as the revenues received are sufficient to meet such interest;

(*l*) In payment of annual sums for the repayment in accordance with the provisions of section 5(2) (repayment by Joint Board of monies borrowed from Councils and Secretary of State) of the Tay Road Bridge Scheme 1969 of monies lent by the Secretary of State to the Joint Board under the provisions of section 4(1) (advances by Secretary of State) of the said scheme, together with the interest accrued thereon from the date or dates of lending to such date or dates as the revenues received are sufficient to meet such interest;

(*m*) In payment of annual sums for the repayment in accordance with the provisions of section 5(2) (repayment by Joint Board of monies borrowed from Councils and Secretary of State) of the Tay Road Bridge Scheme 1985 of monies lent by the Secretary of State to the Joint Board under the provisions of section 4(1) (advances by Secretary of State) of the said scheme, together with the interest accrued thereon from the date or dates of lending to such date or dates as the revenues received are sufficient to meet such interest;

(*n*) In repayment of the loan charges on any sums advanced to the Joint Board by the Councils to meet any excess expenditure or deficit as the case may be in accordance with any further scheme made by order of the Secretary of State in terms of section 76 (schemes made by order of Secretary of State) of this order, together with the interest accrued thereon and expenses incurred by the Councils in connection therewith from the date or dates of borrowing to the date or dates which may be specified in the said further scheme; the Secretary of State to the Joint Board under the provisions of section 4(1) (advances by Secretary of State)

of the said scheme, together with the interest accrued thereon from the date or dates of lending to such date or dates as the revenues received are sufficient to meet such interest;

(*o*) In payment of annual sums for the repayment of any sums lent to the Joint Board by the Secretary of State to meet any excess expenditure or deficit as the case may be in accordance with any further scheme made by order of the Secretary of State in terms of section 76 (schemes made by order of Secretary of State) of this order, together with the interest accrued thereon from the date or dates of lending to the date or dates which may be specified in the said further scheme;

(*p*) In making contributions to any general reserve fund established by the Joint Board under section 79 (general reserve fund) of this order;

(*q*) If the Joint Board think fit in acceleration of the redemption of capital monies advanced by the Councils or borrowed from the Secretary of State as provided by the words beginning "or within such shorter period" in section 74(1) (repayment by Joint Board of monies borrowed from Councils and from Secretary of State) of this order.".

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order approves the Tay Road Bridge Scheme 1985, which further amends the Tay Road Bridge Scheme 1966, (already amended by the Tay Road Bridge Scheme 1969), providing for defraying capital expenditure above £7.25 million (up to a limit of £9 million) incurred on the Tay Road Bridge scheme by empowering the Tay Road Bridge Joint Board to borrow from the constituent Councils and the Secretary of State.

Printed for Her Majesty's Stationery Office by J. W. Arrowsmith Ltd.
1/85 800 A772 F98 C8 3/85

£1.30 net

ISBN 0 11 056474 X