FORM No. 7

THE ROADS ACT (NORTHERN IRELAND), 1948

STATUTORY DECLARATION BY PERSON CLAIMING COMPENSATION NOT EXCEEDING ONE HUNDRED POUNDS

I, of aged years and upwards do solemnly and sincerely declare as follows :—

(a) Date of vesting.

(b) In the case of a limited owner set out the nature of the interest.

1. I was on and prior to the (a) day of 19 the absolute owner (or (b)) of All That and Those that parcel of land in the Townland of , Barony of (Town of Parish of) and County of containing acres roods and perches statute measure or thereabouts which was vested (or rights or easements over which were vested) in the Council of the Administrative County of (Urban District of) on the said (a) day of 19 , by a Vesting Order made by the Ministry of Commerce on the day of 19 , in accordance with and subject to the provisions of the Fifth Schedule to the Roads Act (Northern Ireland), 1948, and in respect of which parcel of land I claim the sum of as compensation (to be paid to the trustees of the settlement under which I hold as such limited owner).

2. My title to the said parcel of land as such absolute owner (limited owner) was as follows :—

(Here set out the title in separate paragraphs. In the case of a limited owner the names and addresses of the trustees of the settlement should be given to enable payment of the compensation to be made to them).

3. For not less than six years prior to the vesting of the said parcel of land in the said Council I was (and I verily believe my immediate predecessor in title was) in actual occupation and in full free and undisturbed possession and enjoyment and receipt of the rents and profits of the said parcel of land and no claim has been made by, or acknowledgement given to, any person in respect of the said lands or the rents or profits thereof save as herein set forth.

4. Save as herein set forth, there was not at the time of the vesting of the said parcel of land in the said Council any charge or incumbrance affecting the same.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared and Subscribed before me at in the County of this day of 19 .

Trunk Roads

ORDER DATED 23RD FEBRUARY, 1949, MADE BY THE MINISTRY OF COMMERCE UNDER SECTION 6 OF THE ROADS ACT (NORTHERN IRELAND), 1948.

1949. No. 32

The Ministry of Commerce for Northern Ireland (hereinafter referred to as "the Ministry") in exercise of the powers conferred on it by sub-section (4) of section 6 of the Roads Act (Northern Ireland), 1948 (hereinafter referred to as "the Act"), and of all other powers enabling it in that behalf hereby makes the following Order :—

1. This Order may be cited as " The Trunk Roads (Delegation of Powers) Order (Northern Ireland), 1949," and shall come into force on the 1st day of April, 1949.

2. In this Order the expression

" Council " means the Council of a County, County Borough or Urban District.

" Trunk Road " means a road so designated by Order of the Ministry under Section 1 of the Act.

3. Each Council shall in relation to any trunk road situate in the area of that Council—

(*a*) exercise the functions set out in Part I of the First Schedule hereto ;

(*b*) exercise such of the functions set out in Part II of the First Schedule hereto as are exercisable by the Ministry as respects that road to the extent and in accordance with the conditions therein specified : provided that nothing in this Order shall delegate to the Council the functions of the Ministry under any enactment with respect to any appeal by an aggrieved person or the settlement of any disputes other than the enactments specified in paragraph 2 of Part II of the First Schedule hereto ;

(*c*) execute or supervise the works set out in the Second Schedule hereto until the completion thereof or until the expiry of this Order, whichever shall first occur, unless otherwise directed by the Ministry in any particular case.

4. In the exercise of the functions referred to in paragraphs (*a*), (*b*) and (*c*) of Article 3 of this Order, the Council shall act as agents for the Ministry and in accordance with the conditions set out in the Third Schedule hereto.

5. This Order shall remain in force up to and including the 31st day of March, 1952.

6. The Interpretation Act, 1921, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this twenty-third day of February, 1949 in the presence of

(L.S.) *Arthur Acheson Farrell,*
Assistant Secretary.

SCHEDULES

FIRST SCHEDULE

PART I

FUNCTIONS REFERRED TO IN ARTICLE 3(*a*) OF THIS ORDER

MAINTENANCE, REPAIR AND IMPROVEMENT OF TRUNK ROADS

1. Construction of new and strengthening of existing foundations.

2. Resurfacing of carriageways.

3. Surface dressing of carriageways.

4. Patching, gritting and siding and general upkeep of the road surface.

5. Snow clearing necessary for the maintenance of the carriageway and the safety of traffic thereon.

6. Provision and maintenance of kerbing.

7. Provision and maintenance of surface water drainage including channelling, gripes and gullies.

8. Provision, improvement and maintenance of footpaths.

9. Provision, planting and care of trees and shrubs, laying out, cutting and maintenance of grass and verges.

10. Provision and maintenance of fences and maintenance of retaining or sea walls necessary for the support or protection of the trunk road.

11. Provision, lighting and maintenance of roundabouts, raised islands and places of refuge within the limits of the trunk road and provision and maintenance of guard rails and barriers.

12. Provision, maintenance and operation of traffic signs, including signs for the control of traffic entering or leaving the trunk road.

13. Maintenance and lighting of subways and footbridges.

14. Maintenance of bridges and culverts including the provision of new culverts within the limits of the trunk road.

PART II

FUNCTIONS REFERRED TO IN ARTICLE 3(*b*) OF THIS ORDER

MISCELLANEOUS FUNCTIONS

1. Functions to be exercised subject to compliance with any general or particular directions the Ministry may give from time to time.

(*a*) Functions under

(i) sub-section (4) of section 9 of the Summary Jurisdiction (Ireland) Act, 1851, as modified by the Act ;

(ii) section 18 of the Grand Jury (Ireland) Act, 1856 ;

(iii) section 29 of the Public Health Acts Amendment Act, 1907 ;

(iv) section 9 of the Roads Improvement Act (Northern Ireland), 1928, as modified by the Act ;

(v) section 4 of the Roads Act (Northern Ireland), 1937, as modified by the Act ;

(vi) section 18 of the Act (so much as provides for the giving of consent to works referred to in paragraphs (*a*) (except the erection of any buildings), (*b*), (*d*) and (*e*) of sub-section (1) of that section) ;

(vii) section 20 of the Act (so much as provides for the giving of permission to the erection of structures).

(*b*) Functions of the Ministry as road authority under the Telegraph Acts, 1863-1943.

(*c*) Functions of the Ministry as road authority in relation to statutory undertakers or transferred to it by virtue of sub-section (4) of section 4 of the Act including any functions it may hereafter acquire by virtue of any provision inserted for the protection of the Ministry in any Act including any private or local Act.

2. Functions to be exercised without reference to the Ministry or at the request of the Ministry in particular cases.

Functions under

(i) section 9 of the Summary Jurisdiction (Ireland) Act, 1851 (so much as provides for the scouring of ditches and drains leading from trunk roads), as modified by the Act;
(ii) section 20 of the Public Health Acts Amendment Act, 1907;
(iii) sections 21, 22 and 24 of the Act.

3. Functions to be exercised subject to the approval of or at the request of the Ministry in each case.

Functions under

(i) section 68 of the Towns Improvement Clauses Act, 1847;
(ii) section 6 of the Locomotives Act, 1861, as modified by the Act;
(iii) section 39 of the Public Health (Ireland) Act, 1878;
(iv) section 4 of the Roads Improvement Act (Northern Ireland), 1928, as modified by the Act;
(v) section 19 of the Act.

4. Functions to be exercised subject to the decision of the Ministry in each case.

Functions under

(i) section 66 of the Towns Improvement Clauses Act, 1847;
(ii) sections 29 (in its application to the building or construction of any vault, arch or cellar) and 40 of the Public Health (Ireland) Act, 1878;
(iii) section 18 of the Public Health Acts Amendment Act, 1907;
(iv) section 7 of the Roads Improvement Act (Northern Ireland), 1928;
(v) section 18 of the Act (so much as provides for the giving of consent to the erection of buildings and to the works referred to in paragraph (*c*) of sub-section (1) of that section).

5. Functions to be exercised at the request of the Ministry in each case.

(*a*) Functions specified in Parts II and III of the Third Schedule to the Act;
(*b*) The taking of a traffic census.

6. Such other matters relating to the generality of the functions described above as may be agreed in writing between the Ministry and the Council.

SECOND SCHEDULE

WORKS REFERRED TO IN ARTICLE 3(*c*) OF THIS ORDER

Any works of construction or improvement (other than those specified in Part I of the First Schedule) for which prior to the 1st day of April, 1949, the Ministry has approved plans and estimates.

THIRD SCHEDULE

CONDITIONS

(A) CONDITIONS APPLICABLE TO THE EXERCISE OF FUNCTIONS UNDER ARTICLE 3(*a*) AND (*b*) OF THIS ORDER.

1. On or before the 31st day of March, 1949, and thereafter on or before the 15th day of December, 1949, and subsequently on or before the 15th day of December in each year, the Council shall submit for the approval of the Ministry, on a form supplied by it, a statement of the works proposed to be undertaken for the financial year beginning the following 1st day of April, and an estimate of the expenditure to be incurred thereon (excluding administrative expenses of the Council) and the Ministry may approve such statement and estimate with or without modification.

2. The Council shall carry out the works in accordance with the approved statement and shall not alter or vary any work or materials described therein or carry out any additional works or exceed the approved estimate of expenditure without the written consent of the Ministry except in an emergency, in which case the Council shall report the facts to the Ministry as soon as practicable.

3. The Ministry may, if it thinks fit, and with the concurrence of the Council concerned, carry out any of the works by itself or by other agents.

4. The Council shall comply with any general or particular directions the Ministry may give from time to time as to the materials to be used, acceptance of tenders, the terms of contracts to be entered into and the manner in which the works are to be carried out.

5. The Council shall, at the end of the financial year, supply to the Ministry in such form as it may require an account of the income and expenditure in respect of their exercise of functions described in the First Schedule to this Order for that year, which shall be certified by the surveyor and by the accounting officer designated for that purpose by the Council.

6. (*a*) There shall be added to the expenditure shown in the account so certified a sum equal to six per cent. of that expenditure (except the expenses of compensation for injurious affection of land) to cover the administrative expenses of the Council and no other charge in respect of those administrative expenses shall be included in the account.

(*b*) There shall be added to the income shown in the said account a sum equal to the advances made by the Ministry to the Council under paragraph (C) 4 of this Schedule.

(*c*) Any resulting balance of expenditure over income or income over expenditure shall be payable by the Ministry or the Council as the case may be to the other : provided always that after the accounts of the Council for that year have been audited, the certified account and the additions thereto and any payments made under this sub-paragraph shall be adjusted between the parties in accordance with the accounts so audited.

(B) CONDITIONS APPLICABLE TO THE EXERCISE OF FUNCTIONS UNDER ARTICLE 3(*c*) OF THIS ORDER.

1. The Council shall carry out the works in accordance with the plans and estimates approved by the Ministry subject to any modifications to which it may have assented before the 1st day of April, 1949, and the plans and estimates and the terms of any contracts shall not be varied in any respect without the written consent of the Ministry.

2. When at the 1st day of April, 1949, the works or any of them had not been effectively commenced, the Council shall comply with any directions of the Ministry as to the manner in which they are to be carried out and with any directions as to the acceptance of tenders and the terms of contracts to be entered into.

3. On completion of each work the Council shall submit to the Ministry an account of the income and expenditure relating to the work in such form as it may require, which shall be certified by the surveyor and by the accounting officer designated for that purpose by the Council.

4. (*a*) There shall be added to the expenditure shown in the account so certified a sum equal to three per cent. of the expenditure relating to the work carried out after 31st March, 1949, (except the expenses of acquisition of land) to cover the administrative expenses of the Council and no other charge in respect of those administrative expenses shall be included in the account ;

(*b*) There shall be added to the income shown in the said account a sum equal to the advances made by the Ministry to the Council under paragraph (C) 4 of this Schedule ;

(*c*) Any resulting balance of expenditure over income or of income over expenditure shall be payable by the Ministry or the Council as the case may be to the other : provided always that after the accounts of the Council have been audited the certified account and the additions thereto and any payment made under this sub-paragraph shall be adjusted between the parties in accordance with the accounts so audited.

(C) CONDITIONS APPLICABLE TO THE EXERCISE OF FUNCTIONS UNDER ARTICLE 3(*a*), (*b*) AND (*c*) OF THIS ORDER.

1. The works shall be carried out and completed to the satisfaction of the Ministry.

2. When any work is carried out by the Council :—

(*a*) the wages to be paid, the hours of work, and conditions of service shall correspond with those appertaining to the Council's employees of a similar grade engaged on works on roads maintained by them ;

(*b*) materials, hired plant and hired haulage shall be charged at a price equivalent to the cost of such materials, plant and haulage to the Council;

(*c*) charges for the use of plant and haulage vehicles belonging to the Council shall be calculated in accordance with the scale of charges for Road Fund Grants currently in operation.

3. The Council shall give credit for any amounts received by it in respect of trunk roads from any source other than the Ministry.

4. The Ministry shall make advances to the Council in accordance with the following conditions :—

(i) The Council shall, as soon as may be after the 1st day of April, the 1st day of July, the 1st day of October, and the 1st day of January, in each year, submit to the Ministry in forms approved by it, statements in relation to any works described in the First and Second Schedules hereto on account of which advances are claimed, showing—

(*a*) the approximate expenditure, if any, on the said works to the end of the preceding quarter;

(*b*) the estimated expenditure on the said works for the succeeding quarter;

(*c*) the appropriate percentage charges for administrative expenses;

(*d*) the amount already advanced by the Ministry to the end of the preceding quarter;

(*e*) the amount received by the Council in respect of trunk roads from any source other than the Ministry to the end of the preceding quarter;

(*f*) the amount required for the succeeding quarter.

(ii) The Ministry shall, as soon as may be after the receipt of the statements referred to above, pay to the Council such sum as may in its opinion be necessary to meet the expenditure of the Council during the succeeding quarter: provided that the Council may submit, if necessary, a supplementary estimate of expenditure to be incurred during a quarter, and the Ministry may, if it approves the supplementary estimate, make a supplementary advance.

5. The accounts, records, documents and vouchers in relation to works carried out under this Order shall be open to inspection by the Ministry at all reasonable times.

6. All sums payable to contractors under any contract transferred to the Ministry by the Act in respect of works which are delegated to Councils by this Order shall be paid by the Council direct to the contractors as and when they become due.

7. The Council shall as agents for the Ministry do all things which the Ministry is entitled to do under the terms of any contract transferred to it by the Act subject to the terms of this Order.

8. The Council shall in excuting works and in other dealings under this Order take all reasonable precautions for the protection of public and private interests as if the Council were the road authority.

9. In this Schedule the expression "administrative expenses" shall include:

(*a*) salaries, wages, allowances (including travelling and subsistence allowances), insurance and other charges in respect of supervisory, technical, legal, accounting, costing, clerical and other staff for whom no direct charge is included in the cost of the works;

(*b*) office accommodation and office expenses (including rent, rates, lighting, heating, cleaning, water, fuel, stationery, printing, postage, telegrams, telephone, and all office equipment);

(*c*) expenditure in connection with stores, depots, and the provision and use of instruments.