STATUTORY INSTRUMENTS

1961 No. 2133 (S. 120)

PRIVATE LEGISLATION PROCEDURE, SCOTLAND

The Private Legislation Procedure (Scotland) General Order, 1961

Made - - - -	*2nd November*, 1961
Laid before Parliament	*13th November*, 1961
Coming into Operation	*14th November*, 1961

We, the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons, acting jointly with the Secretary of State, in exercise of the powers vested in us by section 15 of the Private Legislation Procedure (Scotland) Act, 1936(a), hereby make the following Order:—

1. The Private Legislation Procedure (Scotland) General Orders, 1946(b) as amended(c) shall be amended in terms of the Schedule hereto.

2. This Order may be cited as the Private Legislation Procedure (Scotland) General Order, 1961, and shall come into force on the 14th day of November, 1961.

Merthyr,
Chairman of Committees of the House of Lords.

1st November, 1961.

Gordon Touche,
Chairman of Ways and Means in the House of Commons.

1st November, 1961.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
2nd November, 1961.

(a) 26 Geo. 5 & 1 Edw. 8. c. 52. (b) S.R. & O. 1946/2157 (Rev. XVIII, p. 719: 1946 I,p. 1415).
(c) The relevant amending instruments are : S.I. 1949/331, 1950/1748, 1952/656. 1954/1141, 1957/465 (1949 I, p. 3541; 1950 II, p. 439; 1952 III, p. 2693; 1954 II, p. 1841; 1957 II, p. 1924).

SCHEDULE

NOTE:

The references are to the General Orders under the Private Legislation Procedure (Scotland) Act, 1936, as revised 1952, issued as a Stationery Office Publication by authority of the Secretary of State for Scotland. The lines are to be reckoned from the first line of the Order referred to.

1, line 56: at end, insert:—

"References in any General Order to registered post, a registered letter or to the registration of such letters shall be construed as including a reference to the recorded delivery service, a letter sent by that service and the acceptance by an officer of the Post Office of letters for recorded delivery, respectively."

4, line 2: leave out from "published" to "a" and insert "as provided in General Order 10 (Publication of notice in newspapers) and shall contain".

line 16: leave out lines 16 to 34 and insert:—

"(2) The notice shall also state that on or after the *Fourth* day of April or the *Fourth* day of December, as the case may be, copies of the Provisional Order, or as the case may be copies of part of the Provisional Order, may be inspected, and at a reasonable price obtained, at the offices required by the next following General Order, which offices shall be named in the notice."

line 43: leave out "paragraph (2) of this Order" and insert "General Order 4A".

"Copies of Provisional Order to be made available.

4A.—(1) The Promoters shall on and after the *Fourth* day of April or the *Fourth* day of December, as the case may be, make available for inspection, and for sale at a reasonable price, copies of the Provisional Order at an office in London or Edinburgh, and

(*a*) if the Provisonal Order is promoted by, or alters functions of, a local authority, at an office in the area of the local authority;

(*b*) if the Provisional Order is not promoted by a local authority, at an office in the county or burgh in which the Promoters' principal office is situated;

(*c*) if the Provisional Order authorises the construction of works to which General Order 27 applies, or the compulsory acquisition of lands or of rights to use lands, or extends the time limited by a former act for any of those purposes, at an office in each of the counties and burghs in which the works are to be, or the lands are, situated.

(2) It shall be sufficient compliance with sub-paragraph (*a*) of the foregoing paragraph to make available for inspection and for sale in the area of the local authority copies of such part only of the Provisional Order as alters functions of the local authority.

(3) It shall be sufficient compliance with sub-paragraph (*c*) of paragraph (1) of this Order to make available for inspection and for sale in the county or burgh copies of such part only of the Provisional Order as authorises the construction of works or the compulsory acquisition of lands or of rights to use lands in that county or burgh or as extends the time limited by a former Act for any of those purposes.

(4) The offices of a local authority, if situated outside the area of that authority, shall for the purposes of this Order be deemed to be in that area.

(5) A Provisional Order that alters functions of a member or an officer of a local authority shall for the purposes of this Order be deemed to alter functions of that local authority."

10. Leave out the whole Order and substitute new Order 10 as follows:—

"Publication of notices in newspapers.

10.—(1) The notice shall be published, in the newspapers prescribed by the next following paragraph, once in each of two consecutive weeks with an interval of at least six clear days between publications,

the second publication being not later than the *Eleventh* day of April or the *Eleventh* day of December, as the case may be.

(2) The newspapers referred to in the foregoing paragraph are the following:—

(*a*) if the Provisional Order is promoted by, or alters functions of, a local authority, a newspaper or newspapers circulating in the area of the authority;

(*b*) if the Provisional Order is not promoted by a local authority, a newspaper or newspapers circulating in the county or burgh in which the Promoters' principal office is situated;

(*c*) if the Provisional Order authorises the construction of works to which General Order 27 applies, or the compulsory acquisition of lands or of rights to use lands, or extends the time limited by a former Act for any of those purposes, a newspaper or newspapers circulating in each of the counties and burghs in which the works are to be, or the lands are, situated.

(3) Where part only of a Provisional Order alters functions of a local authority, it shall be sufficient compliance with paragraph (1) of this Order to publish, in a newspaper or newspapers circulating in the area of the authority, so much only of the notice as relates to that part.

(4) Where part only of a Provisional Order authorises the construction of works or the compulsory acquisition of lands or of rights to use lands in a county or burgh or extends the time limited by a former Act for any of these purposes, it shall be sufficient compliance with paragraph (1) of this Order to publish, in a newspaper or newspapers circulating in the county or burgh, so much only of the notice as relates to that part.

(5) A Provisional Order that alters functions of a member or an officer of a local authority shall for the purposes of this Order be deemed to alter functions of that authority."

57, line 24: leave out "successive" and insert "consecutive".

line 25: leave out "some one and the same" and insert "a".
leave out "published" and insert "circulating".
after "county" insert "or burgh".

58, line 8: leave out "some one and the same" and insert "a".

line 9: leave out "some one and the same" and insert "a local".
leave out "published" and insert "circulating".

line 10: after "county" insert "or burgh (other than Edinburgh)".

61, line 19: leave out "some one and the same" and insert "a".

line 20: leave out "some one and the same" and insert "a local".
leave out "published" and insert "circulating".

line 21: after "county" insert "or burgh (other than Edinburgh)".

EXPLANATORY NOTE

(*This note is not part of the Order, but is intended to indicate its general purport.*)

The Order amends the General Orders made under section 15 of the Private Legislation Procedure (Scotland) Act, 1936, which regulate the procedure for obtaining Parliamentary powers by way of Provisional Order in matters affecting Scotland.

Most of the amendments correspond to amendments which have been made to the Standing Orders of the House of Lords and House of Commons.