STATUTORY INSTRUMENTS

1977 No. 132 (S. 24)

PRIVATE LEGISLATION PROCEDURE, SCOTLAND

The Private Legislation Procedure (Scotland) General Order 1977

Made - - - -	*26th January* 1977
Laid before Parliament	*9th February* 1977
Coming into Operation	*7th March* 1977

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.—This order may be cited as the Private Legislation Procedure (Scotland) General Order 1977 and shall come into operation on 7th March, 1977.

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

Aberdare

14th January, 1977 — Chairman of Committees of the House of Lords.

Oscar Murton

19th January, 1977 — Chairman of Ways and Means in the House of Commons.

Bruce Millan

26th January, 1977 — One of Her Majesty's Principal Secretaries of State.

(**a**) 1936 c. 52.
(**b**) S.R. & O. 1946/2157 (Rev. XVIII, p. 719: 1946 I, p. 1415).
(**c**) S.R. & O. 1947/2347 (Rev. XVIII, p. 719: 1947 I, p. 1891); S.I. 1949/331; 1950/1748; 1952/656; 1954/1141; 1957/465; 1964/1840; 1971/1413 (1949 I, p. 3541; 1950 II, p. 439; 1952 III, p. 2693; 1954 II, 1841; 1957 II, p. 1924; 1964 III, p. 4004; 1971 II, p. 3951).

Article 2 SCHEDULE

General Order as amended	Delete the words:—	Insert the words:—
1	" "local authority" means a town or county council;"	" "local authority" means the council of a region, islands area or district;"
		Insert at the end the following:—
		"Where the General Orders require anything to be deposited with, or delivered or sent to, the proper officer of a local authority, that requirement shall be satisfied by depositing it with or delivering it or sending it to, the chief executive of the authority for transmission (where the chief executive is not the proper officer) to that officer."
		"Where under General Orders 45 to 56 a length or distance is required to be stated, marked or described in Imperial measurements it may be stated, marked or described in metric measurements instead of Imperial measurements, in the case of measurements in miles, furlongs, chains or yards, to the nearest equivalent expressed in whole metres and, in the case of measurements in feet and inches or decimal parts of a foot, to the nearest equivalent expressed in metres (taken, where necessary, to two decimal places of a metre); and for the purposes of General Orders 47(1) and 49(4) distances from one of the termini of a railway, tramroad or tramway (as the case may be) may be marked at intervals of two hundred metres."
4A(1)(b)	"county or burgh"	"islands area or district"
4A(1)(c)	"counties and burghs"	"islands areas or districts"
4A(3)	"county or burgh" *in both places where these words occur*	"islands area or district"

SCHEDULE *(continued)*

General Order as amended	**Delete the words:—**	**Insert the words:—**
5(a)	"parishes and burghs"	"islands areas, districts and parishes"
6	"parish or burgh"	"islands area, district or parish"
10(2)(b)	"county or burgh"	"islands area or district"
10(2)(c)	"counties and burghs"	"regions, islands areas and districts"
10(4)	"county or burgh" *in both places where these words occur*	"region, islands area or district"
22(1)(a)	—	"proper officer," *before* "clerk or secretary"
27(1)	*From* "Sheriff Clerk" *to* "each district"	"sheriff clerk of each sheriff court district in Scotland"
27(5)	"St Andrew's House, Edinburgh, 1."	"New St Andrew's House, Edinburgh, EH1 3SX."
28	*The whole Order is to be deleted*	—
29	*From* "and at the Office" *to* "Edinburgh, 1."	"and" *before* "at the Scottish Office"
30	*From* "and Industry" *to* "Edinburgh, 1."	—
31(1)	*From* "and at the Office" *to* "Edinburgh 1,"	—
32	"line of high water at ordinary spring tides"	"level of mean high water springs"
32	"and Industry"	—
32	"St Andrew's House, Edinburgh, 1,"	"New St Andrew's House, Edinburgh, EH1 3SX,"
32	"Navy Department"	—
33	*The whole Order is to be deleted*	"In the case of a Provisional Order whereby it is proposed to authorise the making, extending or enlarging of any dam, weir or obstruction to the passage of fish in any river or estuary, or of any sewer discharging into any river or estuary, a copy of so much of the deposited plan

SCHEDULE *(continued)*

General Order as amended	Delete the words:—	Insert the words:—
		and section as relates to the proposed dam, weir, obstruction, or sewer, shall, on or before the Twentieth day of March or the Twentieth day of November, as the case may be, be delivered or sent by registered post to the office of any District Fishery Board or River Board having jurisdiction over the river or estuary, and if so sent shall be posted on or before the third day previously to the Twentieth day of March or the Twentieth day of November, as the case may be."
35	*From* "and at the Office" *to* "Edinburgh, 1."	—
35A	*The whole Order is to be deleted*	—
36	"any of the areas hereinafter mentioned"	"any area of an islands area or district"
36	*From* "officers respectively" *to* "case of–"	"proper officer of any such islands area or district council"
36	*From* "(a)" *to* "Town Clerk;" *From* "(b)" *to* "and" *From* "(c)" *to* "County Clerk;"	— — —
36	"Town Clerk, Clerk to the District Council or County Clerk"	"proper officer"
37	"St Andrew's House, Edinburgh, 1."	"New St Andrew's House, Edinburgh, EH1 3SX."
39(1)	*From* "of every draft" *to* "Inland Revenue;" (*ie the whole provision*)	"of every draft Provisional Order, two each at the Department of the Environment and the Department of Trade; and one each at the Department of Health and Social Security, the Treasury, the Department of Industry, the Ministry of Agriculture Fisheries and Food, the Civil Service Department, the Ministry of Defence, the Depart-

SCHEDULE (*continued*)

General Order as amended	Delete the words:—	Insert the words:—
		ment of Employment, the Department of Prices and Consumer Protection, the Department of Energy, the Department of Transport, the Office of the Crown Estate Commissioners and the Office of the Commissioners of Inland Revenue;"
39(2)	*From* "of every draft" *to* "Navy Department;" (*ie the whole provision*)	—
39(4)	*From* "of every draft" *to* "of the Environment;" (*ie the whole provision*)	—
40	"county or town council" *in both places where these words occur*	"regional, islands area or district council"
42	*From* "County Clerk" *to* "burgh or district"	"proper officer of the council of each region, islands area or district"
57(1)(a)(i)	"St Andrew's House, Edinburgh, 1."	"New St Andrew's House, Edinburgh, EH1 3SX."
57(1)(a)(ii)	*From* "in the office of the Sheriff Clerk" *to* "and" (*ie the whole provision*)	"in the office of the sheriff clerk of each sheriff court district in Scotland in which such alteration is proposed to be made; and"
57(2)(a)	"county or burgh"	"region, islands area or district"
58(2)	"county or burgh"	"region, islands area or district"
61(2)	"county or burgh"	"region, islands area or district"
72	"Sheriff Depute or his Substitute, or a Justice of the Peace."	"person authorised by the law of Scotland to take Affidavits."
74(3)	"three copies"	"seven copies"
98	"foot" "feet" "of *four* feet high at the least"	—
107(1)	"and Industry"	—
112	*The whole Order is to be deleted*	—

SCHEDULE (*continued*)

APPENDIX (A) (i) Delete the second and third paragraphs and substitute therefor :–

"We also beg to inform you that a Plan [and Section] relating to the purposes of the said intended Provisional Order, with a Book of Reference thereto, [was] [were] [will be] deposited for public inspection with the several Sheriff Clerks in the sheriff court districts of [specify the areas in which the property is situated] on or before the [20th day of March or 20th day of November, as the case may be], and that copies of so much of the said Plan [and Section] as relates to the [area in accordance with the terms of General Order 36] in which your property is situated, with a Book of Reference thereto, [were] [will be] deposited for public inspection with the [proper officer of the regional, islands area or district council, as the case may be], on or before the [20th day of March or 20th day of November, as the case may be], on which Plans your property is designated by the numbers in the annexed Schedule. If the subsequent procedure should be by way of Private Bill, these deposits will, subject to Standing Orders, apply to such Bill.

A copy of the draft Provisional Order will [on or before the 4th day of April or 4th day of December, as the case may be] be deposited for public inspection with the said Sheriff Clerks [and proper officer of the regional, islands area or district council]."

(ii) Delete "Burgh, District or other Area as the case may be" in the second column of the annexed Schedule and substitute "Region, islands area or district as the case may be".

EXPLANATORY NOTE

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

This 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 are in order to conform with the changes made by the Local Government (Scotland) Act 1973. (c.65).

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