EXPLANATORY NOTE

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

This Order, which revokes the Census of Distribution (1950) Order, 1948, prescribes the calendar year 1951 (in place of the calendar year 1950) as a year in which the Board of Trade shall take a census of distribution and other services for the purposes of the Statistics of Trade Act, 1947.

Pursuant to sub-section (4) of Section 2 of that Act, such census will require returns to be furnished with respect to the calendar year 1950 except where it will be inconvenient for returns to be furnished with respect to that year, in which case the Board of Trade may make arrangements for the returns to be furnished with respect to some other period of twelve months.

STATUTORY ORDERS (SPECIAL PROCEDURE)

The Statutory Orders (Special Procedure) (Substitution) Order, 1949

1949 No. 2393

Made - - - - 21*st December*, 1949
Coming into Operation 1*st January*, 1950

At the Court at Buckingham Palace, the 21st day of December, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas it is provided by subsection (3) of section eight of the Statutory Orders (Special Procedure) Act, 1945(a) (hereinafter referred to as "the Act of 1945"), that if at any time after the commencement of the said Act an address is presented to His Majesty by both Houses of Parliament praying that the provisions of the said Act be applied to orders thereafter to be made under any enactment passed before the commencement of the said Act, in substitution for the provisions of any such enactment providing that such orders shall be provisional only and shall not have effect until confirmed by Parliament, His Majesty may by Order in Council make provision for that purpose; and that any such Order in Council may adapt or modify any enactment to such extent as may be expedient in consequence of the Order:

And Whereas an address has been presented to His Majesty by both Houses of Parliament praying that the provisions of the Act of 1945 be so applied as aforesaid to orders thereafter to be made under the enactments mentioned in Article 2 of this Order:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Statutory Orders (Special Procedure) (Substitution) Order, 1949, and shall come into operation on the first day of January, 1950.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 18. (b) 52 & 53 Vict. c. 63.

2. The provisions of the Act of 1945 shall apply to any order made after the coming into operation of this Order under any of the enactments specified in the third column of the First Schedule hereto (which relate respectively to the matters specified in the fourth column of that Schedule), being an order which, if this Order had not been made, would have been provisional only and would not have had effect until confirmed by Parliament.

3. The enactments specified in the Second Schedule hereto shall, in relation to any order made after the coming into operation of this Order under any of the enactments mentioned in Article 2 of this Order, have effect subject to the modifications set out in the second column of that Schedule.

E. C. E. Leadbitter.

FIRST SCHEDULE

ENACTMENTS IN PUBLIC GENERAL ACTS CONFERRING POWER TO MAKE ORDERS IN THE CASE OF WHICH SPECIAL PARLIAMENTARY PROCEDURE IS SUBSTITUTED BY THIS ORDER FOR PROVISIONAL ORDER PROCEDURE

Session and Chapter	Short Title of Statute	Sections and Subsections of Statute	Subject matter
24 & 25 Vict. c. 45, and 1 Edw. 8 & 1 Geo. 6. c. 28.	The General Pier and Harbour Act, 1861, as modified by the Harbours, Piers and Ferries (Scotland) Act, 1937.	Section 15 of the Act of 1861 as modified by sections 4 and 5 (1) of the Act of 1937.	Construction of marine works.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Sections 29 and 39.	Oyster and mussel fisheries.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Paragraph (5) of section 297, and section 303.	Repeal and amendment of local Acts, etc.
5 Edw. 7. c. 23, and 14 & 15 Geo. 5. c. 20.	The Marriages Validity (Provisional Orders) Acts, 1905 and 1924.	Section 1 of the Act of 1905, as extended by section 1 of the Act of 1924.	Validation of marriages.
13 & 14 Geo. 5. c. 16.	The Salmon and Freshwater Fisheries Act, 1923.	Section 16 (3) and (4). Section 37 ... Section 55 (2)...	Compulsory purchase or hiring by fishery boards. Regulation of fisheries. Pollution of waters.
15 Geo. 5. c. 15, 20 & 21 Geo. 5. c. 40, and 25 & 26 Geo. 5. c. 41.	The Housing (Scotland) Acts, 1925, 1930 and 1935.	Section 10 (1) of the Act of 1930 and section 15 (1) of the Act of 1935 as read with section 86 of the Act of 1925.	Compulsory purchase orders relating to commons, open spaces and allotments.

Session and Chapter	Short Title of Statute	Sections and Subsections of Statute	Subject matter
20 & 21 Geo. 5. c. 44.	The Land Drainage Act, 1930.	Section 2 (2) ...	Catchment areas.
		Section 4 (3) ...	Schemes for Catchment Boards.
		Section 8 (3) ...	Variation of awards.
		Section 11 ...	Transfer of functions to Catchment Boards.
		Section 17 (1) and (2).	Drainage districts and drainage boards.
		Section 41 (1) ...	Variation of navigation rights.
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	Section 112 (1)	Union of districts for appointment of medical officers of health.
		Section 270 (1)	Transfers of functions to county or county borough councils.
		Paragraph (*e*) of subsection (1) of section 285.	Repeal and amendment of Acts confirming provisional orders.
		Section 293 (2)	Application of provisions of Act to joint boards and joint committees.
26 Geo. 5 & 1 Edw. 8 c. 49.	The Public Health Act, 1936.	Section 2 (2) ...	Constitution of port health districts.
		Section 6 (1) ...	Union of districts.
		Section 9 (2) ...	Amendment and revocation of orders as to port health districts, union of districts and joint boards.
		Section 109 (2)	Exemption of industrial processes from provisions as to nuisances.
		Section 314 ...	Amendment of orders relating to port health authorities and joint boards.
26 Geo. 5 & 1 Edw. 8. c. 51.	The Housing Act, 1936	Sections 29 (1), 36 (1) and 38 (2) as modified by section 143.	Compulsory purchase orders relating to commons, open spaces and allotments.
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	Sections 165 (1) and 166 (1) and (3).	Transfers of functions between public authorities.
		Section 188 (1) (*e*).	Repeal and amendment of Acts confirming provisional orders.

SECOND SCHEDULE

Modification of Enactments

Enactment	*Modification*
The Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45) as amended by The Sea Fish Industry Act, 1938 (1 & 2 Geo. 6. c. 30)	
Section 37 ...	In subsection (1), for the words " shall not become law without confirmation by Parliament", and in subsection (2), for the words " shall have no effect until confirmed by Parliament ", there shall be substituted the words " shall be subject to special parliamentary procedure ".
Section 38 ...	This section shall not apply.

Enactment	*Modification*
Section 39 ...	After the word " Parliament " there shall be inserted the words " or brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945 ". After section thirty-nine there shall be inserted the following section:— " 39A.—(1) Any inquiry required under this Part of this Act in connection with an order affecting Scotland only shall, if the Secretary of State so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936; and any direction so given shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945. (2) Where any such directions are given, sections thirty-two, thirty-three, thirty-four and thirty-six of this Act shall not apply. (3) The provisions of the Statutory Orders (Special Procedure) Act, 1945, with regard to the publication of notices in the Edinburgh Gazette and in a newspaper shall, notwithstanding anything in that Act contained, not apply to any order under this Act which is subject to special parliamentary procedure."
THE PUBLIC HEALTH ACT, 1875 (38 & 39 Vict. c. 55)	
Section 297 ...	The word " provisional ", where it first occurs, shall be omitted, and for the words " under this Act ", where those words first occur, there shall be substituted the words " under section three hundred and three of this Act ". In paragraph (1), the word " provisional ", in both places where it occurs, shall be omitted, and for the words " under this Act " there shall be substituted the words " under the said section three hundred and three ". In paragraph (2), the word " provisional " shall be omitted. For paragraph (3) there shall be substituted the following paragraph:— " (3) Any such order shall be subject to special parliamentary procedure ". Paragraph (4) shall not apply. In paragraph (5), the word " and ", where it first occurs, shall be omitted; after the words " Sanitary Acts ", where those words secondly occur, there shall be inserted the words " and any order brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945 "; and for the words from " by any provisional order " to the end of the paragraph there shall be substituted the words " by an order made by the Minister of Health which shall be subject to special parliamentary procedure ". For paragraph (6) there shall be substituted the following paragraph:— " (6) The Minister of Health may revoke, either wholly or partially, any order made by him under the said section three hundred and three or under the last foregoing paragraph at any time before the order has been laid before Parliament ". In paragraph (7), for the words from the beginning of the paragraph to the word " order ", where that word first occurs, there shall be substituted the words " The making of an order under the said section three hundred and three or under paragraph (5) of this section ", and the word " provisional ", in the second place where it occurs, shall be omitted. Paragraph (8) shall not apply.
Section 298 ...	This section shall not apply.
Section 303 ...	The word " provisional ", wherever it occurs, shall be omitted.

Enactment		*Modification*
		THE PROVISIONAL ORDER (MARRIAGES) ACT, 1905 (5 Edw. 7. c. 23)
Section 1	...	In subsection (1), for the words " a provisional order " there shall be substituted the words " an order ". For subsection (3) there shall be substituted the following subsection:— " (3) An order of the Secretary of State under this Act shall be subject to special parliamentary procedure.".
		THE SALMON AND FRESHWATER FISHERIES ACT, 1923 (13 & 14 Geo. 5. c. 16)
Section 16	...	In the proviso to subsection (5), for the words " provisional only and shall not have effect unless and until it is confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ".
Section 38	...	In paragraph (*i*) of subsection (1), for the words from " requires confirmation " to the end of the paragraph there shall be substituted the words " is subject to special parliamentary procedure, the costs of supporting the order in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945 ".
Section 40	...	In subsection (3), for the words " shall not become law without confirmation by Parliament " there shall be substituted the words " shall be subject to special parliamentary procedure ". In subsection (4), for the words " provisional only and shall not have effect unless or until confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ".
Section 55	...	In subsection (4), for the words from " shall be provisional " to the end of the subsection there shall be substituted the words " shall be subject to special parliamentary procedure ". At the end of the section there shall be added the following subsection:— " (6) An order under this section as to which no objection is made under subsection (3) thereof, or as to which every objection so made is withdrawn, and any order made under this section and brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945, not being an order confirmed by Act of Parliament under section six of that Act, shall have effect as if enacted in this Act."
		THE MARRIAGES VALIDITY (PROVISIONAL ORDERS) ACT, 1924 (14 & 15 Geo. 5. c. 20)
Section 1	...	For the words " A Provisional Order " there shall be substituted the words " An order ".

Enactment	*Modification*
	THE HOUSING (SCOTLAND) ACT, 1925 (15 Geo. 5. c. 15)
Section 86 ...	In subsection (1), for the words " provisional only, and shall not have effect unless and until it is confirmed by Parliament ", there shall be substituted the words " subject to special parliamentary procedure ". After subsection (3), there shall be inserted the following subsection:— " (3A)—(*a*) Any inquiry required by the Housing (Scotland) Acts, 1925 to 1935, in connection with any such order as is mentioned in subsection (1) of this section shall, if the Secretary of State so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936; and any direction so given shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945. (*b*) Where any such directions are given paragraph 5 of the Second Schedule to the Housing (Scotland) Act, 1930, and paragraph 4 of the Second Schedule to the Housing (Scotland) Act, 1935, shall have effect as if for references to a public inquiry and to the person who held the inquiry there were substituted references to an inquiry by the Commissioners and to the Commissioners. (*c*) The publication of a notice in accordance with the provisions of paragraph 4 of the Third Schedule to this Act, paragraph 4 of the Second Schedule to the Housing (Scotland) Act, 1930, or paragraph 3 of the Second Schedule to the Housing (Scotland) Act, 1935, in connection with any such order as aforesaid shall be deemed to be a sufficient compliance with the requirements of the Statutory Orders (Special Procedure) Act, 1945, with regard to the giving of notice by advertisement."
	THE LAND DRAINAGE ACT, 1930 (20 & 21 Geo. 5. c. 44)
Subsection (3) of section 2. The proviso to subsection (3) of section 4. The proviso to subsection (3) of section 8. The proviso to section 11. Subsection (2) of section 41.	For the words " provisional only and shall not have effect until confirmed by Parliament ", wherever those words occur, there shall be substituted the words " subject to special parliamentary procedure ".
Subsection (3) of section 18.	For the words " provisional only and have no effect until confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ".
Subsection (1) of section 19.	After the words " under this Part of this Act," there shall be inserted the words " or in relation to any proceedings under the Statutory Orders (Special Procedure) Act, 1945, in respect of such an order,".

Enactment	*Modification*
Second Schedule, Part II.	In the cross-heading, for the word " Provisional " there shall be substituted the words " subject to special parliamentary procedure ".
	In paragraph 1, for the words " shall not become law without confirmation by Parliament " there shall be substituted the words " shall be subject to special parliamentary procedure ".
	In paragraph 2, for the words " have no effect until confirmed by Parliament " there shall be substituted the words " be subject to special parliamentary procedure ".
	The following paragraph shall be substituted for paragraph 3:— " 3. The Minister may direct that any order made by him shall be subject to special parliamentary procedure."
	Paragraph 4 shall not apply.
	The following paragraph shall be substituted for paragraph 5:— " 5. The Minister may revoke, either wholly or partially, any order made by him under this Act which is subject to special parliamentary procedure at any time before the order has been laid before Parliament."
Second Schedule Part III.	At the end of the Schedule there shall be added the following paragraph:— " 5. The provisions of paragraphs 2 to 4 of this Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid those provisions shall have effect in relation to an order to which that Act applies as if in paragraph 2 for the reference to the publication of the notice therein mentioned there were substituted a reference to the date on which the order becomes operative under that Act."

THE LOCAL GOVERNMENT ACT, 1933
(23 & 24 Geo. 5. c. 51)

Section 112 ...	In subsection (3), for the words " provisional only, and shall not have effect unless and until it is confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ".
Section 270 ...	In subsection (1), the word " provisional " shall be omitted.
	In subsection (3), for the words " A provisional order made under this section " there shall be substituted the words " An order made under this section shall be subject to special parliamentary procedure and ".
Section 285 ...	In subsection (1), for the words " a provisional order under this Act, or under any enactment passed after the commencement of this Act," there shall be substituted the words " an order under this Act, or under any enactment passed after the commencement of this Act, which is subject to special parliamentary procedure,"; in paragraph (*a*), for the words " a provisional order " and " the provisional order " respectively there shall be substituted the words " the order "; paragraphs (*c*) and (*d*) shall not apply; in paragraph (*e*) after the words " provisional order ", where those words first occur, there shall be inserted the words " and any order brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945 ", and for the words from " by a provisional order " to the end of the paragraph there shall be substituted the words " by an order made by the Minister which shall be subject to special parliamentary procedure "; in paragraph (*f*), for the words " submitting a provisional order to " there shall be substituted the words " the order is laid before "; in paragraph (*g*), for the words " a provisional order " there shall be substituted the words " the order "; and the proviso to the subsection shall not apply.

Enactment	*Modification*
Section 290 ...	At the end of subsection (8) there shall be added the words " and the expression " enactment " includes an enactment in an order brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945."
Section 293 ...	In the proviso to subsection (2), for the words " provisional only and shall not have effect unless and until it is confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ".
Section 298 ...	At the end of the section there shall be added the following subsection:— " (3) References in this section to an enactment referring to a power shall be construed as including references to any such enactment contained in an order brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945."

THE PUBLIC HEALTH ACT, 1936
(26 Geo. 5 & 1 Edw. 8. c. 49)

Subsection (4) of section 2. Subsection (4) of section 6. The proviso to subsection (2) of section 109. The proviso to section 314.	For the words " provisional only and shall not have effect until it is confirmed by Parliament ", wherever those words occur, there shall be substituted the words " subject to special parliamentary procedure ".
Subsection (2) of section 9.	The words " whether or not confirmed by Parliament " shall be omitted, and for the words " provisional only and shall not have effect until it is confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ".
Subsection (4) of section 315.	For the words " require confirmation by Parliament " there shall be substituted the words " be subject to special parliamentary procedure ".
Subsection (1) of section 316.	For the words " requires confirmation by Parliament " there shall be substituted the words " is subject to special parliamentary procedure ", and for the word " provisional " there shall be substituted the word " such ".
Subsections (1) and (2) of section 327.	After the words " provisional order ", wherever those words occur, there shall be inserted the words " or order ".

THE HOUSING ACT, 1936 (26 Geo. 5 & 1 Edw. 8. c. 51)

Section 143 ...	In subsection (1), for the words " provisional only, and shall not have effect unless and until it is confirmed by Parliament " there shall be substituted the words " subject to special parliamentary procedure ".

Enactment	*Modification*
THE HARBOURS, PIERS AND FERRIES (SCOTLAND) ACT, 1937 (1 Edw. 8 & 1 Geo. 6. c. 28)	
Section 5	... In subsection (5), in paragraph (ii), for the words from "have no effect" to the end of the paragraph, there shall be substituted the words "be subject to special parliamentary procedure". After subsection (6) there shall be inserted the following subsections:— "(7) Any inquiry required by section fifteen of the General Pier and Harbour Act, 1861, in connection with a scheme affecting the construction of a marine work shall, if the Secretary of State so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936; and any direction so given shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945. (8) The provisions of the Statutory Orders (Special Procedure) Act, 1945, with regard to the publication of notices in the Edinburgh Gazette and in a newspaper shall, notwithstanding anything in that Act contained, not apply to any order under this Act which is subject to special parliamentary procedure."
THE LONDON GOVERNMENT ACT, 1939 (2 & 3 Geo. 6. c. 40)	
Section 165	... In subsection (1), the word "provisional" shall be omitted. In subsection (4), for the words "A provisional order made under this section" there shall be substituted the words "An order made under this section shall be subject to special parliamentary procedure and".
Section 166	... In subsection (6), for the words "provisional only and shall not have effect until it is confirmed by Parliament" there shall be substituted the words "subject to special parliamentary procedure". In subsection (7), for the words "provisional only" there shall be substituted the words "subject to special parliamentary procedure".
Section 188	... In subsection (1), for the words "a provisional order under this Act, or under any enactment passed after the commencement of this Act", there shall be substituted the words "an order under this Act which is subject to special parliamentary procedure,"; in paragraph (*a*), for the words "a provisional order" and "the provisional order" respectively, there shall be substituted the words "the order"; paragraphs (*c*) and (*d*) shall not apply; in paragraph (*e*), after the words "provisional order", where those words first occur, there shall be inserted the words "and any order brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945", and for the words from "by a provisional order" to the end of the paragraph there shall be substituted the words "by an order made by the Minister which shall be subject to special parliamentary procedure"; in paragraph (*f*), for the words "submitting a provisional order to" there shall be substituted the words "the order is laid before"; and in paragraph (*g*), for the words "a provisional order" there shall be substituted the words "the order".
Section 189	... At the end of subsection (6) there shall be added the words "and the expression "enactment" includes an enactment in an order brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945."