



# Private Legislation Procedure (Scotland) Act 1936

1936 CHAPTER 52 26 Geo 5 and 1 Edw 8

## *Application for Provisional Order*

### **1 Application for Provisional Order. Notices.**

- (1) When any public authority or any persons (hereinafter referred to as the petitioners) desire to obtain Parliamentary powers in regard to any matter affecting public or private interests in Scotland for which they would have been, before the commencement of the<sup>M1</sup> Private Legislation Procedure (Scotland) Act 1899, entitled to apply to Parliament by a petition for leave to bring in a Private Bill, they shall proceed by presenting a petition to the Secretary of State, praying him to issue a Provisional Order in accordance with the terms of a draft Order submitted to him, or with such modifications as shall be necessary.
- (2) A printed copy of the draft Order shall, at such time as shall be prescribed, be deposited in the office of the Clerk of the Parliaments and in the Committee and Private Bill Office of the House of Commons, and also at the office of the Treasury and of such other public departments as shall be prescribed.
- (3) The petitioners shall make such deposits and give such notice by public advertisement, and, where land is proposed to be taken, by such service on owners, lessees and occupiers, as shall be prescribed as sufficient for procedure by way of Provisional Order under this Act.
- (4) If a representation is made to the Secretary of State by any public authority or persons that they desire to obtain Parliamentary powers to be operative in Scotland and elsewhere, and that it is expedient that such powers should be conferred by one enactment by reason of the fact that it is necessary to provide for the uniform regulation of the affairs of an undertaking or institution carried on or operating in Scotland and elsewhere, the Secretary of State and the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons (in this Act referred to as the Chairmen) shall take such representation into their consideration, and, if they shall be of opinion that the said powers or some of them would more

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*Changes to legislation:* There are currently no known outstanding effects for the Private Legislation Procedure (Scotland) Act 1936, Section 1. (See end of Document for details)

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properly be obtained by the promotion of a Private Bill than by the promotion of a Private Bill and of a Provisional Order [<sup>F1</sup>(or a Provisional Order and an order under section 1 or 3 of the Transport and Works Act 1992)], they shall cause a notice of a decision to that effect to be published in the London and the Edinburgh Gazettes and shall lay a report of such decision before both Houses of Parliament, and, on the publication of such notice as aforesaid, subsection (1) of this section shall not apply as regards any powers to which the said decision relates.

[<sup>F2</sup>(5) This section shall not apply where any public authority or any persons desire to obtain parliamentary powers the conferring of which is wholly within the legislative competence of the Scottish Parliament.]

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#### Textual Amendments

- F1** Words in s. 1(4) inserted (E.W.S.) (1. 1. 1993) by Transport and Works Act 1992 (c. 42), s. 24; S.I. 1992/2784, art. 2(a), **Sch. 1**.
- F2** S. 1(5) inserted (1.7.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 5**; S.I. 1998/3178, art. 2

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#### Marginal Citations

- M1** 1899 c. 47.

**Changes to legislation:**

There are currently no known outstanding effects for the Private Legislation Procedure (Scotland) Act 1936, Section 1.