



# Statutory Orders (Special Procedure) Act 1945

1945 CHAPTER 18 9 and 10 Geo 6

An Act to regulate the procedure to be followed in connection with statutory orders required by any future enactment to be subject to special parliamentary procedure; to apply such procedure to orders made under certain existing enactments; and to enable such procedure to be applied to certain other orders. [20th December 1945]

## Extent Information

- E1** By s. 1(8)(b) of the [Pilotage Act 1987 \(c. 21\)](#) it is provided that this Act shall have effect as if it extended to Northern Ireland for certain purposes as there mentioned.

## Modifications etc. (not altering text)

- C1** Act excluded by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), **s. 99** (3)  
**C2** Act modified by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), **s. 1** (8)  
**C3** Act extended (N.I.) by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), **s. 1** (8)  
**C4** Act excluded (S.) (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 108\)](#), s. 161(6), **Sch. 7 para. 4(2)** (with s. 167(4)(5)); S.I. 1992/2990, art. 2(2), **Sch. 2**  
Act excluded (S.) (27.5.1997) by [1997 c. 8, ss. 268\(5\), 278\(5\)](#).

## Commencement Information

- I1** Act wholly in force at 1.6.1946 by s. 12(2) (now repealed).

## 1 Application of Act to certain statutory orders, made under future enactments.

- (1) Where, by any Act passed after the passing of this Act, power to make or confirm orders is conferred on any authority, and provision is made requiring that any such order shall be subject to special parliamentary procedure [<sup>F1</sup>or requiring that any such order shall be subject to special parliamentary procedure to a limited extent], the provisions of this Act shall apply in relation to any order so made or confirmed.

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- (2) An order to which this Act applies shall be of no effect until it has been laid before Parliament by the Minister and has been brought into operation in accordance with the provisions of this Act.

[<sup>F2</sup>(3) In this Act “special-acquisition provision” means—

- (a) section 130, 131 or 132 of the Planning Act 2008 (certain orders granting development consent which also authorise compulsory acquisition of, or of rights over, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment),
  - (b) section 17, 18 or 19 of, or paragraph 4, 5 or 6 of Schedule 3 to, the Acquisition of Land Act 1981 (certain compulsory purchase orders which authorise compulsory acquisition of, or of rights over, land of a local authority or statutory undertaker, inalienable National Trust land, or land forming part of a common, open space or fuel or field garden allotment),
  - (c) paragraph 22 of Schedule 3 to the Harbours Act 1964 (harbour revision or empowerment order authorising compulsory purchase of, or of rights over, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment),
  - (d) paragraph 12 or 13 of Schedule 4 to the New Towns Act 1981 (order authorising compulsory purchase of local authority land, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment), or
  - (e) section 12 of the Transport and Works Act 1992 (order authorising compulsory purchase of, or of rights over, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment).
- (4) A reference in this Act to land to which a special-acquisition provision applies is to be read as follows—
- (a) “land” has the same meaning as it has for the purposes of the special-acquisition provision, and
  - (b) in the case of a special-acquisition provision mentioned in subsection (3)(c) or (e), the reference is to—
    - (i) land (as so defined) belonging to the National Trust which is held by the Trust inalienably, or
    - (ii) land (as so defined) forming part of a common, open space or fuel or field garden allotment.
- (5) The definition of “the National Trust” given by section 7(1) of the Acquisition of Land Act 1981, and section 18(3) of that Act (meaning of “held inalienably”), apply for the purposes of subsection (4)(b)(i).
- (6) In subsection (4)(b)(ii) “common”, “fuel or field garden allotment” and “open space” have the same meaning as in section 19 of that Act.]

#### Textual Amendments

- F1** Words in s. 1(1) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), ss. **25(2)**, 35(1); S.I. 2013/1124, art. 4(d) (with art. 8(3)); S.I. 2013/1488, art. 3(e) (with art. 8)
- F2** S. 1(3)-(6) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), ss. **25(3)**, 35(1); S.I. 2013/1124, art. 4(d) (with art. 8(3)); S.I. 2013/1488, art. 3(e) (with art. 8)

**[<sup>F3</sup>1A Order subject to special parliamentary procedure only so far as authorising certain acquisitions of land or rights**

- (1) Where under a special-acquisition provision an order is subject to special parliamentary procedure so far as the order authorises compulsory acquisition of, or of a right over, land to which that provision applies, sections 3 to 7 of this Act apply in relation to the order with the modifications specified in subsections (3) to (19).
- (2) Where those sections apply with those modifications in relation to an order, in subsections (3) to (19) “the special authorisation” means the order so far as it authorises compulsory acquisition of, or of a right over, land to which the particular special-acquisition provision applies.
- (3) In section 3(1) the reference to a petition duly presented against the order is to be read as a reference to a petition duly presented against the special authorisation.
- (4) In section 3(2)—
  - (a) the reference to petitions against an order to which this Act applies is to be read as a reference to petitions against the special authorisation, and
  - (b) in paragraphs (a) and (b) a reference to the order is to be read as a reference to the special authorisation.
- (5) In section 3(4) a reference to the order is to be read as a reference to the special authorisation.
- (6) In section 3(4A)—
  - (a) the reference in the opening words to the order to which a petition relates is to be read as a reference to the order containing the special authorisation to which a petition relates, and
  - (b) in paragraph (a) the reference to the order being one that relates to proposals of the kind mentioned is to be read as a reference to the Chairmen being of the opinion that removal of the special authorisation from the order would be inconsistent with proposals of that kind.
- (7) In section 3(5)—
  - (a) the reference to every order to which this Act applies is to be read as a reference to the special authorisation, and
  - (b) the reference to every such report is to be read as a reference to the report of the Chairmen in respect of the special authorisation.
- (8) In section 4(1)—
  - (a) the reference to any order to which this Act applies is to be read as a reference to the special authorisation,
  - (b) the reference to resolving that an order be annulled is to be read as a reference to resolving that the special authorisation be annulled,
  - (c) the reference to an order becoming void is to be read as a reference to the special authorisation becoming void, and
  - (d) the reference to taking no further proceedings on an order is to be read as a reference to taking no further proceedings on the special authorisation.
- (9) In section 4(2) the reference to the order is to be read as a reference to the special authorisation.
- (10) In section 4(3)—

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- (a) the reference to neither House resolving that the order be annulled is to be read as a reference to neither House resolving that the special authorisation be annulled, and
- (b) the reference to petitions relating to the order is to be read as a reference to petitions relating to the special authorisation.

(11) Section 4 is to be read as if after subsection (3) there were inserted—

“(4) Where either House resolves during the resolution period that the special authorisation be annulled, the Minister is to either—

- (a) withdraw the order by notice given in the prescribed manner, or
- (b) cause the order to be submitted to Parliament for further consideration by means of a Bill for the confirmation of the order.

(5) A Bill presented for the purposes of subsection (4)(b) must set out the order as laid before Parliament under section 1(2) of this Act, and any such Bill is to be treated as a public bill, except that—

(a) where a petition for amendment of the special authorisation was certified as proper to be received, the Bill—

- (i) after being read a second time in the House in which it is presented, is to be referred to a joint committee of both Houses for the purposes of the consideration of that petition,
- (ii) after it has been reported by the joint committee, is to be ordered to be considered in the House in which it is presented as if it had been reported by a committee of that House, and
- (iii) when it has been read a third time and passed in that House, is to be treated as having passed through all its stages up to and including committee in the second House;

(b) where no such petition has been so certified—

- (i) the Bill is after its presentation to be treated as having passed all its stages up to and including committee in the House in which it is presented,
- (ii) the Bill is to be ordered to be considered in that House as if it had been reported from a committee of that House, and
- (iii) when the Bill has been read a third time and passed in that House, the like proceedings are to be taken on the Bill in the second House.”

(12) In section 5(1)—

- (a) the reference to any petition against an order to which this Act applies is to be read as a reference to any petition against the special authorisation,
- (b) the reference to the order standing referred to a committee is to be read as a reference to the special authorisation standing referred to that committee, and
- (c) the reference to the committee's power to report the order is to be read as a reference to the committee's power to report the special authorisation.

(13) In section 5(2) a reference to the order is to be read as a reference to the special authorisation.

(14) In section 5(3) the reference to any order to which this Act applies is to be read as a reference to the special authorisation.

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- (15) In section 6(1) the reference to an order to which this Act applies being reported without amendment is to be read as a reference to the special authorisation being reported without amendment.
- (16) In section 6(2) the reference to any such order being reported with amendments is to be read as a reference to the special authorisation being reported with amendments.
- (17) In section 6(3) the reference to it being reported, with respect to any such order, that the order be not approved is to be read as a reference to it being reported that the special authorisation be not approved.
- (18) In section 6(5)—
- (a) the requirement for a Bill to set out the order as referred to the joint committee is to be read as a requirement for the Bill to set out the order as laid under section 1(2) of this Act, and
  - (b) in paragraph (a) the reference to a petition for amendment of the order is to be read as a petition for amendment of the special authorisation.
- (19) In section 7 a reference to an order to which this Act applies is to be read as a reference to the special authorisation.]

#### Textual Amendments

- F3** S. 1A inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 25(4)**, 35(1) (with s. 25(10)); [S.I. 2013/1124](#), art. 4(d) (with art. 8(3)); [S.I. 2013/1488](#), art. 3(e) (with art. 8)

## 2 Preliminary proceedings.

- (1) No order to which this Act applies shall be laid before Parliament until the requirements of the empowering enactment with respect to the publication or service of notices, the consideration of objections, and the holding of inquiries or other proceedings preliminary to the making or confirmation of the order have been complied with, or, where no such requirements are imposed by that enactment, until the requirements of the First Schedule to this Act have been complied with; and after any such requirements as aforesaid have been complied with, notice of the Minister's intention to lay the order before Parliament shall be published in the London Gazette not less than three days before the order is so laid.
- (2) When any order to which this Act applies is laid before Parliament there shall, together with it, be laid before Parliament a certificate by the Minister specifying the requirements as to the matters aforesaid which relate to the order and certifying that they have been complied with. Where a local inquiry has been dispensed with in accordance with any such requirements the said certificate shall include a statement to that effect.
- (3) In this section the expression “empowering enactment,” in relation to any order, includes any enactment other than this Act which has the effect of requiring the publication or service of notices, the consideration of objections or the holding of inquiries or other proceedings preliminary to the making or confirmation thereof.

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#### Subordinate Legislation Made

- P1** S. 2(3): power exercised by [S.I. 1991/1140](#). For previous exercises of power see the Index to Government Orders.

#### Modifications etc. (not altering text)

- C5** S. 2 extended by [Water \(Scotland\) Act 1980](#) (c. 45, SIF 130), [s. 99](#) (1)
- C6** S. 2 extended (S.) (1.1.1993) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 170), [s. 161\(6\)](#), [Sch. 7 para. 4\(2\)](#) (with [s. 167\(4\)\(5\)](#)); S.I. 1992/2990, art. 2(2), [Sch. 2](#).  
S. 2 extended (S.) (27.5.1997) by 1997 c. 8, [ss. 268\(2\)](#), 278(2)
- C7** S. 2 (1) excluded by [Civil Aviation Act 1982](#) (c. 16, SIF 9), [s. 46](#) (6)
- C8** S. 2 (1) modified (S.) by [Roads \(Scotland\) Act 1984](#) (c. 54, SIF 108), [ss. 5](#) (5), 7 (9), 76, 77, 128 (1), [Sch. 1 para. 19 \(a\)](#)

### 3 Petitions.

- (1) If, within the period of [<sup>F4</sup>twenty-one days] beginning with the day on which an order to which this Act applies is laid before Parliament, or, if the order is so laid on different days, with the later of the two days, a petition is duly presented against the order, the petition shall stand referred for examination to the Lord Chairman of Committees and the Chairman of Ways and Means (hereinafter together referred to as “the Chairmen”).
  - (2) The following provisions shall have effect with respect to petitions against an order to which this Act applies:—
    - (a) a petition praying for particular amendments to be made in the order shall specify the amendments asked for, and shall be known as a petition for amendment;
    - (b) a prayer against the order generally shall not be included in a petition for amendment, but may be contained in a separate petition which shall be known as a petition of general objection.
  - (3) As soon as practicable after the expiration of the said period of [<sup>F4</sup>twenty-one days,] the Chairmen shall take into consideration all petitions referred to them under this section, and if the Chairmen are satisfied with respect to any such petition that the provisions of this Act and of Standing Orders have been complied with in respect thereof . . . <sup>F5</sup>, they shall certify that the petition is proper to be received and is a petition for amendment or a petition of general objection as the case may be.
  - (4) Where in the opinion of the Chairmen a petition presented as a petition for amendment involves amendments of the order which would constitute a negative of the main purpose of the order, they shall if they certify that the petition is proper to be received, certify it as a petition of general objection provided that if the petitioner satisfies the Chairmen that some only of the amendments involved would constitute a negative of the main purpose of the order, the Chairmen may direct the deletion of so much of the petition as requires such amendments and certify the remainder thereof as a petition for amendment.
- [<sup>F6</sup>(4A) The Chairmen shall not certify that a petition is proper to be received if the order to which it relates is made under section 1 or 3 of the Transport and Works Act 1992 and either—

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- (a) the petition is a petition of general objection and the order relates to proposals which have been approved by each House of Parliament in accordance with section 9 of that Act, or
  - (b) the petition is a petition for amendment and any of the amendments asked for would in the opinion of the Chairmen be inconsistent with such proposals.]
- (5) In respect of every order to which this Act applies, the Chairmen shall report whether any petitions have been presented against it, and if so what petitions, if any, have been certified as proper to be received and as petitions for amendment and petitions of general objection respectively; and subject to Standing Orders, every such report shall be laid before both Houses of Parliament.

#### Textual Amendments

- F4** Words substituted by [Statutory Orders \(Special Procedure\) Act 1965 \(c. 43\) s. 1 \(1\) \(2\)](#)
- F5** Words repealed by [Statutory Orders \(Special Words Procedure\) Act 1965 \(c. 43\) Sch.](#)
- F6** S. 3(4A) inserted (1.1.1993) by [Transport and Works Act 1992 \(c. 42\), s. 12\(2\)](#); [S.I. 1992/2784, art.2, Sch. 1](#)

## 4 Proceedings consequent upon report as to petitions.

- (1) If either House, within the period of [<sup>F7</sup>twenty-one days] beginning with the date on which the report of the Chairmen relating to any order to which this Act applies is laid before it, resolves that the order be annulled, the order shall thereupon become void and no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new order:

... <sup>F8</sup>

In reckoning the said period of [<sup>F7</sup>twenty-one days,] no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

- (2) If within the period mentioned in the foregoing subsection (hereinafter referred to as “the resolution period”) no resolution that the order be annulled has been passed, then, subject as hereinafter provided, any petitions certified by the Chairmen as proper to be received shall stand referred to a joint committee of both Houses:

Provided that where any petition so certified has been certified as a petition of general objection [<sup>F9</sup>that petition shall not stand so referred if either House has resolved within the resolution period that the petition be not so referred.]

- (3) If during the resolution period neither House has resolved that the order be annulled, and no petitions relating to the order stand referred to the joint committee under this section, the order shall come into operation at the expiration of that period, or on such later date, if any, as may be specified in the order.

#### Textual Amendments

- F7** Words substituted by [Statutory Orders \(Special Procedure\) Act 1965 \(c. 43\) s. 1 \(1\) \(2\)](#)
- F8** Words repealed by [Statutory Orders \(Special Words Procedure\) Act 1965 \(c. 43\) Sch.](#)
- F9** Words substituted by [Statutory Orders \(Special Procedure\) Act 1965 \(c. 43\), s. 1 \(1\) \(4\)](#)

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## **5 Powers of joint committee on opposed orders.**

- (1) Where any petition against an order to which this Act applies is referred to a joint committee of both Houses under the last foregoing section, the order shall stand referred to that committee for the purpose of the consideration of the petition, and the committee shall have power to report the order either without amendment or with such amendments as they think expedient to give effect, either in whole or in part, to any such petition, and with such consequential amendments, if any, as they think proper.
- (2) Where any petition so referred to the joint committee is a petition of general objection, and the committee, upon consideration of the petition, are satisfied that effect ought to be given thereto, they may report the order with amendments notwithstanding that the petition is one of general objection, but if in their opinion the order ought not to take effect, they shall report that the order be not approved.
- (3) Subject to Standing Orders, the report of the joint committee in respect of any such order shall be laid before both Houses of Parliament.

## **6 Operation of orders.**

- (1) Where an order to which this Act applies is reported by the joint committee without amendment, the order shall come into operation on the date on which the report of the committee is laid before Parliament in accordance with the last foregoing section, or on such later date, if any, as may be specified in the order.
- (2) Where any such order is reported by the joint committee with amendments, then, subject as hereinafter provided, the order shall come into operation as so amended on such date as the Minister may, by notice given in the prescribed manner, determine:

Provided that if the Minister considers it inexpedient that the order should take effect as so amended, he may, by notice given in the prescribed manner, withdraw the order, or may cause the order to be submitted to Parliament for further consideration by means of a Bill for the confirmation thereof.

- (3) Where the joint committee report, with respect to any such order as aforesaid, that the order be not approved, the order shall not take effect unless it is confirmed by Act of Parliament.
- (4) A Bill presented for the purposes of subsection (2) of this section shall set out the order as amended by the joint committee, and any such Bill shall be treated for all purposes as a public Bill except that it shall, after its presentation, be deemed to have passed through all its stages up to and including committee in the House in which it is presented, and shall be ordered to be considered in that House as if it had been reported from a committee thereof, and as if the amendments had been made in committee on the Bill; and when the Bill has been read a third time and passed in that House, the like proceedings shall be taken in the second House.
- (5) A Bill presented for the purposes of subsection (3) of this section shall set out the order as referred to the joint committee, and any such Bill shall be treated for all purposes as a public Bill, except that—
  - (a) where a petition for amendment of the order certified as proper to be received was not dealt with by the joint committee, the Bill shall, after being read a second time in the House in which it is presented, be referred to that committee for the purposes of the consideration of that petition, and thereafter shall be ordered to be considered in that House as if it had been reported from a



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committee thereof; and when the Bill has been read a third time and passed in that House, it shall be deemed to have passed through all its stages up to and including committee in the second House;

- (b) where no such petition has been so certified, the Bill shall, after its presentation, be treated as having passed all its stages up to and including committee in the House in which it is presented, and shall be ordered to be considered in that House as if it had been reported from a committee thereof; and when the Bill has been read a third time and passed in that House the like proceedings shall be taken in the second House.

#### Modifications etc. (not altering text)

**C9** S. 6 (2) proviso modified by [Industry Act 1975 \(c. 68\), s. 19\(5\)](#)

## 7 Costs.

- (1) A joint committee by which an order to which this Act applies is considered shall have the like power to award costs as a select committee of either House in relation to a Provisional Order Bill [<sup>F10</sup>under sections 9 to 12 of the Parliamentary Costs Act 2006 (as a result of section 15(4) and (5) of that Act); and sections 9 to 12 of that Act] shall apply accordingly subject to any necessary modifications.
- (2) [<sup>F11</sup>Sections 2 to 8, 13 and 14 of that Act], shall apply with any necessary modifications to costs incurred in respect of an order to which this Act applies, as they apply to costs incurred in respect of a private Bill, [<sup>F12</sup>and, for that purpose, the reference to the Secretary of State in section 5(3) of that Act (which refers to the procedure under which the Secretary of State requests an assessment of costs) is to be read as including a reference to the Minister.]
- (3) The reasonable costs incurred by a local authority in applying for or supporting an order to which this Act applies, or in opposing any such order, including costs incurred in connection with any local inquiry preliminary thereto, shall, to such extent as may be sanctioned by [<sup>F13</sup>the Secretary of State], be deemed to be expenses properly incurred by the local authority and shall be paid accordingly, and the local authority may borrow for the purpose of defraying such costs.

#### Textual Amendments

- F10** Words in s. 7(1) substituted (1.4.2007) by [Parliamentary Costs Act 2006 \(c. 37\), ss. 17\(3\), 19\(1\)](#) (with transitional provisions in [Sch. 2](#))
- F11** Words in s. 7(2) substituted (1.4.2007) by [Parliamentary Costs Act 2006 \(c. 37\), ss. 17\(4\)\(a\), 19\(1\)](#) (with transitional provisions in [Sch. 2](#))
- F12** Words in s. 7(2) substituted (1.4.2007) by [Parliamentary Costs Act 2006 \(c. 37\), ss. 17\(4\)\(b\), 19\(1\)](#) (with transitional provisions in [Sch. 2](#))
- F13** Words substituted by virtue of [S.I. 1951/753](#) (1951 I, p. 1354), art. 21 (1), Sch.1, 1951/1900 (1951 I, p. 1347), (W.) 1965/319, arts. 2 (1), 10 (1)(a) Sch. 1, (E.) 1970/1681, arts. 2 (1), 6 (3) and (5.11.1993) by virtue of [1993 c. 50, s. 1\(2\), Sch 2 para. 26\(1\)](#)

#### Modifications etc. (not altering text)

**C10** S. 7(3): Functions transferred (1.7.1999) by virtue of [S.I. 1999/672, art. 2, Sch. 1](#)

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## 8 Application of Act to orders made under certain existing enactments.

<sup>F14</sup>(1) .....

<sup>F15</sup>(2) .....

(3) If at any time after the commencement of this Act an address is presented to His Majesty by both Houses of Parliament praying that the provisions of this Act be applied to orders thereafter to be made under any enactment passed before the commencement of this 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 any such Order in Council may adapt or modify any enactment to such extent as may be expedient in consequence of the order.

(4) The power to make Orders in Council conferred by this section shall include power to revoke or vary any such Order by a subsequent Order.

### Textual Amendments

**F14** S. 8(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt XI Group 2.

**F15** S. 8 (2) repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58 (7), 101 (1), 141 (6), 160 (1) (2) (4), 189 (4)–(10), 190, 193 (1), Sch. 26 paras. 3 (1) (2), 17, 40 (4), 41 (1), 57 (6), 58, Sch. 27 Pt. I  
S. 8(2) repealed (S.) (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt. X Group 5.

### Modifications etc. (not altering text)

**C11** S. 8 (3) extended by Local Government Act 1972 (c. 70), s. 240 (7)

## 9 Standing Orders for the purposes of this Act.

Without prejudice to any other powers exercisable in that behalf by the House of Lords and the House of Commons respectively, Standing Orders may be made for any purpose connected with the provisions of this Act, and in particular—

- (a) for regulating the manner in which petitions against an order to which this Act applies shall be framed and presented, and for extending the period of [<sup>F16</sup>twenty-one days] prescribed by this Act in relation to the presentation of such petitions in any case where that period expires on a day on which the House is not sitting or, in the case of the House of Lords, is sitting for judicial business only;
- (b) for enabling the functions of the Lord Chairman of Committees and of the Chairman of Ways and Means under this Act to be performed by any deputy appointed in accordance with Standing Orders;
- (c) for regulating the proceedings of the Chairmen in connection with the examination of petitions under this Act;
- (d) for prescribing the cases in which a petitioner against an order to which this Act applies shall be treated for the purposes of this Act as having locus standi, and for enabling the Chairmen to determine questions of locus standi in connection with the examination of petitions;
- (e) for prescribing the constitution of any joint committee of both Houses which may be appointed for the purposes of this Act;
- (f) for regulating the proceedings of any such committee upon the consideration of any order or Bill referred to them, and in particular for enabling the

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- committee, if satisfied that an amendment prayed for by any petition which is referred to them may affect the interests of persons not represented before them, to afford to any such person an opportunity to be so represented;
- (g) for regulating the procedure to be followed in connection with any Bill introduced under section six of this Act; and
  - (h) for prescribing anything required under this Act to be prescribed.

#### Textual Amendments

**F16** Words substituted by [Statutory Orders \(Special Procedure\) Act 1965 \(c. 43\)](#) s. 1 (1) (2)

### [<sup>F17</sup>9A Standing Orders in cases where section 1A applies

- (1) In this section, a reference to a special-acquisition order is to an order which, under a special-acquisition provision, is subject to special parliamentary procedure so far as it authorises compulsory acquisition of, or of a right over, land to which that provision applies.
- (2) A reference in section 9(a) or (d) of this Act to an order to which this Act applies is, in the case of a special-acquisition order, to be read as a reference to that order so far as it authorises compulsory acquisition of, or of a right over, land to which the particular special-acquisition provision applies.
- (3) The reference in section 9(f) of this Act to any order is, in the case of a special-acquisition order, to be read as a reference to that order so far as it authorises compulsory acquisition of, or of a right over, land to which the particular special-acquisition provision applies.
- (4) The reference in section 9(g) of this Act to section 6 of this Act is to be read as a reference to section 4 or 6 of this Act.
- (5) Where Standing Orders of either House of Parliament make provision that relates to orders to which this Act applies and is for a purpose mentioned in section 9 then, unless the Standing Orders provide otherwise, the provision applies in relation to a special-acquisition order only so far as the order authorises compulsory acquisition of, or of a right over, land to which the particular special-acquisition provision applies.]

#### Textual Amendments

**F17** [S. 9A](#) inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 25(5)**, 35(1) (with [s. 25\(10\)](#)); [S.I. 2013/1124](#), [art. 4\(d\)](#) (with [art. 8\(3\)](#)); [S.I. 2013/1488](#), [art. 3\(e\)](#) (with [art. 8](#))

## 10 Application to orders extending to Scotland only.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to orders extending to Scotland only.
- (2) For section two the following section shall be substituted:—

- (1) Before any order to which this Act applies is made or confirmed by the Minister, the requirements of the empowering enactment with respect to the

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service of notices shall be complied with, and the following notice shall be given by advertisement in the Edinburgh Gazette and, in the case of an order relating to a particular area, in at least one newspaper circulating in that area, that is to say—

- (a) in the case of an order to be made by the Minister on the application of any person, notice by the applicant of the purport of the application;
- (b) in the case of an order to be confirmed by the Minister, notice by the applicant of the order as submitted by him for confirmation;
- (c) in the case of an order to be made by the Minister otherwise than on the application of any person, notice by the Minister of the order as proposed to be made.

- (2) Any such notice shall specify the time within which and the manner in which objections may be made to the application or to the proposed order, as the case may be, and if any objection (other than an objection which in the opinion of the Minister is frivolous or which relates to a matter that can be dealt with by an arbiter by whom compensation is to be assessed) is duly made in the time and manner so specified or in accordance with the provisions of the empowering enactment and is not withdrawn, or if for any other reason the Minister considers an inquiry necessary, he shall direct an inquiry to be held by Commissioners under the Private Legislation Procedure (Scotland) Act 1936, and the provisions of that Act with regard to inquiries thereunder shall apply in relation to inquiries to be held under this section subject to the following and any other necessary modifications:—

- (a) for any reference to the Secretary of State (except in paragraph (a) of subsection (6) of section six which empowers the Secretary of State to prescribe a scale of costs) there shall be substituted a reference to the Minister:

Provided that subsections (5) and (6) of section five (which relate to the taking of Commissioners from the extra-parliamentary panel and to the filling of casual vacancies) shall, in their application to an order made by the Minister otherwise than on the application of any person, have effect with the substitution of references to the Lord President of the Court of Session for references to the Secretary of State:

- (b) subsection (4) of section six (which relates to the reference of recommendations to the Commissioners) shall not apply.

- (3) The power conferred by section fifteen of the aforesaid Act to make general orders shall extend to the making of general orders for the regulation of proceedings in inquiries directed to be held under this section, including the fixing, with the consent of the Treasury, of a scale of fees to be paid by applicants for, and supporters and opponents of, orders to which this Act applies.
- (4) If the Minister is not prepared to accept the recommendations of the Commissioners with regard to any application or proposed order referred to them under this section, he may cause to be presented to Parliament a Bill for the confirmation of the order, and the provisions of section nine of the Private Legislation Procedure (Scotland) Act 1936 shall apply to such Bill in like manner as they apply to the Confirmation Bills therein mentioned.
- (5) When any order to which this Act applies is laid before Parliament, or a Bill for the confirmation of any such order is presented to Parliament in pursuance

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of the last foregoing subsection, there shall, together with it, be laid before or presented to Parliament, a statement by the Minister specifying any objections made to the order and not withdrawn; stating whether an inquiry has been held under subsection (2) of this section, and, in any case where any inquiry was not so held, what objections, if any, were (a) in the opinion of the Minister frivolous, or (b) related to matters which could be dealt with by an arbiter assessing compensation.

- (6) In this section, the expression "empowering enactment" in relation to any order includes any enactment other than this Act which has the effect of requiring the service of notices in connection therewith, and for the purposes of subsection (1) of this section a notice shall be sufficient notice of an order if it sets out the purport of the order and specifies a place where copies thereof may inspected free of charge at all reasonable hours."

- (3) For section four the following section shall be substituted:—

- (1) If either House within the period of [<sup>F18</sup>twenty-one days] beginning with the date on which the report of the Chairmen relating to any order to which this Act applies is laid before it, resolves that the order be annulled, the order shall thereupon become void, and no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new order.

In reckoning any such period, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (2) If a petition against the order has been certified by the Chairmen as proper to be received, either House may, within the period mentioned in the last foregoing subsection, on the consideration of a motion that the petition be referred to a joint committee of both Houses or of a motion for the annulment of the order under the last foregoing subsection order that the petition be referred to a joint committee of both Houses.

Provided that the order shall not be annulled except in accordance with the next two succeeding sections if either—

- (i) a petition of general objection has been so referred; or
- (ii) a petition for amendment has been so referred on consideration of a motion for annulment.

- (3) If, at the expiration of the period mentioned in subsection (1) of this section neither House has resolved that the order be annulled or ordered that a petition against the order be referred to the joint committee, the order shall come into operation at the expiration of that period or on such later date, if any, as may be specified in the order."

- (4) Section six of this Act shall have effect as if—

- (i) in paragraph (a) of subsection (5) for the words from "certified as" to "joint committee" there were substituted the words "has been referred to the joint committee and has not been dealt with by them"; and
- (ii) in paragraph (b) of the said subsection for the word "certified" there was substituted the word "referred".

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- (5) Section seven of this Act shall have effect as if for subsection (3) the following subsection were substituted:—

“(3) The expenses reasonably incurred by a local authority [<sup>F19</sup>(being a regional, islands or district council)], in applying for or supporting or opposing an order to which this Act applies including expenses incurred in connection with any inquiry before Commissioners under the Private Legislation Procedure (Scotland) Act 1936, shall, save as otherwise provided in any enactment, be defrayed in like manner as expenditure by the authority on the functions for the purposes of which such application was made, supported or opposed by the authority.”

#### Textual Amendments

**F18** Words substituted by [Statutory Orders \(Special Procedure\) Act 1965 \(c. 43\) s. 1 \(1\) \(2\)](#)

**F19** Words in s. 10(5) substituted (5.11.1993) by [1993 c. 50, s. 1\(2\), Sch. 2 para. 26\(2\)](#).

#### Modifications etc. (not altering text)

**C12** S. 10 extended by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\), s. 99 \(1\)](#)

S. 10 extended (S.) (27.5.1997) by [1997 c. 8, ss. 268\(2\), 278\(2\)](#).

**C13** S. 10 modified (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), ss. 5 \(5\), 7 \(9\), 76, 77, 128 \(1\), Sch. 1 para. 19 \(a\) \(b\)](#)

S. 10 applied (with modifications) (28.7.1998) by s. 59(3)(b) of a provisional Order, as confirmed by [1998 c. iii, s. 1, Sch.](#)

## 11 Interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Chairman of Ways and Means” means the Chairman of Ways and Means in the House of Commons, and includes any deputy acting on his behalf in accordance with Standing Orders;

[<sup>F20</sup>“Local authority” means—

(a) [<sup>F21</sup>a billing authority or a precepting authority, as defined in section 69 of the Local Government Finance Act 1992;

(aa) [<sup>F22</sup>a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]]

(b) a levying body within the meaning of section 74 of that Act; and

(c) a body as regards which section 75 of [<sup>F23</sup>the Local Government Finance Act 1988] applies.]

“Lord Chairman of Committees” means the Lord Chairman of Committees of the House of Lords, and includes any deputy acting on his behalf in accordance with Standing Orders;

“Order” includes a scheme, certificate or byelaws;

“Prescribed” means prescribed by Standing Orders under this Act;

[<sup>F24</sup>“Special-acquisition provision” has the meaning given by section 1(3) of this Act;]

“Standing Orders” means standing orders of the House of Lords and the House of Commons respectively;

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“The applicant,” in relation to an order to which this Act applies, means the person on whose application the order is made or confirmed;

“The Minister,” in relation to any such order, means the Minister of the Crown responsible for laying the order before Parliament.

- (2) For the avoidance of doubt it is hereby declared that any power to amend or revoke an order to which this Act applies by a subsequent order may be exercised notwithstanding that the original order has been confirmed by Act of Parliament in accordance with the provisions of this Act.

#### Textual Amendments

- F20** S. 11(1): definition of “local authority” substituted (E.W.) by [S.I. 1990/776, art. 8, Sch. 3 para. 3](#)
- F21** S. 11(1): in definition of “Local Authority”, paras. (a)(aa) substituted for para. (a) (2.11.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 117\(1\), Sch. 13 para. 7; S.I. 1992/2454, art. 2](#)
- F22** S. 11(1): para. (aa) in definition of “Local Authority” substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004(c. 21), ss. 53(1), 61, {Sch. 1 para. 10(2)}; [S.I. 2004/2304, art. 2\(2\); S.I. 2004/2917, art. 2](#)
- F23** S. 11(1): words in para. (c) in definition of “Local Authority” substituted (1.10.2004 for E. and 10.11.2004 for W.) by Fire and Rescue Services Act 2004(c. 21), ss. 53(1), 61, {Sch. 1 para. 10(3)}; [S.I. 2004/2304, art. 2\(2\); S.I. 2004/2917, art. 2](#)
- F24** [S. 11\(1\)](#): definition inserted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\), ss. 25\(6\), 35\(1\); S.I. 2013/1124, art. 4\(d\) \(with art. 8\(3\)\); S.I. 2013/1488, art. 3\(e\) \(with art. 8\)](#)

## 12 Short title, commencement and extent.

- (1) This Act may be cited as the Statutory Orders (Special Procedure) Act 1945.
- (2) ..... <sup>F25</sup>
- (3) This Act shall not extend to Northern Ireland.

#### Textual Amendments

- F25** S. 12 (2) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

#### Modifications etc. (not altering text)

- C14** Act extended (N.I.) by [Pilotage Act 1987 \(c. 21, SIF 111\), s. 1 \(8\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Statutory Orders (Special Procedure) Act 1945. (See end of Document for details)*

## SCHEDULES

### FIRST SCHEDULE

#### PRELIMINARY PROCEEDINGS

##### Modifications etc. (not altering text)

**C15** Sch. 1 modified by [Atomic Energy Act 1946 \(c. 80\)](#), s. 7 (3)

- 1 Before the order is made or confirmed, the following notice shall be given by advertisement in the London Gazette and, in the case of an order relating to a particular area, in at least one newspaper circulating in that area, that is to say—
  - (a) in the case of an order to be made on the application of any person, notice of the purport of the application shall be given by the applicant;
  - (b) in the case of an order to be confirmed on the application of any person, notice of the order as submitted for confirmation shall be given by the applicant;
  - (c) in the case of an order to be made otherwise than on the application of any person, notice of the order as proposed to be made shall be given by the authority empowered to make it.
- 2 Every such notice shall specify the time, not being less than twenty-eight days, within which and the manner in which objections may be made to the application or to the order, as the case may be.
- 3 If any such objection as aforesaid is duly made and is not withdrawn, the authority empowered to make or confirm the order shall take the objection into consideration, and shall cause a local inquiry to be held unless they are satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.
- 4 Notice of any such inquiry as aforesaid shall be given in such manner as the authority empowered to make or confirm the order may direct, and all persons interested shall be permitted to attend the inquiry and make objections; and the provisions of [<sup>F26</sup>subsections (2) to (5) of the <sup>M1</sup>Local Government Act 1972] (which relate to evidence and costs) shall apply in relation to any such inquiry as if for any reference therein to the department there were substituted a reference to the authority empowered to make or confirm the order.

##### Textual Amendments

**F26** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), s. 272 (2)

##### Marginal Citations

**M1** [1972 c. 70](#).



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- 5 For the purposes of paragraph 1 of this Schedule, a notice shall be sufficient notice of an order if it sets out the purport of the order and specifies a place where copies thereof may be inspected free of charge at all reasonable hours.

<sup>F27</sup>SECOND SCHEDULE

**Textual Amendments**

**F27** Sch. 2 repealed (5.11.1993) by 1993 c. 50, S. 1(1), Sch. 1 Pt. XI Group2.

**Changes to legislation:**

There are currently no known outstanding effects for the Statutory Orders (Special Procedure) Act 1945.