

1962 No. 409

SPECIAL PARLIAMENTARY PROCEDURE**The Statutory Orders (Special Procedure) Order, 1962***Made* 26th February, 1962*Coming into Operation* 1st March, 1962

At the Court at Buckingham Palace, the 26th day of February, 1962

Present,

The Queen's Most Excellent Majesty in Council

Whereas in pursuance of subsections (3) and (4) of section 8 of the Statutory Orders (Special Procedure) Act, 1945(a), an address has been presented to Her Majesty by both Houses of Parliament praying that the provisions of that Act cease to apply to the orders described in Article 3 of this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by those subsections, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

1. This Order may be cited as the Statutory Orders (Special Procedure) Order, 1962, and shall come into operation on the first day of March, nineteen hundred and sixty-two.

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

(2) In this Order—

“the Act of 1945” means the Statutory Orders (Special Procedure) Act, 1945;

“the Order of 1949” means the Statutory Orders (Special Procedure) (Substitution) Order, 1949(c).

3. The provisions of the Act of 1945 shall not apply to the following orders under the Public Health Act, 1875(d), made after the coming into operation of this Order, that is to say—

(a) any order made under section 303 (repeal, alteration and amendment of local Acts);

(b) any order made under paragraph (5) of section 297 (repeal, alteration and amendment of provisional order Acts) other than an order for the repeal, alteration or amendment of an Act confirming a provisional order for the formation of a united district made under section 279 of the said Act of 1875.

(a) 9 & 10 Geo. 6. c. 18.

(c) S.I. 1949/2393 (1949 I, p. 3973).

(b) 52 & 53 Vict. c. 63.

(d) 38 & 39 Vict. c. 55.

4.—(1) The following shall be substituted for paragraph (5) of section 297 of the Public Health Act, 1875:—

“(5) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, any Order in Council made in pursuance of any of the Sanitary Acts, and any order made under this Act and brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act, 1945, may be repealed, altered or amended—

(a) in the case of an Act confirming a provisional order made under section 279 of this Act or an order amending such an Act, by an order made by the Minister of Housing and Local Government which shall be subject to special parliamentary procedure ;

(b) in any other case, by a provisional order made by that Minister and confirmed by Parliament :”.

(2) In relation to any order made by virtue of the said paragraph (5), being an order to which the provisions of the Act of 1945 continue to apply by virtue of the Order of 1949 and this Order, paragraphs (3), (4) and (8) of the said section 297 and section 298 of the Public Health Act, 1875, shall not apply ; and the other provisions of the said section 297 shall apply in the modified form in which they are set out in the Schedule to this Order.

(3) In the Order of 1949, the whole of the entry in the Second Schedule relating to the Public Health Act, 1875, shall be omitted, and for the entry relating to that Act in the First Schedule there shall be substituted the following entry :—

38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Paragraph (5) of section 297, so far as it relates to the repeal, alteration or amendment of Acts confirming pro- visional orders made under section 279.	United districts constituted under section 279.
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(4) Nothing in this Order shall affect the validity of anything done under the Act of 1945 before the coming into operation of this Order.

W. G. Agnew.

SCHEDULE

PROVISIONS OF S.297 OF PUBLIC HEALTH ACT, 1875, AS APPLICABLE TO ORDERS SUBJECT TO SPECIAL PARLIAMENTARY PROCEDURE

297. With respect to orders authorised to be made by the Minister of Housing and Local Government under this section, being orders which are subject to special parliamentary procedure, the following enactments shall be made:—

(1) The said Minister shall not make any such order unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such order relates:

(2) Before making any such order, the said Minister shall consider any objections which may be made thereto by any person affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(6) The said Minister may revoke any such order, either wholly or partially, at any time before the order has been laid before Parliament:

(7) The making of such an order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of the order have been complied with.

EXPLANATORY NOTE

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

The Statutory Orders (Special Procedure) Act, 1945, enabled the special parliamentary procedure established by it to be applied to orders made under earlier enactments in place of provisional order procedure. Special parliamentary procedure was applied by the Statutory Orders (Special Procedure) (Substitution) Order, 1949, to a number of orders, including those made under section 297 (5) and section 303 (amendment, alteration and repeal of local Acts and provisional orders) of the Public Health Act, 1875. Under the present Order, provisional order procedure is restored for the orders made under those provisions, except in the case of orders for the amendment etc. of Acts confirming provisional orders made under section 279 (formation of united district) of the Act of 1875 and orders amending such amending orders. Orders of these excepted classes, in common with orders made under section 9 of the Public Health Act, 1936 (the corresponding modern enactment), are left subject to special parliamentary procedure.