



# Local Government (Scotland) Act 1973

## 1973 CHAPTER 65

### PART VI

#### MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

##### *Private legislation*

#### **82 Power of local authority to promote or oppose private legislation.**

- (1) Subject to the provisions of this Act, where a local authority are satisfied that it is expedient to promote or oppose any private legislation in Parliament, the local authority may, in accordance with the procedure provided by this section, promote or oppose the same accordingly and may defray the expenses incurred in relation thereto.
- (2) A resolution of a local authority to promote or oppose private legislation under subsection (1) above shall be—
  - (a) passed by a majority of the whole number of the members of the authority at a meeting of the authority held after ten clear days' notice of the meeting and of its purpose has been given by advertisement in one or more newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority; and
  - (b) in the case of the promotion of private legislation, confirmed by a like majority at a further such meeting convened in accordance with paragraph (a) above and held as soon as may be after the expiration of fourteen days after the draft of the provisional order has been submitted to the Secretary of State in accordance with the provisions of the Act of 1936 and, if the resolution is not confirmed, the local authority shall take all necessary steps to withdraw the same.
- (3) Where under section 2 of the Act of 1936, the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons are of opinion that provisions contained in a draft provisional order ought to be dealt with by private Bill and not by provisional order, the determination of the Chairmen shall

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Local Government (Scotland) Act 1973, Cross Heading: Private legislation is up to date with all changes known to be in force on or before 02 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

forthwith be reported to the local authority concerned, and unless the authority resolve to proceed with the promotion of a private Bill dealing with the matters to which the said provisions relate or any of them, such a private Bill shall not be promoted, but if such a private Bill is to be promoted, the proceedings of the authority with respect to the promotion of a provisional order under this section shall be deemed to apply to the promotion of such a Bill.

- (4) In ascertaining for the purpose of this section the whole number of members of a local authority, no account shall be taken of any vacancy which may at the time exist in the membership of the authority.
- (5) No payment shall be made by a local authority to a member of the authority for acting as counsel or agent in promoting or opposing private legislation under this section.
- (6) Nothing in this section shall affect the right of any local authority connected with the locality to which any draft provisional order referred to Commissioners under the Act of 1936 relates to make a report to the Commissioners respecting the provisions of the draft order.
- (7) In this section—
  - “Act of 1936” means the <sup>M1</sup>Private Legislation Procedure (Scotland) Act 1936;
  - “provisional order” means a provisional order under the Act of 1936;
  - “private legislation in Parliament” and “private legislation” include a provisional order and the confirmation Bill relating thereto under the Act of 1936, and also any local or personal Bill.

---

**Marginal Citations**

**M1** 1936 c. 52.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

Local Government (Scotland) Act 1973, Cross Heading: Private legislation is up to date with all changes known to be in force on or before 02 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.