



# Private Legislation Procedure (Scotland) Act 1936

1936 CHAPTER 52 26 Geo 5 and 1 Edw 8

## *Issue and Confirmation of Provisional Order*

### **7 Provision for unopposed Orders.**

If there is no opposition to the Order, or if any opposition thereto has been withdrawn before an inquiry has been held as hereinbefore provided, the Secretary of State may forthwith make the Order as prayed or with such modifications as shall appear to be necessary having regard to the recommendations of the Chairmen and of the Treasury and such other public departments as shall be prescribed; and thereupon the following provisions shall have effect, that is to say:—

- (1) Before making and issuing an Order, if any modification has been made on the draft Order originally deposited, the Secretary of State shall cause a printed copy thereof to 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, and shall not, for such time as may be prescribed, issue a Provisional Order. Provided that, before making and issuing such Order the Secretary of State shall have regard to the recommendations of the Chairmen and of the Treasury and such other public departments as shall be prescribed:
- (2) No Order so made shall be of any validity unless it has been confirmed by Parliament, and the Secretary of State shall, as soon as conveniently may be, submit such Order to Parliament in a Bill (hereinafter referred to as a Confirmation Bill), and such Bill, after introduction, shall be deemed to have passed through all its stages up to and including Committee, and shall be ordered to be considered in either House as if reported from a Committee.

When such Bill has been read a third time and passed in the first House of Parliament, the like proceedings shall, subject to Standing Orders, be taken in the second House of Parliament.

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*Changes to legislation:* There are currently no known outstanding effects for the Private Legislation Procedure (Scotland) Act 1936, Cross Heading: Issue and Confirmation of Provisional Order. (See end of Document for details)

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Any Act passed to confirm such Order shall be deemed to be a public Act of Parliament.

## **8 Provision for Orders opposed, or where inquiry held.**

(1) If—

- (a) there is opposition to the Order, and the opposition has not been withdrawn; or
- (b) the opposition has been withdrawn after inquiry held; or
- (c) although there is no opposition, inquiry has been held;

the Secretary of State shall refuse to issue a Provisional Order if the Commissioners report that the order should not be made or if they do not so report he may issue an Order as prayed, or with such modifications as, having regard to the recommendations of the Commissioners, and of the Chairmen and of the Treasury, and such other public departments as shall be prescribed, shall appear to be necessary; but before making and issuing an Order, if any modification has been made on the draft Order originally deposited, the Secretary of State shall cause a printed copy thereof to 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, and shall not for such time as may be prescribed issue a Provisional Order:

Provided that, before making and issuing such Order, the Secretary of State shall have regard to the recommendations of the Chairmen and of the Treasury and such other public departments as shall be prescribed.

- (2) It shall be the duty of the petitioners to serve a copy of any Order so issued in the manner and upon the persons prescribed.
- (3) No Order so made shall be of any validity unless it has been confirmed by Parliament, and the Secretary of State shall, as soon as conveniently may be, submit such Order to Parliament in a Confirmation Bill, and any Act passed to confirm such Order shall be deemed to be a public Act of Parliament.

## **9 Procedure on Confirmation Bills.**

- (1) If before the expiration of seven days after the introduction of a Confirmation Bill under the immediately preceding section in the House in which it originates a petition be presented against any Order comprised in the Bill, it shall be lawful for any member to give notice that he intends to move that the Bill shall be referred to a Joint Committee of both Houses of Parliament; and in that case such motion may be moved immediately after the Bill is read a second time, and, if carried, then the Bill shall stand referred to a Joint Committee of both Houses of Parliament, and the opponent shall, subject to the practice of Parliament, be allowed to appear and oppose by himself, his counsel, agent, and witnesses; and counsel, agents, and witnesses may be heard in support of the Order. The Joint Committee shall hear and determine any question of locus standi.
- (2) The report of the Joint Committee shall, subject to standing Orders, be laid before both Houses of Parliament.
- (3) The Joint Committee may, by a majority, award costs, and such costs may be taxed and recovered and shall be secured in the manner provided in [F1sections 9 to 12 of the Parliamentary Costs Act 2006], subject to any necessary modifications.

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**Changes to legislation:** There are currently no known outstanding effects for the Private Legislation Procedure (Scotland) Act 1936, Cross Heading: Issue and Confirmation of Provisional Order. (See end of Document for details)

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- (4) If no such motion as in subsection (1) of this section mentioned is carried, the Bill shall be deemed to have passed the stage of Committee, and shall be ordered to be considered as if reported by a Committee.

When such Bill has been read a third time and passed in the first House of Parliament, the like proceedings shall, subject to Standing Orders, be taken in the second House of Parliament.

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**Textual Amendments**

- F1** Words in s. 9(3) substituted (1.4.2007) by [Parliamentary Costs Act 2006 \(c. 37\)](#), **ss. 17(2), 19** (with [Sch. 2](#))

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

- C1** [S. 9](#) applied by [Statutory Orders \(Special Procedure\) Act 1945 \(9 & 10 Geo. 6 c. 18\)](#), **s. 2(4)** as read with [ibid.](#), s. 10

**Changes to legislation:**

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