



Private Legislation Procedure (Scotland) Act 1936

1936 CHAPTER 52 26 Geo 5 and 1 Edw 8

Supplemental

10 Examination of witnesses, production of documents, &c.

For the purposes of this Act, Commissioners shall have the following powers, that is to say:—

- (1) They may summon and examine on oath such witnesses as they think fit to call or allow to appear before them;
- (2) They may require the production of all books, papers, plans, and documents relating to the matters dealt with in the draft Provisional Order referred to them;
- (3) They may, when sitting in open court, report to a judge sitting in the Outer House of the Court of Session or acting as vacation judge any person who has been guilty of contempt of court, and such judge may punish that person as if the contempt had been committed in his own court;
- (4) Generally the orders of Commissioners may be enforced as if they had been pronounced by any such judge as aforesaid;
- (5) The quorum of the Commissioners shall be three; but any order, summons, or warrant may be signed by one Commissioner only; and
- (6) A chairman of Commissioners shall have a casting as well as a deliberative vote.

11 Powers of county councils, town councils, etc., under Act.

^{F1}(1)

- (6) In addition, any [^{F2}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] connected with the locality to which any draft Provisional Order referred to Commissioners under this Act relates, may make a report to the

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Commissioners respecting the provisions of the draft order, and the Commissioners shall consider the recommendations contained in the report, but the making of such a report shall not confer any right to a hearing by the Commissioners.

Textual Amendments

- F1** S. 11(1)–(5) repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), [Sch. 14](#)
- F2** Words in s. 11(6) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 19](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)

12 Officers, &c. of Commissioners.

Commissioners from time to time appointed shall have such office accommodation as the Treasury may determine, and the Secretary of State may from time to time, with the consent of [^{F3}the Minister for the Civil Service] as to number, appoint or employ such officers, clerks, and messengers as shall be necessary for the purposes of this Act. There shall be paid to each of such officers, clerks, and messengers such remuneration as the Treasury may from time to time determine.

Textual Amendments

- F3** Words substituted by virtue of [S.I. 1968/1656](#), [arts. 2\(1\)\(e\)](#), 3(2)

13 Examiners.

There may also be assigned for the purposes of this Act such one or more of the examiners appointed under Standing Orders as the Chairmen may direct. An examiner shall perform under this Act duties analogous to those he now performs under Standing Orders, and shall receive such remuneration for his services as the Treasury shall determine.

14 Payment of expenses, &c.

The travelling and subsistence allowances of the Commissioners and examiners, together with all other expenses incidental to carrying out this Act, shall be paid out of moneys provided by Parliament.

15 Provisions for General Orders. Fees.

- (1) The Chairmen, acting jointly with the Secretary of State, shall from time to time make, and may vary and alter, such general orders as may be requisite for the regulation of proceedings under and in pursuance of this Act, including the fixing, with the consent of the Treasury, of a scale of fees to be paid by petitioners and opponents of Provisional Orders. The fees so payable shall be collected and disposed of in such manner as the Treasury may direct.
- (2) Such general orders shall, with a view to the regulation of Provisional Orders, provide for the incorporation (subject to such exceptions and variations as may be mentioned in the Order) with each Provisional Order of such general Acts as would if the Provisional Order were a Private Bill be incorporated therewith according to the ordinary practice of Parliament.

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- (3) Every general order purporting to be made in pursuance of this section shall immediately after the making thereof be laid before both Houses of Parliament if Parliament be then sitting, or, if Parliament be not then sitting, within seven days after the next meeting of Parliament; and if either House of Parliament by a resolution passed within one month after such general order has been so laid before the said House, resolve that the whole or any specified part thereof ought not to continue in force, the same or the specified part thereof shall after the date of such resolution cease to be of any force, without prejudice nevertheless to the making of any other general order or to anything done before the date of such resolution; but, subject as aforesaid, every general order purporting to be made in pursuance of this Act shall be deemed to have been duly made and within the powers of the Act and shall have effect as if it had been enacted in this Act.

Modifications etc. (not altering text)

- C1 S. 15 extended by [Statutory Orders \(Special Procedure\) Act 1945 \(9 & 10 Geo. 6 c. 18\)](#), s. 2(3) as read with *ibid.*, s. 10

16 Savings.

- (1) Nothing contained in this Act shall affect the power of the Secretary of State to make Provisional Orders or other Orders under the provisions of any Act for the time being in force and passed prior to the tenth day of August eighteen hundred and ninety-nine or the procedure therein specified, save only that, in the case of Provisional Orders which, under the provisions of any such Act require confirmation by Parliament, the provisions of section nine of this Act shall, with the necessary modifications, apply as if they were contained in such Act.
- (2) Nothing contained in this Act shall affect the right of any person to apply for, or the powers of the Board of Trade or the Minister of Transport or the Electricity Commissioners or any other department to make or confirm Provisional or other Orders under the provisions of any Act for the time being in force and passed prior to the twenty-ninth day of July nineteen hundred and thirty-three or the procedure therein specified.
- (3) This Act shall not apply to Estate Bills within the meaning of Standing Orders.

17 Buildings and objects of historical interest.

If any objection to any draft order is made to the Secretary of State on the ground that the undertaking proposed to be authorised by the order will destroy or injure any building or other object of historical interest, or will injuriously affect any natural scenery, the Secretary of State shall consider such objection, and may, if he thinks fit, refer such objection to the Commissioners, who shall give to those by whom it is made a proper opportunity of being heard in support of it.

18 Definitions.

In this Act, unless the subject or context otherwise requires,—

The expression “Standing Orders” means the Standing Orders of the House of Lords and the House of Commons respectively:

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The expression “general orders” means the general orders made in pursuance of this Act:

The expression “prescribed” means prescribed by the general orders made in pursuance of this Act:

The expression “agent” includes all solicitors within the meaning of the ^{M1}Solicitors (Scotland) Act 1933, and any person entitled to practise as agent according to the practice and rules of either House of Parliament in cases of Private Bills and matters relating thereto.

Marginal Citations

M1 1933 c. 21.

^{F4}**19**

Textual Amendments

F4 S. 19 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XI**.

20 Short title.

This Act may be cited as the Private Legislation Procedure (Scotland) Act 1936.

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