



Private Legislation Procedure (Scotland) Act 1936

1936 CHAPTER 52 26 Geo 5 and 1 Edw 8

Appointment of and Inquiry by Commissioners

5 Formation of parliamentary panels. Appointment of Commissioners.

- (1) When it is determined that Commissioners shall be appointed for the purpose of inquiring as to the propriety of making and issuing a Provisional Order or Orders under this Act, the Chairmen shall appoint four Commissioners for that purpose, and shall at the same time nominate one of the Commissioners as Chairman.
- (2) Standing Orders may, if the two Houses of Parliament think fit so to order, provide for the formation of panels of members of the two Houses respectively to act as Commissioners under this Act (hereinafter referred to as the parliamentary panels).
- (3) Subject to Standing Orders as aforesaid, two of the Commissioners shall be taken from the parliamentary panel of members of the House of Lords, and two shall be taken from the parliamentary panel of members of the House of Commons.
- (4) Subject to Standing Orders, as aforesaid, if the Chairmen shall be unable to appoint Commissioners as in the immediately preceding subsection mentioned, three, or if need be all of the Commissioners, may be members of the same parliamentary panel.
- (5) Subject to Standing Orders as aforesaid, if the Chairmen shall be unable to appoint Commissioners as in either of the two immediately preceding subsections mentioned, so many persons as are required to make up the number of Commissioners shall be taken by the Secretary of State from the extraparliamentary panel hereinbefore mentioned.
- (6) Any casual vacancy among the Commissioners, or in the office of Chairman of Commissioners caused by death or resignation, or inability to give attendance, such resignation or inability to attend being certified by a writing under the Commissioner's hand, may be filled by the Secretary of State by appointing a member of any of the panels.

Changes to legislation: There are currently no known outstanding effects for the Private Legislation Procedure (Scotland) Act 1936, Section 5. (See end of Document for details)

- (7) Notwithstanding a dissolution of Parliament, any member of either House of Parliament may continue to act as Commissioner in any inquiry for the purpose of which he has been appointed to act.
- (8) The person appointed as Commissioners shall have no personal or local interest in the matter of the proposed Order or Orders, and shall as a condition of such appointment make a declaration to that effect, provided that Scottish Members of either House of Parliament shall not, on that account, be either disqualified from acting or preferred as Commissioners to deal with proposed orders in which they have no personal or local interest.
- [^{F1}(9) The Secretary of State may pay Commissioners taken from the extra-parliamentary panel such fees or other amounts in respect of the performance of their duties under this Act as he may, with the approval of the Treasury, determine.]

Textual Amendments

- F1** S. 5(9) added for Scotland by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 89\)](#), s. 57
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Modifications etc. (not altering text)

- C1** Ss. 3–6 applied by Acts listed in Chronological Table of the Statutes

Changes to legislation:

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