



Private Legislation Procedure (Scotland) Act 1936

1936 CHAPTER 52 26 Geo 5 and 1 Edw 8

Appointment of and Inquiry by Commissioners

6 **Sittings of Commissioners.**

- (1) The Commissioners shall hold their inquiry at such place in Scotland as they may determine, with due regard to the subject-matter of the proposed Order and to the locality to which its provisions relate. The sittings shall be held in public.
- (2) The Commissioners shall hear and determine any question of locus standi, but they shall not sustain the locus standi of any person who has not in the prescribed manner and within the prescribed time objected to the proposed Order, unless on special grounds established to the satisfaction of the Commissioners, and subject to such conditions as to payment of costs or otherwise as the Commissioners may determine.
- (3) Subject to general orders, any person shall be allowed to appear before the Commissioners in opposition to the Order by himself, his counsel, agent, and witnesses, and counsel, agents, and witnesses may be heard in support of the Order.
- (4) Subject to general orders, whenever a recommendation shall have been made by the Chairmen or by any public department, it shall be referred to the Commissioners who shall notice such recommendation in their report, and shall state their reasons for dissenting, should such recommendation not be agreed to.
- (5) Commissioners shall, as far as possible, sit from day to day until they finish the inquiry and submit their report to the Secretary of State, with the evidence taken and the recommendations made by them, and they may recommend that the Order should be issued as prayed for, or should be issued with modifications, or should be refused and if they recommend that the Order should be issued with modifications they shall submit a copy of the Order showing the modifications they recommend.
- (6) [^{F1}Sections 9 to 12 of the Parliamentary Costs Act 2006 shall,] so far as applicable, apply to costs incurred in or in relation to any inquiry by the Commissioners in like

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manner as they apply to costs in proceedings before a committee on a Private Bill, subject to the following and any other necessary modifications:—

- (a) The costs, which shall be according to such scale as may be prescribed by the Secretary of State, shall be taxed by the Auditor of the Court of Session in lieu of the taxing officer of the House, and for the purpose of such taxation the Auditor shall have power to examine on oath any party to such taxation and any witnesses who may be examined in relation thereto, and to call for the production of any books or writings in the hands of any party to such taxation relating to the matters thereof;
- (b) The Auditor shall be entitled, for any such taxation, to such fee as may be authorised by general orders, and shall have power to award the costs of such taxation (including such fee as aforesaid) against either party thereto or in such proportion against either party as he may think fit;
- (c) For any reference to the committee's report to the House there shall be substituted a reference to the Commissioners' report to the Secretary of State.

Textual Amendments

- F1** Words in s. 6(6) substituted (1.4.2007) by [Parliamentary Costs Act 2006 \(c. 37\)](#), **ss. 17(1), 19** (with [Sch. 2](#))

Modifications etc. (not altering text)

- C1** [Ss. 3–6](#) applied by Acts listed in Chronological Table of the Statutes

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