



Local Government (Scotland) Act 1947

1947 CHAPTER 43

PART XV

PROMOTION OF AND OPPOSITION TO PRIVATE LEGISLATION BY LOCAL AUTHORITIES.

304 Power of county council and town council to promote or oppose private legislation.

Subject to the provisions of this Part of this Act, where a county council or a town council are satisfied that it is expedient to promote or oppose any private legislation in Parliament, the county council or the town council may promote or oppose the same accordingly, and may defray the expenses incurred in relation thereto:

Provided that nothing in this Part of this Act shall authorise the promotion of private legislation for the establishment of any gas or water works to compete with any gas or water company established under an Act of Parliament.

305 Power of district council to oppose private legislation.

Subject to the provisions of this Part of this Act, where a district council are satisfied that it is expedient to oppose any private legislation in Parliament, the council may oppose the same accordingly and may defray the expenses incurred in relation thereto.

306 Resolution of local authority to promote or oppose private legislation, and authority by Secretary of State.

- (1) A local authority shall not promote or oppose private legislation under the powers conferred by this Part of this Act unless a resolution to that effect is passed by a majority of the whole number of the members of the local authority at a meeting thereof held after ten clear days notice of the meeting and of the purpose thereof has been given by advertisement in a newspaper circulating in the area of the authority, such notice being in addition to the ordinary notice required to be given for the convening of a meeting of the authority.

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- (2) In the case of the promotion of private legislation by a county council or a town council, the resolution shall be published in a newspaper circulating in the area of the council and shall forthwith be submitted to the Secretary of State for authority to proceed, and the council shall not proceed with the promotion until the Secretary of State notifies the council that authority is given.
- (3) In the case of the opposition to private legislation by a district council, the resolution shall be published in a newspaper circulating in the area of the council and shall forthwith be submitted to the Secretary of State for authority to proceed, and the council shall not proceed with the opposition until the Secretary of State notifies the council that authority is given.
- (4) The Secretary of State shall cause intimation to be given to the local authority of his decision under either of the two immediately preceding subsections within one month after the submission to him of the resolution, so however that authority shall not be given by him until after the expiration of seven days after the publication of the resolution, and in the meantime any local government elector for the area of the local authority may give notice in writing to the Secretary of State of his objection thereto.
- (5) In the case of the promotion of private legislation by a county council or a town council, a further meeting of the council shall be 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 unless the propriety of the promotion is confirmed at that meeting by a majority of the whole number of members of the council, the council shall take all necessary steps to withdraw the same.

Not less than ten clear days before the date of a meeting to be held under this subsection, the like notice shall be given in relation thereto as is required to be given in relation to a meeting held under subsection (1) of this section.

- (6) 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.
- (7) Where under section two 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 forthwith be reported to the council or to any duly authorised committee of the council, and unless the council or the committee, as the case may be, 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. Save as aforesaid the proceedings of the council and the authority given by the Secretary of State with respect to the promotion of the provisional order under this section shall be deemed to apply to, and to be sufficient authority for the promotion of, such a private Bill.

307 Taxation of expenses of local authority.

- (1) All expenses incurred by a local authority in the promotion of or opposition to private legislation under this Part of this Act shall be taxed by the Auditor of the Court of Session or by such other person as may be appointed for the purpose by the Secretary of State.

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- (2) 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 Part of this Act.

308 Defraying expenses of local authority.

- (1) The expenses incurred by a county council or a town council under this Part of this Act in the promotion of or opposition to private legislation may be defrayed as part of such branch or branches of expenditure of the council as the council may determine, having regard to the purposes and objects of the private legislation.
- (2) The powers of a local authority to borrow under Part XII of this Act shall apply for the purpose of defraying expenses under this Part of this Act, so however that any sum so borrowed shall be repaid within such period as the authority may determine, being a period not exceeding five years from the date of passing of the confirmation Act or the private Act, or where no such Act is passed, a period not exceeding five years from the date on which the draft of the provisional order is submitted to the Secretary of State.

309 Saving for existing powers of town council.

The provisions of this Part of this Act shall be deemed to be in addition to, and not in derogation of, any Other powers competent to a town council with respect to the promotion of private legislation.

310 Right of local authority to make report to Commissioners under Private Legislation Procedure (Scotland) Act, 1936.

Nothing in this Part of this Act 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.

311 Interpretation.

In this Part of this Act unless the context otherwise requires—

" Act of 1936 " means the Private Legislation Procedure (Scotland) Act, 1936;

" provisional order " means a provisional order under the Act of 1936; and

" 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.