
STATUTORY INSTRUMENTS

1992 No. 1206 (S.118)

**PRIVATE LEGISLATION
PROCEDURE, SCOTLAND**

**The Private Legislation Procedure
(Scotland) General Order 1992**

<i>Made</i>	- - - -	<i>20th May 1992</i>
<i>Laid before Parliament</i>		<i>3rd June 1992</i>
<i>Coming into force</i>	- -	<i>24th June 1992</i>

The Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons, acting jointly with the Secretary of State and with the consent of the Treasury, in exercise of the powers conferred on them by sections 6(6)(b) and 15 of the Private Legislation Procedure (Scotland) Act 1936((1)), hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Private Legislation Procedure (Scotland) General Order 1992 and shall come into force on 24th June 1992, but the amendments made by this Order shall not apply in respect of Provisional Orders deposited before that date.

Amendment of General Orders

2. The Private Legislation Procedure (Scotland) General Orders 1946((2)) shall be amended in accordance with the following provisions of this Order and, in this Order, any reference to a numbered General Order is a reference to the General Order bearing that number in that instrument.

General Order 1

3. In General Order 1—

- (a) the definition of “District Fishery Board” shall be deleted;
- (b) in the definition of “provisional order”, for the words “provisional order” there shall be substituted the words “Provisional Order”;

(1) 1936 c. 52.

(2) S.R. & O. 1946/2157, as amended by S.R. & O. 1947/2347 and by S.I. 1949/331, 1950/1748, 1952/656, 1954/1141, 1957/465, 1961/2133, 1964/1840, 1967/1664, 1971/1413 and 1977/132.

- (c) after that definition there shall be inserted the following definitions:—
- ““registered post” shall include the recorded delivery service;
 - “River Purification Authority” means a River Purification Board established under section 135 of the Local Government (Scotland) Act 1973⁽³⁾ or an islands council;
 - “road” shall have the meaning assigned to it by section 107(1) of the New Roads and Street Works Act 1991⁽⁴⁾
- (d) in the definition of “tramroad”, the words “street or” shall be deleted in each place where they appear.

General Order 2

4. In General Order 2—
- (a) for the word “Draft” in each of the three places where it appears, there shall be substituted the word “Provisional”; and
 - (b) before the word “Orders” there shall be inserted the word “General”.

General Order 4

5. In General Order 4—
- (a) in paragraph (2), for the words “or after” there shall be substituted the words “and after”;
 - (b) in paragraph (4)—
 - (i) for the word “petitions”, there shall be substituted the word “Petitions”; and
 - (ii) after the word “London,” there shall be inserted the words “in the Office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons,”; and
 - (c) at the end there shall be inserted the following paragraph:—
 - “(5) The notice shall also state that information regarding the deposit of such Petitions against Provisional Orders may be obtained from any of those offices or from the agents for the Promoters.”.

General Order 4A

6. In General Order 4A—
- (a) in paragraph (1)—
 - (i) before the word “available” there shall be inserted the word “separately”;
 - (ii) for the words “the Provisional Order” where they appear for the first time, there shall be substituted the following words:—
 - “—
 - (i) the Provisional Order;
 - (ii) any environmental statement relating to the Provisional Order required in terms of General Order 27A; and
 - (iii) the summary in non-technical language included within any such statement;”; and

(3) 1973 c. 65; section 135 was amended by the Control of Pollution Act 1974 (c. 40), Schedule 4 and by the Water (Scotland) Act 1980 (c. 45), Schedule 9, paragraph 3.

(4) 1991 c. 22.

- (iii) in sub-paragraph (c), for the words “a former act” there shall be substituted the words “an Act of Parliament”;
- (b) in paragraph (3)—
 - (i) for the words “this Order” there shall be substituted the words “this General Order”;
 - (ii) after the word “district” where it appears for the first time there shall be inserted the words “copies of any statement and summary required in terms of sub-paragraphs (ii) and (iii) of that paragraph together with”; and
 - (iii) for the words “a former Act”, there shall be substituted the words “an Act of Parliament”; and
- (c) in each of paragraphs (4) and (5), for the words “this Order” there shall be substituted the words “this General Order”.

General Order 7

7. In General Order 7, after the word “specify” there shall be inserted the words “by reference to the deposited plans”.

General Order 10

8. In General Order 10, for the words “this Order” in each of paragraphs (3), (4) and (5) there shall be substituted the words “this General Order”.

General Order 11

9.—(1) In General Order 11—

- (a) for paragraph (b), there shall be substituted the following paragraph:—
 - “(b) the time within which Petitions against the Provisional Order may be deposited at the Scottish Office, London, in the Office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons, and the fact that information regarding the deposit of such Petitions may be obtained from any of those offices or from the agents for the Promoters;”;
 - and
- (b) in paragraph (c), the words “mentioned in the full notice” shall be deleted.

General Order 12

10. In General Order 12—

- (a) in paragraph (1), the words “street or” shall be deleted in each place where they appear; and
- (b) in paragraph (2)—
 - (i) before the word “Order”, there shall be inserted the word “General”; and
 - (ii) the words “street or” shall be deleted in both places where they appear.

General Order 14

11. In General Order 14, the words “street or” shall be deleted.

General Order 25

12. In General Order 25—

- (a) before the word “In”, there shall be inserted “(1)”;
- (b) the words “street or” shall be deleted in both places where they appear; and
- (c) before the word “Terms”, there shall be inserted “(2)”.

General Order 26

13. In General Order 26(3)—

- (a) for the word “office”, there shall be substituted the word “Office”; and
- (b) after the word “Parliaments”, there shall be inserted the words “, House of Lords,”.

General Order 27

14. In General Order 27—

- (a) in the proviso to paragraph (1)—
 - (i) for the words “a former Act”, there shall be substituted the words “an Act of Parliament”; and
 - (ii) for the words “the former Act”, there shall be substituted the words “the Act of Parliament”; and
- (b) in paragraph (5)—
 - (i) after the word “Parliaments”, there shall be inserted the words “House of Lords,”; and
 - (ii) for the words from “in the Scottish” to the end of the paragraph, there shall be substituted the words “at the Scottish Office, London, at the Office of the Secretary of State for Scotland, St. Andrew’s House, Edinburgh and at the Office of the Health and Safety Executive, Edinburgh.”.

General Order 27A

15. After General Order 27, there shall be inserted the following General Order:—

“Deposit of environmental statement

27A.—(1) Where a Provisional Order authorises the carrying out of works the nature and extent of which are specified in the Provisional Order in, on, over or under land so specified, there shall be deposited on or before the twenty-seventh day of March or the twenty-seventh day of November, as the case may be—

- (a) three copies of the document or documents specified in paragraph (2) below at each of—
 - (i) the Scottish Office, London; and
 - (ii) the Office of the Secretary of State for Scotland, St Andrew’s House, Edinburgh; and
 - (b) one copy of that document or those documents—
 - (i) in the Office of the Clerk of the Parliaments, House of Lords;
 - (ii) in the Private Bill Office of the House of Commons; and
 - (iii) at each of the places at which copies of the Provisional Order require to be deposited in terms of General Order 39.
- (2) The document or documents required to be deposited are—

- (a) an environmental statement containing, in relation to the works authorised by the Provisional Order—
 - (i) all of the information set out in sub-paragraphs (a) to (d) of paragraph 2 of Schedule 3 to the Environmental Assessment (Scotland) Regulations⁽⁵⁾;
 - (ii) all of the further information set out in sub-paragraphs (a) to (g) of paragraph 3 of that Schedule; and
 - (iii) a summary in non-technical language of the information contained in the statement; or
 - (b) an environmental statement containing, in relation to the works authorised by the Provisional Order—
 - (i) such of the information set out in sub-paragraphs (a) to (d) of paragraph 2 of that Schedule as may be specified in a written direction given by the Secretary of State;
 - (ii) such of the further information set out in sub-paragraphs (a) to (g) of paragraph 3 of that Schedule as may be so specified; and
 - (iii) a summary in non-technical language of the information contained in the statement;together with that written direction; or
 - (c) a written direction given by the Secretary of State that no environmental statement is necessary in relation to the works authorised by the Provisional Order.
- (3) Where any such works authorised by a Provisional Order relate to two or more distinct projects, each project may be treated separately for the purposes of paragraphs (1) and (2) above and references in those paragraphs to the works authorised by the Provisional Order shall accordingly be construed in such a case as references to the works comprised in each project.
- (4) Any direction given by the Secretary of State for the purposes of sub-paragraph (b) or sub-paragraph (c) of paragraph (2) above shall include a statement of his reasons for giving the direction.
- (5) In this General Order, “works” does not include works for which planning permission (within the meaning of section 275(1) of the Town and Country Planning (Scotland) Act 1972⁽⁶⁾) has been granted.”

General Order 29

16. In General Order 29—

- (a) for the words “the Environment”, there shall be substituted the word “Transport”; and
- (b) for the words “Parliaments and”, there shall be substituted the words “Parliaments, House of Lords, in”.

General Order 30

17. In General Order 30, after the word “Trade” there shall be inserted the words “and Industry”.

General Order 31

18. In General Order 31(1)—

(5) S.I. 1988/1221, to which there are amendments not relevant to this Order.
(6) 1972 c. 52.

- (a) after the word “London,” there shall be inserted the words “in the Office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons,”; and
- (b) for the word “lake”, there shall be substituted the word “loch”.

General Order 32

19. In General Order 32—

- (a) for the word “Trade”, there shall be substituted the word “Transport”; and
- (b) for the words “New St. Andrew’s House, Edinburgh EH1 3SX”, there shall be substituted the words “St. Andrew’s House, Edinburgh”.

General Order 33

20. In General Order 33—

- (a) for the words “District Fishery Board or River Board”, there shall be substituted the words “of the following bodies”; and
- (b) after the word “estuary” where it appears for the third time there shall be inserted the following paragraphs:—

“—

- (a) a District Salmon Fishery Board;
- (b) a River Purification Authority;
- (c) the River Tweed Council”.

General Order 34

21. In General Order 34(1)—

- (a) for the words “River Board or a Board of Conservators or Public Trustees constituted for the conservancy of the river”, there shall be substituted the words “District Salmon Fishery Board, a River Purification Authority or the River Tweed Council”; and
- (b) for the words “or Trustees, or each of those Boards”, there shall be substituted the words “, Authority or Council”.

General Order 35

22. In General Order 35—

- (a) for the words “water way”, there shall be substituted the word “waterway”; and
- (b) for the words “the Environment”, there shall be substituted the word “Transport”.

General Order 37

23. In General Order 37, for the words from “London” to the end there shall be substituted the words “London, at the Office of the Secretary of State for Scotland, St. Andrew’s House, Edinburgh, and at the Department of the Environment.”.

General Order 38

24. In General Order 38—

- (a) before the words “A printed”, there shall be inserted “(1)”;

- (b) the word “draft” shall be deleted; and
- (c) after the word “Parliaments” there shall be inserted the words “, House of Lords,”; and
- (d) at the end there shall be inserted the following paragraph:—

“(2) There shall be attached to every copy of a Provisional Order—

- (a) deposited, delivered or sent under any General Order; or
- (b) made available for inspection and sale under General Order 4A;

a printed memorandum describing the Provisional Order generally and every clause and Schedule in the Provisional Order, but it shall not be necessary to describe separately in the memorandum related provisions of the Order.”.

General Order 39

25. In General Order 39—

- (a) in paragraph (1)—
 - (i) after the word “Trade” there shall be inserted the words “and Industry”;
 - (ii) for the words “Health and”, there shall be substituted the words “Health, the Department of”;
 - (iii) the words “the Department of Industry,” “the Civil Service Department,” and “the Department of Prices and Consumer Protection, the Department of Energy,” shall be deleted; and
 - (iv) after the word “Transport,” there shall be inserted the words “the Department of National Heritage,”; and
- (b) in each of paragraphs (5) and (6), the word “draft” shall be deleted.

General Order 40

26. In General Order 40—

- (a) the word “draft” shall be deleted; and
- (b) the words “streets or” shall be deleted in each place where they appear.

General Order 41

27. In General Order 41—

- (a) for the words “District Fishery Board or River Board”, there shall be substituted the words “of the following bodies”; and
- (b) after the word “estuary” where it appears for the third time there shall be inserted the following paragraphs:—

“—

- (a) a District Salmon Fishery Board;
- (b) a River Purification Authority;
- (c) the River Tweed Council”.

General Order 43

28. In General Order 43—

- (a) for paragraph (1), there shall be substituted the following paragraph:—

“(1) In the case of a Provisional Order in respect of which a plan and section are required to be deposited under General Order 27, there shall be deposited on or before the Fourth day of April or the Fourth day of December, as the case may be, at each of the Scottish Office, London, the Office of the Clerk of the Parliaments, House of Lords, and the Private Bill Office of the House of Commons, two signed copies of an estimate of the expense of carrying out the works shown on the deposited plan and section.”; and

(b) in paragraph (3)—

(i) the word “printed” shall be deleted; and

(ii) for the words “the Environment” there shall be substituted the word “Transport”.

General Order 44

29. General Order 44 shall be deleted.

General Order 49

30. In each of paragraphs (1), (2) and (4) of General Order 49, the words “street or” shall be deleted in each place where they appear.

General Order 56

31. In General Order 56, the word “cross” shall be deleted in each place where it appears.

General Order 57

32. In General Order 57(1)(a)(i)—

(a) after the word “Parliaments,” there shall be inserted the words “House of Lords,”; and

(b) for the words “New St Andrew’s House, Edinburgh EH1 3SX”, there shall be substituted the words “St. Andrew’s House, Edinburgh”.

General Order 58

33. In General Order 58, before the word “Order”(where it appears for the second time) there shall be inserted the word “General”.

General Order 59

34. In General Order 59—

(a) for “, 1948” in both places where it appears, there shall be substituted “1985”; and

(b) for the words “this Order”, there shall be substituted the words “this General Order”.

General Order 61

35. In General Order 61—

(a) for the words “this Order”, there shall be substituted the words “this General Order”; and

(b) in the proviso to paragraph (8), the word “draft” shall be deleted in both places where it appears.

General Order 62

36. In General Order 62—

- (a) in paragraph (1)—
 - (i) for “ , 1948” in both places where it appears, there shall be substituted “1985”;
 - (ii) the word “draft” shall be deleted; and
 - (iii) for the words “this Order”, there shall be substituted the words “this General Order”;
- (b) in paragraph (2), the word “draft” shall be deleted in both places where it appears; and
- (c) in paragraph (3), the word “draft” shall be deleted in both places where it appears.

General Order 65

37. In General Order 65, the word “proposed” shall be deleted.

General Order 66

38. In General Order 66, the word “proposed” shall be deleted.

General Order 67

39. In General Order 67, the word “draft” shall be deleted.

General Order 68

40. In General Order 68—
- (a) in paragraph (1), the word “draft” shall be deleted; and
 - (b) in paragraph (2), for the words “preceding Order” there shall be substituted the words “preceding General Order”.

General Order 69

41. In General Order 69—
- (a) in paragraph (1), before the word “Order” there shall be inserted the word “General”; and
 - (b) in paragraph (2), for the word “office” there shall be substituted the word “Office”.

General Order 70

42. In General Order 70, for the words “Company, Society, Association, or Co-partnership,” there shall be substituted the words “company, society, association or partnership”.

General Order 73

43. In General Order 73, the word “draft” shall be deleted in each place where it appears.

General Order 74

44. In General Order 74—
- (a) in paragraph (1), for the words “such Order” in both places where they appear there shall be substituted the words “the Provisional Order”;
 - (b) in paragraph (2), for the word “proposed” there shall be substituted the word “Provisional”;
 - and
 - (c) in paragraph (3), the word “proposed” shall be deleted in the first place where it appears.

General Order 75

45. In General Order 75—

- (a) in paragraph (1), the word “proposed” shall be deleted;
- (b) in paragraph (2), the word “proposed” shall be deleted; and
- (c) in paragraph (3)(ii), for the words “Company, Society, Association, or Co-Partnership” there shall be substituted the words “company, society, association or -partnership”.

General Order 76

46. In General Order 76, the word “proposed” shall be deleted.

General Order 77

47. In General Order 77—

- (a) in paragraph (1), after the word “London,” there shall be inserted the words “in the Office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons,”; and
- (b) in paragraph (2), before the word “Order” there shall be inserted the word “General”.

General Order 78

48. In General Order 78, the word “draft” shall be deleted where it appears in each of paragraphs (1) and (4).

General Order 78A

49. In General Order 78A(3)—

- (a) for the words “petitions” there shall be substituted the word “Petitions”; and
- (b) the word “draft” shall be deleted in both places where it appears.

General Order 78B

50. After General Order 78A, there shall be inserted the following General Order:—

“Accommodation and shorthand notes

78B.—(1) the Promoters of a Provisional Order shall—

- (a) provide at their own expense suitable accommodation for the inquiry in the place determined by the Commissioners; and
- (b) be responsible for arranging the taking of *verbatim* shorthand notes of evidence given at the inquiry which shall be transcribed as required, under arrangements to be approved by the Commissioners or the person appointed to act as clerk to the Commissioners.

(2) The shorthand writer’s fee and the cost of transcription in respect of any day shall, subject to paragraph (3) below, be divided between the Promoters (who shall pay one-half) and the Petitioners appearing on that day (who shall jointly pay the other half in equal shares), and any dispute as to the amount payable under this paragraph shall be referred to the person appointed to act as clerk to the Commissioners.

(3) The Secretary of State, acting on the recommendation of the Commissioners and with the consent of the Treasury, may—

- (a) reduce by such amount as he thinks fit (having regard to the circumstances of the Petitioner and the nature of his Petition) the amount payable by a Petitioner under paragraph (2) above; and
- (b) direct that an additional amount equal to the amount of that reduction shall fall to be paid by—
 - (i) the Promoters;
 - (ii) any other Petitioner; or
 - (iii) the Promoters and any other Petitioner or Petitioners in such proportions as he thinks fit.”.

General Order 79

51. In General Order 79, the word “proposed” shall be deleted.

General Order 91

52. In General Order 91—

- (a) in paragraph (2), the word “proposed” shall be deleted; and
- (b) in paragraph (4), for the word “proposed” there shall be substituted the word “Provisional”.

General Order 93

53. In General Order 93(1), the word “proposed” shall be deleted.

General Order 95

54. In General Order 95, the word “proposed” shall be deleted.

General Order 96

55. In General Order 96, the word “proposed” shall be deleted.

General Order 97

56. In General Order 97—

- (a) in paragraph (1)—
 - (i) for the word “draft” in both places where it appears, there shall be substituted the word “Provisional”;
 - (ii) the word “proposed” shall be deleted;
 - (iii) after the word “Parliaments” there shall be inserted the words “, House of Lords”; and
 - (iv) for the word “office” where it appears for the first time there shall be substituted the word “Office”; and
- (b) in paragraph (2)—
 - (i) for the word “proposed”, there shall be substituted the word “Provisional”;
 - (ii) for the word “draft”, there shall be substituted the word “Provisional”; and
 - (iii) for the words “this Order”, there shall be substituted the words “this General Order”.

General Order 98

57. In General Order 98, for the words “Scottish Development Department” there shall be substituted the words “Scottish Office”.

General Order 99

58. General Order 99 shall be deleted.

General Order 104

59. General Order 104 shall be deleted.

General Order 106

60. In each of paragraphs (i) and (iv) of the proviso to General Order 106(1), for the words “the Environment” there shall be substituted the word “Transport”.

General Order 107

61. General Order 107 shall be deleted.

General Order 108

62. In each of paragraphs (c) and (i) of General Order 108, for the word “sixty” there shall be substituted the word “forty”.

General Order 115

63. General Order 115 shall be deleted.

General Order 117

64. In General Order 117, the word “proposed” shall be deleted.

General Order 119

65. General Order 119 shall be deleted.

General Order 121

66. In General Order 121—

- (a) in paragraph (1), for the words “all Orders” there shall be substituted the words “all General Orders”;
- (b) in paragraph (2)—
 - (i) the words “Draft Provisional Orders,” shall be deleted; and
 - (ii) for the word “foolscap”, there shall be substituted “A4”; and
- (c) in paragraph (3)—
 - (i) the word “draft” shall be deleted;
 - (ii) for the words “this Order”, there shall be substituted the words “this General Order”;
 - (iii) for the word “Rate”, there shall be substituted the word “Revenue”; and
 - (iv) the words “under the Local Government (Scotland) Act 1966” shall be deleted.

General Order 122

67. In General Order 122—

- (a) the word “draft” shall be deleted;
- (b) for the words “this Order”, there shall be substituted the words “this General Order”;
- (c) for the word “Rate”, there shall be substituted the word “Revenue”; and
- (d) the words “under the Local Government (Scotland) Act 1966” shall be deleted.

General Order 123

68. In General Order 123, for paragraphs (1) to (3) there shall be substituted the following paragraphs:—

“(1) Fees payable by Promoters of a Provisional Order

On application—

- (a) if the Provisional Order relates to charitable, religious, educational, literary or scientific purposes whereby no private profit or advantage is derived, or if the Provisional Order—
 - (i) is promoted by a person other than a local authority; and
 - (ii) is one from which the Promoters appear unlikely to derive substantial personal or corporate gain
- (b) in the case of any Provisional Order not falling within subparagraph (a) above

(2) Fees payable by opponents and other Petitioners

On deposit of Petition in favour of or against a Provisional Order

(3) Any fees payable under paragraphs (1) and (2) above shall be returned to the Promoters or Petitioner, as the case may be, if the Provisional Order proceeds as a Private Bill.”

General Order 124

69. In General Order 124, for the scale of fees set out therein there shall be substituted the following scale:—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“For every application to the Auditor of the Court of Session for the taxation of an account of expenses	£10
£4 per cent upon the amount of the account as sent in for taxation, or added to in taxation	
For every certificate signed by the Auditor of the Court of Session	£15
For copies of any documents in the office of the Auditor of the Court of Session:	
1st copy– per sheet	£1
Additional copies£ per sheet	£0.40
(When copied by photostatic or similar process, each page shall be charged as one sheet)”	

6th May 1992

Amphill
Chairman of Committees of the House of Lords

7th May 1992

Michael Morris
Chairman of Ways and Means in the House of Commons

12th May 1992

Ian Lang
One of Her Majesty’s Principal Secretaries of State

We consent,

20th May 1992

Gregory Knight
Irvine Patnick
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the General Orders made under section 15 of the Private Legislation Procedure (Scotland) Act 1936, which regulate the procedure for obtaining Parliamentary powers by way of Provisional Order in matters affecting Scotland.

The amendments made by this Order are designed partly to implement certain recommendations of the Joint Committee on Private Bill Procedure (including their recommendations as to the fees payable) and partly to bring the General Orders into line, so far as appropriate, with Standing Orders relating to private business in Parliament.