

## 1971 No. 1413 (S.171)

## PRIVATE LEGISLATION PROCEDURE, SCOTLAND

## The Private Legislation Procedure (Scotland)

## General Order 1971

<i>Made</i>	- - -	24th August 1971
<i>Laid before Parliament</i>		2nd September 1971
<i>Coming into Operation</i>		1st November 1971

We, 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, in exercise of the powers vested in us by section 15 of the Private Legislation Procedure (Scotland) Act 1936(a), hereby make the following order:—

1. This order may be cited as the Private Legislation Procedure (Scotland) General Order 1971 and shall come into operation on 1st November 1971.

2. The Private Legislation Procedure (Scotland) General Orders 1946(b) as amended (c) shall be amended as follows:—

- (1) In General Order 22, for "Postmaster General" there shall be substituted "Post Office".
- (2) In General Order 28(3), for "Ministry of Agriculture, Fisheries and Food" there shall be substituted "Department of the Environment".
- (3) In General Order 29, for "Ministry of Transport" there shall be substituted "Department of the Environment"; and for "Ministry" there shall be substituted "Department".
- (4) In General Order 30, for "Ministry of Power" there shall be substituted "Department of Trade and Industry".
- (5) In General Order 32, for "Ministry of Transport" there shall be substituted "Department of Trade and Industry, the Office of the Crown Estate Commissioners".
- (6) In General Order 35, for "Ministry of Transport" there shall be substituted "Department of the Environment".
- (7) In General Order 39, for that part to the end of sub-paragraph (1) there shall be substituted:—

"On or before the Fourth day of April, or the Fourth day of December, as the case may be, printed copies shall be deposited—

- (1) of every draft Provisional Order, two at the Department of

(a) 1936 c. 52.

(b) S.R. & O. 1946/2157 (Rev. XVIII, p. 719; 1946 I, p. 1415).

(c) The relevant amending instruments are S.R. & O. 1947/2347 (Rev. XVIII, p. 719; 1947 I, p. 1891); S.I. 1949/331, 1950/1748, 1952/656, 1954/1141, 1957/465, 1964/1840 (1949 I, p. 3541; 1950 II, p. 439; 1952 III, p. 2693; 1954 II, 1841; 1957 II, p. 1924; 1964 III, p. 4004).

the Environment and at the Ministry of Posts and Telecommunications; and one at the Department of Health and Social Security, the Treasury, the Department of Trade and Industry, the Ministry of Agriculture, Fisheries and Food, the Civil Service Department, the Ministry of Defence, the Department of Employment, the Office of the Crown Estate Commissioners and the Office of the Commissioners of Inland Revenue”;

in sub-paragraph (2) after “line” where that word occurs for the second time there shall be inserted “one”; sub-paragraph (3) shall be omitted; in sub-paragraph (4) the words “which relates to the erection, improvement, repair, maintenance or regulation of any market or market place at which cattle are exposed for sale, or” shall be omitted, after “Scotland” there shall be inserted “one” and for “Ministry of Agriculture, Fisheries and Food” there shall be substituted “Department of the Environment”; in sub-paragraph (5) after “Commissioners” where that word occurs for the second time there shall be inserted “one”; and in sub-paragraph (6) after “deposited” there shall be inserted “one”.

- (8) In General Order 43(3) for “pier or works of any description on the foreshore” there shall be substituted “or pier”; and for “Ministry of Transport” there shall be substituted “Department of the Environment”.
- (9) In General Order 69(1), after “Examiners” there shall be inserted “and signed by those parties or their Agents”; and after “General Orders” where those words occur for the second time there shall be inserted “or his Agent”.
- (10) In General Order 70, after the word “Examiners” where that word first occurs there shall be inserted “and signed by him or his Agent”.
- (11) In General Order 70A, for “by the Agent who deposited such Memorial” there shall be substituted “his Agent”; for “signed by more than one person” there shall be substituted “deposited by or on behalf of more than one person”; and for “person signing the Memorial” there shall be substituted “of those persons”.
- (12) In General Order 78A, in the first paragraph at the beginning there shall be inserted “(1)”; for “by the Agent who deposited the Petition” there shall be substituted “his Agent”; for “signed by more than one person” there shall be substituted “deposited by or on behalf of more than one person”; and for “person signing the Petition” there shall be substituted “of those persons”.
- (13) In General Order 93(3), the words “the Admiralty and the Board of Trade” shall be omitted.
- (14) In General Order 97(1), the words “provided that it shall not be necessary to make such deposit at the Air Ministry unless so required by the Secretary of State for Air” shall be omitted.
- (15) In General Order 99, for “Minister of Transport” there shall be substituted “Secretary of State for the Environment”; for “Ministry of Transport” there shall be substituted “Department of the Environment”; for “Secretary of State and the Minister” there shall be substituted “Secretary of State for Scotland and the Secretary of State for the Environment” and for “and the Ministry” there shall be substituted “and the Department of the Environment”.

- (16) General Order 100 shall be omitted.
- (17) General Order 103 shall be omitted.
- (18) In General Order 106, for "Minister of Transport" on each occasion where these words appear there shall be substituted "Secretary of State for the Environment".
- (19) In General Order 107, for "Board of Trade, the Secretary of State or the Minister of Transport" there shall be substituted "Secretary of State for Trade and Industry, the Secretary of State for Scotland or the Secretary of State for the Environment"; for "Board or Secretary of State or Minister" there shall be substituted "Secretary of State".
- (20) In General Order 123, in sub-paragraph (1) for "[The above fees to be increased by one-third when the money to be raised or expended exceeds £100,000 and does not exceed £250,000 and to be doubled" there shall be substituted "[The above fees shall each be increased to £33 when the money to be raised or expended exceeds £100,000 and does not exceed £250,000 and to £50"; and for sub-paragraph (3) there shall be substituted:—

"General:—

For each witness to whom an oath or affirmation is administered at a local inquiry before Commissioners,—payable by the Promoters, Opponents, or other party calling such witness. 50p

For each order for the attendance of witnesses or for the production of books, papers, plans or documents,—payable by the applicants for such order. 50p"

- (21) For General Order 124 there shall be substituted:—

"124. The following scale of fees shall be a General Order:—

SCALE OF FEES ON TAXATION OF COSTS UNDER SECTION 6(6) OF THE PRIVATE LEGISLATION PROCEDURE (SCOTLAND) ACT, 1936

For every application to the Auditor of the Court of Session for the Taxation of a Bill of Costs £1

£1 per cent. upon the amount of the Bill as sent in for taxation, or added to in taxation

For every certificate which shall be signed by the Auditor of the Court of Session £1

For copies of any Documents in the office of the Auditor of the Court of Session, per folio of 72 words 2½p"

*Listowel,*  
Chairman of Committees of  
the House of Lords.

5th August 1971.

*R. Grant-Ferris,*  
Chairman of Ways and Means in  
the House of Commons.

5th August 1971.

*Gordon Campbell,*  
One of Her Majesty's Principal  
Secretaries of State.

24th August 1971.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

The 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.

Most of the amendments correspond to amendments which have been made to the Standing Orders of the House of Lords and House of Commons.