



Private Legislation Procedure (Scotland) Act 1936

1936 CHAPTER 52 26 Geo 5 and 1 Edw 8

Application for Provisional Order

2 Report by Chairman that procedure should not be by Provisional Order.

- (1) The Chairmen shall, if the two Houses of Parliament think fit so to order, determine all matters of practice and procedure which will enable them to take into consideration the draft Order, and to report thereon to the Secretary of State:
Provided that with a view to such report the Secretary of State shall forthwith inform the Chairmen of any dissents from, or objections to, any of the provisions of the Order which have been stated in the prescribed manner and within the prescribed time.
- (2) If it appears from the report of the Chairmen that in their opinion the provisions or some of the provisions of the draft Order relate to matters outside Scotland to such an extent, or raise questions of public policy of such novelty and importance, that they ought to be dealt with by Private Bill and not by Provisional Order, the Secretary of State shall, without further inquiry, refuse to issue the Provisional Order, so far as the same is objected to by the Chairmen.
- (3) A copy of every report by the Chairmen in pursuance of this section shall, as soon as possible, be laid before both Houses of Parliament.
- (4) If the Secretary of State shall refuse to issue the Provisional Order or part thereof in pursuance of the provisions of this section, the notices published and served and the deposits made for the proposed Provisional Order shall, subject to Standing Orders, be held to have been published and served and made for a Private Bill applying for similar powers:
Provided that the petitioners shall, by notice served in the prescribed manner and within the prescribed time, inform all opponents of their intention to proceed by way of Private Bill, and, subject to Standing Orders, the petition for the Provisional Order shall be deemed and taken to be the petition for leave to bring in a Private Bill, and the petitioners shall also give such additional notices (if any) as shall be required by Standing Orders.

Changes to legislation:

There are currently no known outstanding effects for the Private Legislation Procedure (Scotland) Act 1936, Section 2.