
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for transitory and transitional purposes in connection with the coming into force, on 1st July 1999, of section 94 (private legislation) of the Scotland Act 1998 (c. 46) (“the 1998 Act”), in so far as that section relates to orders subject to special parliamentary procedure (“special procedure orders”).

Section 94 of the 1998 Act provides, *inter alia*, that where a pre-commencement enactment makes provision which has the effect of requiring any order (within the meaning of the Statutory Orders (Special Procedure) Act 1945 (c. 18)) to be subject to special parliamentary procedure, then the provision shall have effect so far as it relates to the exercise of the power to make, confirm or approve the order by virtue of section 53 of the 1998 Act by Scottish Ministers, as if it required the order to be subject to such special procedure as may be provided by or under an Act of the Scottish Parliament. This Order provides the special procedure which will apply in relation to such orders until provision has been made in an Act of the Scottish Parliament for such special procedure.

Article 4 of the Order provides that a special procedure order shall be of no effect until it has been laid before the Scottish Parliament by the Scottish Ministers and has been brought into operation in accordance with the provisions of the Order.

Article 5 requires notice by advertisement to be given before a special procedure order is made or confirmed by the Scottish Ministers.

Article 6 provides that if any objections (other than an objection which in the opinion of Ministers is frivolous or which relates to a matter that can be dealt with by an arbiter compensation is to be assessed) are made to the special procedure order, then the order shall not take effect unless it is confirmed, whether with or without amendments, by an Act of Scottish Parliament.

Article 7 provides that if there are no objections to the special procedure order, then the Scottish Ministers may lay the order before the Scottish Parliament and if the Parliament does not resolve within 40 days of the order being laid that it be annulled, then the order shall come into operation at the expiration of that period or on such later date, if any, as may be specified in the order.

The remaining provisions of the Order are supplementary and incidental.