



Growth and Infrastructure Act 2013

2013 CHAPTER 27

Other infrastructure provisions

25 Modifications of special parliamentary procedure in certain cases

- (1) The Statutory Orders (Special Procedure) Act 1945 is amended as follows.
- (2) In section 1(1) (Act applies where subsequent Act requires an order to be subject to parliamentary procedure) after “provision is made requiring that any such order shall be subject to special parliamentary procedure” insert “ or requiring that any such order shall be subject to special parliamentary procedure to a limited extent ”.
- (3) In section 1 after subsection (2) insert—
 - “(3) In this Act “special-acquisition provision” means—
 - (a) section 130, 131 or 132 of the Planning Act 2008 (certain orders granting development consent which also authorise compulsory acquisition of, or of rights over, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment),
 - (b) section 17, 18 or 19 of, or paragraph 4, 5 or 6 of Schedule 3 to, the Acquisition of Land Act 1981 (certain compulsory purchase orders which authorise compulsory acquisition of, or of rights over, land of a local authority or statutory undertaker, inalienable National Trust land, or land forming part of a common, open space or fuel or field garden allotment),
 - (c) paragraph 22 of Schedule 3 to the Harbours Act 1964 (harbour revision or empowerment order authorising compulsory purchase of, or of rights over, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment),
 - (d) paragraph 12 or 13 of Schedule 4 to the New Towns Act 1981 (order authorising compulsory purchase of local authority land, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment), or

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- (e) section 12 of the Transport and Works Act 1992 (order authorising compulsory purchase of, or of rights over, inalienable National Trust land or land forming part of a common, open space or fuel or field garden allotment).
- (4) A reference in this Act to land to which a special-acquisition provision applies is to be read as follows—
 - (a) “land” has the same meaning as it has for the purposes of the special-acquisition provision, and
 - (b) in the case of a special-acquisition provision mentioned in subsection (3)(c) or (e), the reference is to—
 - (i) land (as so defined) belonging to the National Trust which is held by the Trust inalienably, or
 - (ii) land (as so defined) forming part of a common, open space or fuel or field garden allotment.
- (5) The definition of “the National Trust” given by section 7(1) of the Acquisition of Land Act 1981, and section 18(3) of that Act (meaning of “held inalienably”), apply for the purposes of subsection (4)(b)(i).
- (6) In subsection (4)(b)(ii) “common”, “fuel or field garden allotment” and “open space” have the same meaning as in section 19 of that Act.”
- (4) After section 1 insert—

“1A Order subject to special parliamentary procedure only so far as authorising certain acquisitions of land or rights

- (1) Where under a special-acquisition provision an order is subject to special parliamentary procedure so far as the order authorises compulsory acquisition of, or of a right over, land to which that provision applies, sections 3 to 7 of this Act apply in relation to the order with the modifications specified in subsections (3) to (19).
- (2) Where those sections apply with those modifications in relation to an order, in subsections (3) to (19) “the special authorisation” means the order so far as it authorises compulsory acquisition of, or of a right over, land to which the particular special-acquisition provision applies.
- (3) In section 3(1) the reference to a petition duly presented against the order is to be read as a reference to a petition duly presented against the special authorisation.
- (4) In section 3(2)—
 - (a) the reference to petitions against an order to which this Act applies is to be read as a reference to petitions against the special authorisation, and
 - (b) in paragraphs (a) and (b) a reference to the order is to be read as a reference to the special authorisation.
- (5) In section 3(4) a reference to the order is to be read as a reference to the special authorisation.
- (6) In section 3(4A)—

Changes to legislation: There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 25. (See end of Document for details)

- (a) the reference in the opening words to the order to which a petition relates is to be read as a reference to the order containing the special authorisation to which a petition relates, and
 - (b) in paragraph (a) the reference to the order being one that relates to proposals of the kind mentioned is to be read as a reference to the Chairmen being of the opinion that removal of the special authorisation from the order would be inconsistent with proposals of that kind.
- (7) In section 3(5)—
 - (a) the reference to every order to which this Act applies is to be read as a reference to the special authorisation, and
 - (b) the reference to every such report is to be read as a reference to the report of the Chairmen in respect of the special authorisation.
- (8) In section 4(1)—
 - (a) the reference to any order to which this Act applies is to be read as a reference to the special authorisation,
 - (b) the reference to resolving that an order be annulled is to be read as a reference to resolving that the special authorisation be annulled,
 - (c) the reference to an order becoming void is to be read as a reference to the special authorisation becoming void, and
 - (d) the reference to taking no further proceedings on an order is to be read as a reference to taking no further proceedings on the special authorisation.
- (9) In section 4(2) the reference to the order is to be read as a reference to the special authorisation.
- (10) In section 4(3)—
 - (a) the reference to neither House resolving that the order be annulled is to be read as a reference to neither House resolving that the special authorisation be annulled, and
 - (b) the reference to petitions relating to the order is to be read as a reference to petitions relating to the special authorisation.
- (11) Section 4 is to be read as if after subsection (3) there were inserted—
 - “(4) Where either House resolves during the resolution period that the special authorisation be annulled, the Minister is to either—
 - (a) withdraw the order by notice given in the prescribed manner, or
 - (b) cause the order to be submitted to Parliament for further consideration by means of a Bill for the confirmation of the order.
 - (5) A Bill presented for the purposes of subsection (4)(b) must set out the order as laid before Parliament under section 1(2) of this Act, and any such Bill is to be treated as a public bill, except that—
 - (a) where a petition for amendment of the special authorisation was certified as proper to be received, the Bill—
 - (i) after being read a second time in the House in which it is presented, is to be referred to a joint committee of both Houses for the purposes of the consideration of that petition,

Changes to legislation: There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 25. (See end of Document for details)

- (ii) after it has been reported by the joint committee, is to be ordered to be considered in the House in which it is presented as if it had been reported by a committee of that House, and
 - (iii) when it has been read a third time and passed in that House, is to be treated as having passed through all its stages up to and including committee in the second House;
 - (b) where no such petition has been so certified—
 - (i) the Bill is after its presentation to be treated as having passed all its stages up to and including committee in the House in which it is presented,
 - (ii) the Bill is to be ordered to be considered in that House as if it had been reported from a committee of that House, and
 - (iii) when the Bill has been read a third time and passed in that House, the like proceedings are to be taken on the Bill in the second House.”
- (12) In section 5(1)—
 - (a) the reference to any petition against an order to which this Act applies is to be read as a reference to any petition against the special authorisation,
 - (b) the reference to the order standing referred to a committee is to be read as a reference to the special authorisation standing referred to that committee, and
 - (c) the reference to the committee's power to report the order is to be read as a reference to the committee's power to report the special authorisation.
- (13) In section 5(2) a reference to the order is to be read as a reference to the special authorisation.
- (14) In section 5(3) the reference to any order to which this Act applies is to be read as a reference to the special authorisation.
- (15) In section 6(1) the reference to an order to which this Act applies being reported without amendment is to be read as a reference to the special authorisation being reported without amendment.
- (16) In section 6(2) the reference to any such order being reported with amendments is to be read as a reference to the special authorisation being reported with amendments.
- (17) In section 6(3) the reference to it being reported, with respect to any such order, that the order be not approved is to be read as a reference to it being reported that the special authorisation be not approved.
- (18) In section 6(5)—
 - (a) the requirement for a Bill to set out the order as referred to the joint committee is to be read as a requirement for the Bill to set out the order as laid under section 1(2) of this Act, and
 - (b) in paragraph (a) the reference to a petition for amendment of the order is to be read as a petition for amendment of the special authorisation.

Changes to legislation: There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 25. (See end of Document for details)

(19) In section 7 a reference to an order to which this Act applies is to be read as a reference to the special authorisation.”

(5) After section 9 insert—

“9A Standing Orders in cases where section 1A applies

(1) In this section, a reference to a special-acquisition order is to an order which, under a special-acquisition provision, is subject to special parliamentary procedure so far as it authorises compulsory acquisition of, or of a right over, land to which that provision applies.

(2) A reference in section 9(a) or (d) of this Act to an order to which this Act applies is, in the case of a special-acquisition order, to be read as a reference to that order so far as it authorises compulsory acquisition of, or of a right over, land to which the particular special-acquisition provision applies.

(3) The reference in section 9(f) of this Act to any order is, in the case of a special-acquisition order, to be read as a reference to that order so far as it authorises compulsory acquisition of, or of a right over, land to which the particular special-acquisition provision applies.

(4) The reference in section 9(g) of this Act to section 6 of this Act is to be read as a reference to section 4 or 6 of this Act.

(5) Where Standing Orders of either House of Parliament make provision that relates to orders to which this Act applies and is for a purpose mentioned in section 9 then, unless the Standing Orders provide otherwise, the provision applies in relation to a special-acquisition order only so far as the order authorises compulsory acquisition of, or of a right over, land to which the particular special-acquisition provision applies.”

(6) In section 11(1) (interpretation) after the definition of “Prescribed” insert—

““Special-acquisition provision” has the meaning given by section 1(3) of this Act;”.

(7) In the Acquisition of Land Act 1981—

(a) in sections 17(2) and 18(2) (certain compulsory purchase orders subject to special parliamentary procedure so far as authorising acquisition of special land if owner objects to the order) for “the order” substitute “ the compulsory purchase of the land ”, and

(b) in paragraphs 4(2) and 5(2) of Schedule 3 (certain compulsory purchase orders subject to special parliamentary procedure so far as authorising acquisition of rights over special land if owner objects to the order) for “the order” substitute “ the compulsory purchase of the rights ”.

(8) In paragraph 12 of Schedule 4 to the New Towns Act 1981 (certain compulsory purchase orders subject to special parliamentary procedure so far as authorising acquisition of special land if owner objects to the order) for “to the order” substitute “ to the acquisition of the land ”.

(9) In each of the following provisions (which refer to orders confirmed by Act under section 6 of the 1945 Act) before “6” insert “ 4 or ”

section 44(1) of the Harbours Act 1964,

Changes to legislation: There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 25. (See end of Document for details)

section 27 of the Acquisition of Land Act 1981,
paragraph 16(a) of Schedule 4 to the New Towns Act 1981,
paragraph 6(6)(a) of Schedule 11 to the Water Industry Act 1991,
paragraph 6(6)(a) of Schedule 19 to the Water Resources Act 1991, and
section 12(3)(b) of the Transport and Works Act 1992.

- (10) An amendment made by subsection (4) or (5), so far as it applies to orders granting development consent, applies to any such order made after the amendment comes into force.

Commencement Information

- I1** S. 25(1)-(6)(10) in force at 25.6.2013 in so far as not already in force by S.I. 2013/1488, **art. 3(e)** (with art. 8)
- I2** S. 25(1)-(6)(10) in force at 25.6.2013 for specified purposes by S.I. 2013/1124, **art. 4(d)** (with art. 8)
- I3** S. 25(7)-(9) in force at 25.6.2013 by S.I. 2013/1488, **art. 3(e)** (with art. 8)

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