



# Transport and Works (Scotland) Act 2007

## 2007 asp 8

### PART 1

#### ORDERS AUTHORISING WORKS ETC.

##### *Procedure for making orders*

#### **11 Making or refusal of orders under section 1**

- (1) This section applies where—
  - (a) an application is made to the Scottish Ministers under section 4, or
  - (b) they propose to make an order by virtue of section 6,and the requirements of the preceding provisions of this Act in relation to any objections have been satisfied.
- (2) The Scottish Ministers may determine—
  - (a) to make an order under section 1 which gives effect to the proposals concerned without modification,
  - (b) to make an order under that section which gives effect to those proposals with modifications, or
  - (c) not to make an order.
- (3) Without prejudice—
  - (a) to the generality of paragraph (c) of subsection (2), and
  - (b) to subsection (4),where this section applies by virtue of paragraph (a) of subsection (1) but the Scottish Ministers consider that any of the objects of the order applied for could be achieved other than by means of such an order, they may on that ground determine to decline to make an order.
- (4) The Scottish Ministers' powers under subsection (2) include the power to make a determination in respect of some only of the proposals concerned, while making a separate determination in respect of, or deferring consideration of, others (and accordingly the power to make an order under section 1 includes power to make two or more orders on the same application).

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where the Scottish Ministers propose to make an order giving effect, with modifications, to the proposals concerned being modifications which in their opinion make a substantial change in the proposals, they are—
- (a) to notify any person who appears to them likely to be affected by the change,
  - (b) to give that person an opportunity to make representations to them about the modifications within such period as they may specify in the notification, and
  - (c) before making the order, to consider any representations timeously made to them by that person.
- (6) Subject to section 13(3)(b), an order under section 1 comes into force on the date on which the notice required by section 12(1)(c) is first published unless a later date for its coming into force is specified in the order (in which case it comes into force on that later date).