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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2008 No.**

**The Transport and Works (Scotland) Act 2007  
(Access to Land on Application) Order 2008**

**Appeal to sheriff**

**10.**—(1) Any person who is aggrieved by—

- (a) an authorisation; or
- (b) the terms of any condition or limitation attached, or the failure of the Scottish Ministers to attach a particular condition or limitation, to an authorisation,

may, by summary application, appeal to the sheriff within 28 days of the giving of the notice required by article 9(6).

(2) The sheriff in whose sheriffdom the authorised land or any part of it is situated has jurisdiction to hear an appeal under this article.

(3) The decision of the sheriff in an appeal under this article may—

- (a) dismiss the appeal;
- (b) declare the authorisation to be of no effect in respect of all or part of the authorised land; or
- (c) modify an authorisation or modify or remove a condition or limitation attached to the authorisation or attach a condition or limitation to it.

(4) The sheriff's decision on such an appeal is final.