



Transport and Works Act 1992

1992 CHAPTER 42

PART I

ORDERS AUTHORISING WORKS ETC

Procedure for making orders

13 Making or refusal of orders under section 1 or 3 [^{F1}: general].

- (1) Where an application has been made to the Secretary of State under section 6 above, or he proposes to make an order by virtue of section 7 above, and (in either case) the requirements of the preceding provisions of this Act in relation to any objections have been satisfied, he shall determine—
 - (a) to make an order under section 1 or 3 above which gives effect to the proposals concerned without modifications, or
 - (b) to make an order which gives effect to those proposals with modifications, or
 - (c) not to make an order.
- (2) Where an application has been made to the Secretary of State under section 6 above and he considers that any of the objects of the order applied for could be achieved by other means, he may on that ground determine not to make the order (but this subsection is without prejudice to subsection (3) below).
- (3) The power of the Secretary of State to make a determination under subsection (1) above includes 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 or 3 above includes power to make two or more orders on the same application).
- (4) Where the Secretary of State proposes to make an order which gives effect to the proposals concerned with modifications which will in his opinion make a substantial change in the proposals—
 - (a) he shall notify any person who appears to him to be likely to be affected by the modifications,

Changes to legislation: There are currently no known outstanding effects for the Transport and Works Act 1992, Section 13. (See end of Document for details)

- (b) he shall give that person an opportunity of making representations to him about the modifications within such period as he may specify in the notice, and
 - (c) he shall before making the order consider any representations duly made to him.
- (5) An order under section 1 or 3 above shall come into operation on the date on which the notice required by subsection (1)(b) of section 14 below is first published, or on such later date, if any, as may be specified in the order.
- [^{F2}(6) This section is subject to sections 13B to 13D (which make provision about the consideration of applications or proposals for EIA orders and the making of such orders).]

Textual Amendments

- F1** Word in s. 13 heading heading inserted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 3 para. 3(a)** (with Sch. 6 paras. 9, 12)
- F2** S. 13(6) inserted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 3 para. 3(b)** (with Sch. 6 paras. 9, 12)

Modifications etc. (not altering text)

- C1** S. 13(2) excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), **ss. 53(4)**, 70(1)
- C2** S. 13(2) excluded (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), **ss. 49(4)**, 64(1)

Commencement Information

- I1** Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and [S.I. 1992/2784](#), art. 2, **Sch. 1**.

Changes to legislation:

There are currently no known outstanding effects for the Transport and Works Act 1992, Section 13.