



Transport (Scotland) Act 2005

2005 asp 12

PART 3

MISCELLANEOUS

47 Amendment of procedure where harbour revision orders are made by the Scottish Ministers of their own motion

(1) For paragraph 28 of Schedule 3 to the 1964 Act there is substituted—

- “28 (1) This paragraph applies if an objection to the proposal was made to the Scottish Ministers and has not been withdrawn.
- (2) It does not, however, apply if—
- (a) the Scottish Ministers decide that the proposal is not to proceed further;
 - (b) they consider the objection is frivolous or trivial;
 - (c) the objection does not specify the grounds on which it is made; or
 - (d) the objection was not made within the period allowed for making it.
- (3) Before making their decision under paragraph 29, the Scottish Ministers may—
- (a) cause an inquiry to be held; or
 - (b) give to the person who made the objection referred to in sub-paragraph (1) an opportunity of appearing before and being heard by a person appointed by them.
- (4) Where—
- (a) the objection referred to in sub-paragraph (1) is made by a council constituted under the Local Government etc. (Scotland) Act 1994 (c. 39) for an area in which the harbour (or any part of it) is situated; and

Changes to legislation: Transport (Scotland) Act 2005, Section 47 is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) the council informs the Scottish Ministers in writing that it wishes the objection to be referred to an inquiry or dealt with in accordance with sub-paragraph (3)(b),
the Scottish Ministers shall, before making their decision under paragraph 29, either cause an inquiry to be held or, if they so determine, cause the objection to be dealt with in accordance with sub-paragraph (3)(b).
- (5) Where an objector is heard in accordance with sub-paragraph (3)(b), the Scottish Ministers shall allow such other persons as they think appropriate to be heard on the same occasion.”.
- (2) In paragraph 29 of that Schedule (decision on harbour revision order proposed by the Scottish Ministers)—
- (a) in sub-paragraph (1)(b), after “inquiry” there is inserted “ and of any person appointed for the purpose of hearing an objector ”; and
 - (b) there is inserted at the end of sub-paragraph (1) “; and
 - (c) any written representations submitted to the Scottish Ministers by an objector in elaboration of the objection.”,
- and the word “and” between sub-paragraphs (1)(a) and (b) is repealed.

Commencement Information

II S. 47 in force at 10.10.2005 by S.S.I. 2005/454, art. 2, **Sch. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18A-18F inserted by [2019 asp 17 s. 110\(2\)](#)
- sch. 2 para. 3(2)(3) inserted by [2019 asp 17 s. 110\(4\)\(b\)](#)
- sch. 2 para. 3(1) sch. 2 para. 3 renumbered as sch. 3 para. 3(1) by [2019 asp 17 s. 110\(4\)\(a\)](#)

Commencement Orders yet to be applied to the Transport (Scotland) Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2008/90 art. 2](#) amendment to earlier commencing [SSI 2008/15 art. 3](#)