



Transport and Works Act 1992

1992 CHAPTER 42

PART I

ORDERS AUTHORISING WORKS ETC

Procedure for making orders

6 Applications for orders under sections 1 and 3.

- (1) Subject to section 7 below, the Secretary of State shall not make an order under section 1 or 3 above except on an application made to him in accordance with rules made under this section.
- (2) The Secretary of State may make rules as to—
 - (a) the form of an application under this section;
 - (b) the documents and information that must be submitted with it;
 - (c) the giving and publication of notices of an application;
 - (d) any other steps that must be taken before an application is made or in connection with the making of an application.

[^{F1}(2A) The power to make rules by virtue of subsection (2) above includes power to make provision for or in connection with requiring the Secretary of State in such cases or circumstances as may be prescribed in the rules to give to a person who proposes to make an application under this section an opinion on the information, if any, to be supplied in connection with that application.]

[^{F2}(2B) The power to make rules by virtue of subsection (2) above includes a power to make rules as to the publicity to be given to any [^{F3}environmental information][^{F3}EIA information (see section 13A)] provided in relation to an application made under this section.]

- (3) Any provision made by rules as to the consultation that must be carried out before an application is made [^{F4}, or as to the provision of information by a relevant authority to a person for the purposes of an application which the person proposes to make,]

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may include provision requiring compliance with general or special directions given by the Secretary of State.

- (4) Rules under this section may make different provision for different cases, and may include provision authorising the Secretary of State—
- (a) to dispense with compliance with rules that would otherwise apply, or
 - (b) to require compliance with rules that would not otherwise apply,
- in any case where he considers it appropriate to do so.
- (5) Rules may provide for fees of such amounts as may be determined by or in accordance with the rules to be payable to the Secretary of State on the making of applications under this section.
- (6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F5}(7) [^{F6}In subsection (3) above “relevant authority” means—

- (a) Natural England;
- (b) the Natural Resources Body for Wales;
- (c) a local planning authority, within the meaning of Part 1 of the Town and Country Planning Act 1990;
- (d) any other person or authority having specific environmental responsibilities, or local or regional competences, which the Secretary of State considers is likely to have an interest in an application a person proposes to make.]

Textual Amendments

- F1** S. 6(2A) inserted (7.10.1998) by [S.I. 1998/2226, art. 2\(a\)](#)
- F2** S. 6(2B) inserted (20.4.2006) by [The Transport and Works \(Assessment of Environmental Effects\) Regulations 2006 \(S.I. 2006/958\), regs. 1\(1\), 2\(1\)](#)
- F3** Words in s. 6(2B) substituted (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. 2\(a\)](#) (with Sch. 6 paras. 7(1), 8(1), 9, 12)
- F4** Words in s. 6(3) inserted (7.10.1998) by [S.I. 1998/2226, art. 2\(b\)](#).
- F5** S. 6(7) inserted (7.10.1998) by [S.I. 1998/2226, art. 2\(c\)](#)
- F6** S. 6(7) substituted (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. 2\(b\)](#) (with Sch. 6 paras. 7(1), 8(1), 9, 12)
- F7** O.J. No. L175, 5.7.85, p.40.
- F8** O.J. No. L73, 14.3.97, p.5.
- F9** Words in s. 6(7)(a) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 136\(a\)](#); [S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F10** Words in s. 6(7)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 340](#) (with Sch. 7)
- F11** 1990 c. 8; Part I was amended by the [Leasehold Reform, Housing and Urban Development Act 1993 \(c. 28\), section 187\(1\)](#) and Schedule 21, paragraph 29, the [Local Government \(Wales\) Act 1994 \(c. 19\), sections 18 and 19](#), and the [Environment Act 1995 \(c. 25\), sections 67 and 78](#) and Schedule 10, paragraph 32(2) and (3).
- F12** S. 6(7)(e) and word repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 136\(b\), Sch. 12](#); [S.I. 2006/2541, art. 2 \(with Sch.\)](#)

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Modifications etc. (not altering text)

- C1** S. 6 modified (1.7.1999) by [S.I. 1999/672](#), art. 5, **Sch. 2**
- C2** S. 6 modified (1.4.1999) by [The Development Commission \(Transfer of Functions and Miscellaneous Provisions\) Order 1999 \(S.I. 1999/416\)](#), **arts. 2, 3**

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:

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