
STATUTORY INSTRUMENTS

1992 No. 2902

**The Transport and Works (Applications
and Objections Procedure) Rules 1992**

Waiver of requirements in relation to applications

12.—(1) An applicant may, at any time before or after making an application, submit a request in writing to the Secretary of State for a direction that any provision contained in rules 3, 4, 5 (except paragraph (1)(f) and (g) thereof), 7 to 10 (inclusive) and 11(4) shall not apply (or shall apply in part only) to an application he has made or proposes to make.

(2) A request made under paragraph (1) above shall state the reasons why it is made.

(3) The Secretary of State may, where he is satisfied that it is impossible, impracticable or unnecessary for the applicant to comply with any relevant provision, and subject to the provisions of paragraph (4) below, direct that such provision shall not apply (or shall apply in part only) to the application.

(4) Where—

- (a) the application in respect of which a request has been made is an amended application;
- (b) the Secretary of State has not at the date of the request made a determination in respect of the earlier application;
- (c) it appears to the Secretary of State that the applicant, in making the earlier application, has complied in all material respects with the relevant provision in relation to the amended application; and
- (d) the Secretary of State is satisfied that it is appropriate to do so;

the Secretary of State shall direct that such provision shall not apply to the amended application.

(5) Where the Secretary of State makes a direction under paragraph (3) above, he may impose on the applicant a condition that he shall comply with the relevant provision (in whole or in part) at such later date as may be specified in the direction.

(6) In this rule—

“amended application” means an application which relates to substantially the same subject-matter as an application made earlier by the same applicant, but which contains amended proposals, and “earlier application” shall be construed accordingly;

“relevant provision” means a provision which is the subject of a request made under paragraph (1) above.