



Edinburgh Tram (Line Two) Act 2006

2006 asp 6

PART 5

MISCELLANEOUS AND GENERAL

64 Orders for insulating new buildings

- (1) Where the authorised undertaker has made a scheme under section 63 (Insulation against noise) in respect of any area or areas, it may apply to Scottish Ministers for an order requiring provision for insulation against noise to be made in any building of a class to which the scheme applies which is erected after a date specified in the order, or in any extension of, or alteration to, any building of such class made after that date.
- (2) The order shall define by reference to a map the areas to which it applies, which may comprise the whole or part of any areas to which the scheme relates.
- (3) Application for an order under this section shall be accompanied by a draft of the order and a map defining the areas to which it relates.
- (4) Before making an application for an order under this section the authorised undertaker shall publish, once at least in each of two successive weeks, in one or more newspapers circulating in the areas to which the draft order applies, a notice—
 - (a) stating the general effect of the intended order;
 - (b) specifying a place in the said areas where a copy of the draft order and of the relevant map may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice; and
 - (c) stating that within that period any person may, by notice to Scottish Ministers, object to the application.
- (5) Any person claiming to be affected by the application may object to it by sending notice of the objection, stating the grounds of objection, to Scottish Ministers within the period specified in the notice and a copy of the notice of objection to the authorised undertaker.
- (6) If any objection is duly made by any person appearing to Scottish Ministers to be affected by the application and is not withdrawn, then they shall cause a local inquiry

Status: This is the original version (as it was originally enacted).

to be held into the proposed order and shall consider the report of the person who held the inquiry before making an order under this section.

- (7) No earlier than 28 days after the date of first publication of the notice specified in subsection (4), and following consideration of any report required by subsection (6), Scottish Ministers may make the order in the terms of the draft order or in those terms as modified in such manner as they think fit, or may refuse to make the order.
- (8) If Scottish Ministers make an order under this section the authorised undertaker shall publish notice of the making, and of the effect, of the order in one or more newspapers circulating in the areas to which the order relates.
- (9) Where an application is made to a local authority under the Building (Scotland) Act 1959 (c. 23) for a warrant for the erection, extension or alteration of a building in an area to which an order under this section relates, the local authority shall, notwithstanding anything in that Act or regulations as to building standards made under it, refuse to grant the warrant unless it is shown to them—
 - (a) that satisfactory provision will be made for insulating the building (or, as the case may be, the extension or alteration of the building) against noise; or
 - (b) that in the case of an extension or alteration no such insulation is necessary.
- (10) Scottish Ministers may cause such local inquiries to be held as they may consider necessary for the purpose of any of their functions under this section.