



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 1

ORDERS AUTHORISING WORKS ETC.

Procedure for making orders

13 “Developments of national significance” etc.: special procedure

- (1) Subsection (3) applies to a statutory instrument containing an order under section 1 if—
 - (a) the order authorises the carrying out of work which would constitute a national development,
 - (b) the order includes provision adding to, replacing or omitting any part of the text of a private Act of the Parliament, or
 - (c) the Scottish Ministers so direct.
- (2) In subsections (1) and (7), references to a “national development” are to any development (within the meaning of the Town and Country Planning (Scotland) Act 1997 (c. 8)) for the time being designated under section 3A(4)(b) of that Act (which relates to the content of the National Planning Framework) as a national development.
- (3) The statutory instrument—
 - (a) is to be laid before the Parliament together with a copy of any plan or book of reference prepared in connection with the application (or as the case may be in connection with the proposal to make the order), and
 - (b) cannot come into force unless the Parliament, by resolution, approves the instrument.
- (4) Where a plan or book of reference is revised before the order is made, the reference in subsection (3)(a) is to the later (or as the case may be the latest) version.
- (5) As soon as practicable after the Parliament has decided whether or not to approve the instrument, the Scottish Ministers are to publish a notice in—
 - (a) the Edinburgh Gazette, and

Status: This is the original version (as it was originally enacted).

- (b) a local newspaper circulating in the area (or each of the areas) in which the provisions of the order in question will have, or would have had, effect.
- (6) A notice under subsection (5)—
 - (a) must state that the Parliament has, or as the case may be has not, passed a resolution approving the instrument, and
 - (b) where a resolution has been passed, must give information regarding—
 - (i) when the order will come into force, and
 - (ii) the right to challenge the validity of the order and the procedures for doing so.
- (7) An instrument containing an order which revokes, amends or re-enacts an instrument laid before the Parliament under paragraph (a) of subsection (3) is subject to the procedure in that subsection only if—
 - (a) the order authorises the carrying out of work which would constitute a national development (other than a national development to which the instrument revoked, amended or re-enacted relates),
 - (b) the order includes provision such as is mentioned in subsection (1)(b), or
 - (c) the Scottish Ministers so direct.