



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 2

MISCELLANEOUS AMENDMENTS

26 Amendment of Pilotage Act 1987

After section 1 of the Pilotage Act 1987 (c. 21), insert—

“1A “1A Procedure on orders under section 1

- (1) Where the Scottish Ministers propose to make an order under section 1 above (other than under subsection (4) of that section), they must before doing so—
 - (a) publish a notice—
 - (i) in a newspaper circulating in the area in which the provisions of the order will have most effect;
 - (ii) in the Edinburgh Gazette; and
 - (iii) in such other publication as seems to them appropriate; and
 - (b) send a copy of the notice to such persons as they consider may be affected by the order.
- (2) Where the Scottish Ministers propose to make an order under subsection (4) of section 1 above, the harbour authority which made application under that subsection must, before the order is made—
 - (a) publish a notice—
 - (i) in a newspaper circulating in the area in which the provisions of the order will have most effect;
 - (ii) in the Edinburgh Gazette; and
 - (iii) in such other publication as may be directed by the Scottish Ministers; and
 - (b) send a copy of the notice—
 - (i) to such persons as they consider may be affected by the order; and
 - (ii) to such other persons as the Scottish Ministers may direct.

Changes to legislation: Transport and Works (Scotland) Act 2007, Section 26 is up to date with all changes known to be in force on or before 30 March 2020. 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

- (3) A notice under subsection (1) or (2) above must—
- (a) contain a summary of the contents of the proposed order;
 - (b) specify a place where a copy of the proposed order (and of any related map or plan) is available for public inspection; and
 - (c) provide details as to the making to the Scottish Ministers of objections to the proposed order by a date specified in the notice (that date being no less than 42 days after the first date of publication of the notice in terms of paragraph (a)(i) of subsection (1) or (2) above).
- (4) Where a harbour authority affected by the proposed order makes an objection to the Scottish Ministers by the date specified in the notice, the Scottish Ministers shall arrange for the objection to be considered—
- (a) at a public local inquiry; or
 - (b) at a hearing before a person appointed by them.
- (5) Where the Scottish Ministers receive any other objection by the date specified in the notice and they do not consider the objection to be frivolous or trivial, they shall arrange for the objection to be considered—
- (a) at a public local inquiry;
 - (b) at a hearing before a person appointed by them; or
 - (c) by way of written representations.
- (6) Subsections (2) and (4) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) (attendance and evidence at, and expenses of, inquiries) apply to an inquiry held under subsection (4)(a) or (5)(a) above as they apply to a local inquiry under that Act.
- (7) Subsections (6) to (8) of section 210 of the Local Government (Scotland) Act 1973 apply to a hearing held under subsection (4)(b) or (5)(b) above as they apply to a local inquiry under that Act.
- (8) The Scottish Ministers are to have regard to—
- (a) a report by the person conducting any inquiry or hearing under subsection (4) or (5) above; and
 - (b) any written representations in terms of subsection (5)(c) above, before deciding whether or not to make the proposed order (with or without modifications).
- (9) After an order has been made, the Scottish Ministers or, where the order is made under subsection (4) of section 1 above, the harbour authority which made application under that subsection must—
- (a) publish a notice—
 - (i) in a newspaper circulating in the area in which the provisions of the order will have most effect; and
 - (ii) in the Edinburgh Gazette; and
 - (b) send a copy of the notice to—
 - (i) any person to whom a copy notice was sent under paragraph (b) of subsection (1) or (2) above, as the case may be;
 - (ii) any person whose objection was considered at an inquiry or hearing under subsection (5) above; and

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(iii) any other person whom the Scottish Ministers consider appropriate.

(10) A notice under subsection (9) above must—

- (a) state that the order has been made;
- (b) specify the date on which it comes into force; and
- (c) specify a place where a copy of the order is available for public inspection.”.

Commencement Information

II S. 26 in force at 28.12.2007 by [S.S.I. 2007/516](#), [art. 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. 12(8A) inserted by [S.S.I. 2019/415 reg. 3\(4\)\(b\)](#)