



# Transport and Works (Scotland) Act 2007

## 2007 asp 8

### PART 1

#### ORDERS AUTHORISING WORKS ETC.

##### *Procedure for making orders*

## 8 Objections and representations

- (1) The Scottish Ministers may make rules as to—
  - (a) the making of objections—
    - (i) to an application under section 4, or
    - (ii) to a proposal to make an order by virtue of section 6,
  - (b) the information to be comprised within or submitted with any such objection,
  - (c) in the case of an objection made by virtue of paragraph (a)(i), the submission by the person making the application of—
    - (i) written representations, or
    - (ii) information,in relation to the objection,
  - (d) the submission of further—
    - (i) written representations, or
    - (ii) information,
  - (e) such other matters relating to the consideration of objections as appear to the Scottish Ministers to be appropriate.
- (2) Subject to the following provisions of this section, the Scottish Ministers are not to make a determination under section 11(2)(a) or (b) without first taking into consideration the grounds of any objection in respect of which rules under this section have been complied with.
- (3) If an objection is withdrawn or appears to the Scottish Ministers—
  - (a) to be frivolous or trivial, or
  - (b) to relate to matters concerned with the assessment of compensation, being matters which fall to be determined by the Lands Tribunal for Scotland,

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*Changes to legislation: There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Section 8. (See end of Document for details)*

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they may make a determination such as is mentioned in subsection (2) without further consideration of the objection.

- (4) Subsection (2) does not apply where the Scottish Ministers cause an inquiry to be held under subsection (1) of section 9 or cause an objection to be dealt with in accordance with subsection (2) of that section; but the Scottish Ministers are not to make a determination under section 11(2) without first taking into consideration the report of the person holding the inquiry or as the case may be of the person appointed under section 9(2).
- (5) Rules under this section may include provision authorising the Scottish Ministers—
  - (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 they consider it appropriate to do so.
- (6) The Scottish Ministers are, as soon as practicable after giving dispensation or requiring compliance under subsection (5), to notify their reasons for doing so to every person who the Scottish Ministers consider is materially affected by the dispensation or requirement.
- (7) Reasons may be notified under subsection (6) by—
  - (a) giving notice to the persons affected, or
  - (b) publishing a notice in such manner as the Scottish Ministers consider appropriate.
- (8) Rules under this section may include provision that they are to apply, or to apply with such modifications as may be specified in the rules, to the making of representations as regards—
  - (a) an application under section 4, or
  - (b) a proposal to make an order by virtue of section 6,
 as they apply to the making of objections to such an application or proposal.
- (9) In subsection (8) and in section 9, “representations” does not include representations submitted by virtue of paragraph (c) or (d) of subsection (1).

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**Modifications etc. (not altering text)**

- C1** Ss. 3-10 applied (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), **ss. 52(2)(3), 70(1)**
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**Commencement Information**

- I1** S. 8 in force at 28.12.2007 by [S.S.I. 2007/516](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Section 8.