



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 1

ORDERS AUTHORISING WORKS ETC.

Procedure for making orders

9 Inquiries and hearings

- (1) The Scottish Ministers may cause a public local inquiry to be held for the purposes of—
 - (a) an application under section 4, or
 - (b) a proposal by the Scottish Ministers to make an order by virtue of section 6.
- (2) The Scottish Ministers may give to a person who makes an objection or representations in accordance with rules under section 8 an opportunity of appearing before and being heard by a person appointed by the Scottish Ministers for the purpose.
- (3) Where a person within subsection (4)—
 - (a) makes an objection, and
 - (b) informs the Scottish Ministers in writing of a wish for the objection to be referred to an inquiry or dealt with in accordance with subsection (2),then, unless section 8(3) applies, the Scottish Ministers must either cause an inquiry to be held or, if they so determine, cause the objection to be dealt with in accordance with subsection (2).
- (4) The persons within this subsection are—
 - (a) the local authority for an area in which any works authorised by the proposed order are to be carried out,
 - (b) the National Park authority for a National Park in which any works authorised by the proposed order are to be carried out,
 - (c) the Transport Partnership created under section 1(1)(b) of the Transport (Scotland) Act 2005 (asp 12) for a region in which any works authorised by the proposed order are to be carried out,
 - (d) any navigation authority concerned with waters which would be affected by any works authorised by the proposed order,

*Changes to legislation: There are currently no known outstanding effects for the
Transport and Works (Scotland) Act 2007, Section 9. (See end of Document for details)*

- (e) where any works authorised by the proposed order would affect the construction or operation of a railway, Network Rail Infrastructure Limited, and
 - (f) where the proposals include the compulsory acquisition of land, any person who, if the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42) applied to the acquisition, would be entitled to a notice under paragraph 3(b) of the First Schedule to that Act (notice to owners, lessees and occupiers, etc.).
- (5) In subsection (4)(d), “navigation authority” means a person authorised by any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock.

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)**

Commencement Information

I1 S. 9 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 9.