



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 1

ORDERS AUTHORISING WORKS ETC.

Miscellaneous

16 Validity of orders under section 1

- (1) If a person aggrieved by an order under section 1 desires to question the validity of it, or of any provision contained in it, on the ground—
 - (a) that it is not within the powers of this Act, or
 - (b) that any requirement imposed by or under this Act has not been complied with,that person may, within the period of 42 days beginning with the relevant day, make an application for the purpose to the Court of Session.
- (2) In subsection (1), “the relevant day” is—
 - (a) where the order is one in respect of which a notice requires to be published under section 13(5)(a), the day on which that notice is published, or
 - (b) in any other case, the day on which the notice required by section 12(1)(c) is published.
- (3) On an application under subsection (1), the Court—
 - (a) may by interim order suspend the operation of the order, or of any provision contained in it, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings, and
 - (b) if satisfied that the order or any provision contained in it is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement imposed by or under this Act, may quash the order or any provision contained in it, either generally or in so far as it affects any property of the applicant.
- (4) Subject to subsections (1) and (3), an order under section 1 shall not, either before or after it has been made, be questioned in any legal proceedings whatever.