



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 1

ORDERS AUTHORISING WORKS ETC.

Procedure for making orders

11 Making or refusal of orders under section 1

- (1) This section applies where—
- (a) an application is made to the Scottish Ministers under section 4, or
 - (b) they propose to make an order by virtue of section 6,
- and the requirements of the preceding provisions of this Act in relation to any objections have been satisfied.
- (2) The Scottish Ministers may determine—
- (a) to make an order under section 1 which gives effect to the proposals concerned without modification,
 - (b) to make an order under that section which gives effect to those proposals with modifications, or
 - (c) not to make an order.
- (3) Without prejudice—
- (a) to the generality of paragraph (c) of subsection (2), and
 - (b) to subsection (4),
- where this section applies by virtue of paragraph (a) of subsection (1) but the Scottish Ministers consider that any of the objects of the order applied for could be achieved other than by means of such an order, they may on that ground determine to decline to make an order.
- (4) The Scottish Ministers' powers under subsection (2) include the power to make a determination in respect of some only of the proposals concerned, while making a separate determination in respect of, or deferring consideration of, others (and accordingly the power to make an order under section 1 includes power to make two or more orders on the same application).

Status: Point in time view as at 11/11/2011. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
 Transport and Works (Scotland) Act 2007, Section 11. (See end of Document for details)*

- (5) Where the Scottish Ministers propose to make an order giving effect, with modifications, to the proposals concerned being modifications which in their opinion make a substantial change in the proposals, they are—
- (a) to notify any person who appears to them likely to be affected by the change,
 - (b) to give that person an opportunity to make representations to them about the modifications within such period as they may specify in the notification, and
 - (c) before making the order, to consider any representations timeously made to them by that person.
- (6) [^{F1}An order under section 1 which is not subject to the affirmative procedure by virtue of section 13] comes into force on the date on which the notice required by section 12(1)(c) is first published unless a later date for its coming into force is specified in the order (in which case it comes into force on that later date).
- [^{F2}(7) In relation to an order which, by virtue of section 13, is subject to the affirmative procedure, references to making an order in subsections (2)(a) and (b) and (5) are to be read as references to laying before the Parliament a draft statutory instrument containing an order.]

Textual Amendments

- F1** Words in s. 11(6) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **19(a)**
- F2** S. 11(7) inserted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **19(b)**
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Commencement Information

- I1** S. 11 in force at 28.12.2007 by [S.S.I. 2007/516](#), **art. 2**

Status:

Point in time view as at 11/11/2011. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Section 11.