



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 1

ORDERS AUTHORISING WORKS ETC.

Procedure for making orders

4 Applications

- (1) The Scottish Ministers may make an order under section 1 on an application made to them in accordance with rules made under this section.
- (2) The Scottish Ministers may make rules as to—
 - (a) the form of an application under this section,
 - (b) the documents and information to be submitted with the application,
 - (c) the giving of notice of the application (including the publication of any such notice),
 - (d) consultation to be undertaken before the application is made, and
 - (e) any other steps to be taken—
 - (i) before the application is made, or
 - (ii) in connection with the making of the application.
- (3) The power to make such rules includes power to make provision—
 - (a) for (or in connection with) requiring the Scottish Ministers, in such cases or circumstances as may be prescribed in the rules, to give to a person who proposes to make an application under this section an opinion on the information, if any, to be supplied in connection with the application,
 - (b) as to the publicity to be given to any environmental information provided in relation to an application under this section.
- (4) Any provision made—
 - (a) by virtue of subsection (2)(b) as to the provision of information by a relevant authority to a person for the purposes of an application which the person proposes to make, or
 - (b) by virtue of subsection (2)(d),

Status: Point in time view as at 23/02/2017. This version of this provision has been superseded.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 4. (See end of Document for details)

may include provision requiring compliance with general or special directions given by the Scottish Ministers.

- (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) Rules under this section may provide for fees of such amounts as may be determined by, or in accordance with, the rules to be payable to the Scottish Ministers in connection with applications made under this section.
- (7) In subsection (4)(a), “relevant authority” means any authority in relation to which Article 5(4) of Council Directive [85/337/EEC](#), as amended by Council Directive [97/11/EC](#), (authorities holding relevant information to make it available to the developer) applies, and includes—
- (a) Scottish Natural Heritage,
 - (b) the Scottish Environment Protection Agency,
 - (c) a local authority, and
 - (d) a National Park authority.

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. 4 in force at 28.12.2007 by [S.S.I. 2007/516](#), [art. 2](#)

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