



# Transport and Works (Scotland) Act 2007

## 2007 asp 8

### PART 1

#### ORDERS AUTHORISING WORKS ETC.

##### *Procedure for making orders*

#### **6 Orders made otherwise than on application**

- (1) The Scottish Ministers may (without any application being made to them)—
  - (a) if it appears to them to be necessary or expedient to do so—
    - (i) for the purpose of suspending or discontinuing any operations, or
    - (ii) in consequence of the abandonment or neglect of any works,make an order under section 1,
  - (b) if any provisions of an order under that section appear to them to be spent, make an order under that section repealing or revoking those provisions,
  - (c) if they think fit (and whether or not an order under that section might be made by virtue of paragraph (a) or (b)), make by virtue of this paragraph an order under that section.
- (2) An order made by virtue of subsection (1)(a) may include provision for the recovery by the Scottish Ministers of any sum expended in—
  - (a) making the order, or
  - (b) carrying the provisions of the order into effect.
- (3) Where the Scottish Ministers propose to make an order by virtue of subsection (1), they are to—
  - (a) prepare a draft of the order,
  - (b) publish a notice of that proposal, including such particulars as may be prescribed, in the Edinburgh Gazette and in a local newspaper circulating in the area (or in each of the areas) in which the proposals contained in the draft order are intended to have effect, and
  - (c) give such further notice of the proposal as may be prescribed.

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*Changes to legislation: There are currently no known outstanding effects for the  
Transport and Works (Scotland) Act 2007, Section 6. (See end of Document for details)*

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- (4) The power to make provision by rules under section 4 in relation to applications includes power to make such corresponding provision as the Scottish Ministers consider appropriate in relation to proposals to make orders by virtue of subsection (1); and in subsection (3), “prescribed” means prescribed by rules under that section.
- (5) Without prejudice to the generality of subsection (4), in that subsection “corresponding provision” includes provision by rules corresponding to such rules as are mentioned in section 5(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. 6 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 6.