



Transport and Works Act 1992

1992 CHAPTER 42

PART I

ORDERS AUTHORISING WORKS ETC

Procedure for making orders

14 Publicity for making or refusal of orders.

[^{F1}(1) As soon as practicable after making a determination under section 13(1) above, the Secretary of State must—

- (a) give notice of the determination to the persons specified in subsection (1A),
- (b) publish a notice of the determination in the London Gazette, and
- (c) if it relates to an EIA order, make a notice of the determination available on a website maintained by or on behalf of the Secretary of State.

(1A) The specified persons are—

- (a) the person (if any) who applied for the order;
- (b) any person who made an objection which was referred to an inquiry or hearing in accordance with section 11(3);
- (c) if the determination is that an EIA order is to be made, to any authority the Secretary of State considers is likely to be concerned by the works or other projects authorised by the order because of their specific environmental responsibilities or local and regional competencies.]

[^{F2}(2) A notice under subsection (1)(a) above shall give—

- (a) the reasons for the determination and the considerations upon which it is based;
- (b) information about the public participation process; and
- (c) information regarding the right to challenge the validity of the determination and the procedures for doing so.

(2A) A notice under subsection (1)(b) above shall state—

Status: Point in time view as at 05/12/2017. This version of this provision has been superseded.

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- (a) the terms of the determination;
 - (b) that the notice under subsection (1)(a) above gives the information referred to in subsection (2)(a) to (c) above; and
 - (c) where copies of the notice under subsection (1)(a) above may be obtained.]
- (3) A notice under subsection (1) above of a determination to make an order shall give such particulars of the terms of the order as the Secretary of State considers appropriate, and in particular shall (except where the order is made by virtue of section 7 above) state the name and address of the person who applied for the order.
- [^{F3}(3A) Where a determination under section 13(1) above relates to an application or proposal [^{F4}to which this subsection applies][^{F4}for an EIA order], the notices under subsection (1) above shall state that, before the Secretary of State made the determination—
- (a) he [^{F5}considered the environmental statement][^{F5}complied with sections 13B to 13D], and
 - (b) he complied with any obligations under section 10 above in respect of any objection made in accordance with rules under that section which relates to the environmental statement, and
 - (c) he considered, or referred to an inquiry under section 11(1) above or a person appointed under section 11(2), any representation duly made to him (other than an objection) which relates to the environmental statement.
- [^{F6}(3AA)]
- [If an EIA order is to be made—
- [^{F7}(3AA) (a) the notice under subsection (1)(a) must also include the address of the website on which it is to be made available under subsection (1)(c), and
- (b) the notices under subsection (1)(a) and (c) must include the information specified in subsection (3AB).
- (3AB) The specified information is—
- (a) in so far as they relate to the likely significant effects of the proposed works or other projects on the environment, a summary of —
 - (i) the results of any consultation undertaken in accordance with rules made under section 6 (including in particular any comments made by, or the authorities in or public of, another Member State), and
 - (ii) any objections made in accordance with rules made under section 10,
 - (b) a summary of how those results and objections have been taken into account in making the determination,
 - (c) the reasoned conclusion,
 - (d) a description of any features of the works or other projects, or measures, to avoid, prevent or reduce and, if possible, offset any likely significant adverse effects of the works or other projects on the environment, and
 - (e) a statement of any monitoring measures, requirements to take remedial action or other conditions relating to the likely significant effects of the proposed works or other projects on the environment that are imposed.]
- [^{F8}(3B) Subsection (3A) above applies to any application under section 6 above for an order, and any proposal to make an order by virtue of section 7 above, where the order would authorise—

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- (a) works or other projects in a class listed in Annex I to Council Directive 85/337/EEC^{F9} on the assessment of the effects of certain public and private projects on the environment, [^{F10}as amended by Council Directive 97/11/EC,] or
 - (b) works or other projects in a class listed in Annex II to that Directive [^{F10}as amended] which are, by virtue of their nature, size or location, likely to have significant effects on the environment.]
- (3C) The Secretary of State shall send a copy of any notice to which subsection (3A) above applies to any person who made—
- (a) an objection to which paragraph (b) of that subsection refers, which was not referred to an inquiry or hearing in accordance with section 11(3) above, or
 - (b) a representation to which subsection (3A) (c) above refers.
- (3D) [^{F11}For the purposes of subsection (3A) above, “environmental statement” means a statement—
- (a) which is required by virtue of rules made under section 6 above—
 - (i) to accompany an application under that section for an order; or
 - (ii) to be prepared in connection with the publication of a notice of a proposal to make an order by virtue of section 7 above, and
 - (b) which sets out particulars of the likely impact on the environment of the implementation of the order applied for or proposed.]]
- [^{F12}(4) Where the Secretary of State makes a determination under section 13(1) above, the appropriate person shall publish a notice in a local newspaper circulating in the area, or in each of the areas, in which the relevant proposals are or were intended to have effect; and such notice shall state the information referred to in subsection (2A) (a) to (c) above.
- (4A) In subsection (4)—
- (a) in relation to an application for an order under section 1 or 3 above—
 - (i) “appropriate person” means the person who applied for the order;
 - (ii) “relevant proposals” means the proposals contained in the application;
 - (b) in relation to a proposal to make an order by virtue of section 7 above—
 - (i) “appropriate person” means the Secretary of State;
 - (ii) “relevant proposals” means the proposals contained in the draft order prepared by the Secretary of State pursuant to section 7.]
- (5) As soon as practicable after the making of an order under section 1 or 3 above, the person who applied for the order (or, where the order is made by virtue of section 7 above, the Secretary of State) shall—
- (a) deposit in the office of the Clerk of the Parliaments a copy of the order, and of any plan or book of reference prepared in connection with the application (or proposed order), and
 - (b) deposit with each of the councils mentioned in subsection (7) below in whose area works authorised by the order are to be carried out a copy of each of those documents, or of so much of them as is relevant to those works.
- (6) Where a plan or book of reference is revised before the order is made, the reference in subsection (5)(a) above is to the latest version.

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- (7) The councils referred to in subsection (5) above are district councils, London borough councils and the Common Council of the City of London [^{F13}but are, in relation to Wales, county councils and county borough councils].
- (8) A council with which documents are deposited in accordance with subsection (5) above shall make them available for inspection free of charge at all reasonable hours.

Textual Amendments

- F1** S. 14(1)(1A) substituted for s. 14(1) (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 3 para. 5(2)** (with Sch. 6 paras. 9, 12)
- F2** S. 14(2)(2A) substituted for s. 14(2) (20.4.2006) by [The Transport and Works \(Assessment of Environmental Effects\) Regulations 2006 \(S.I. 2006/958\)](#), regs. 1(1), **2(4)**
- F3** S. 14(3A-3D) inserted (1.8.1995) by [S.I. 1995/1541](#), **art. 2**
- F4** Words in s. 14(3A) substituted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 3 para. 5(3)(a)** (with Sch. 6 paras. 9, 12)
- F5** Words in s. 14(3A)(a) substituted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 3 para. 5(3)(b)** (with Sch. 6 paras. 9, 12)
- F6** S. 14(3AA) inserted (7.10.1998) by [S.I. 1998/2226](#), **art. 4(a)**
- F7** S. 14(3AA)(3AB) substituted for s. 14(3AA) (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 3 para. 5(4)** (with Sch. 6 paras. 9, 12)
- F8** S. 14(3B) omitted (E.W.) (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 3 para. 5(5)** (with Sch. 6 paras. 9, 12)
- F9** OJ No. L175, 5.7.85 p.40.
- F10** Words in s. 14(3B)(a)(b) inserted (7.10.1998) by [S.I. 1998/2226](#), **art. 4(b)**
- F11** S. 14(3D) omitted (E.W.) (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 3 para. 5(6)** (with Sch. 6 paras. 9, 12)
- F12** S. 14(4)(4A) substituted for s. 14(4) (20.4.2006) by [The Transport and Works \(Assessment of Environmental Effects\) Regulations 2006 \(S.I. 2006/958\)](#), regs. 1(1), **2(5)**
- F13** Words in s. 14(7) inserted (1.4.1996) by [1994 c. 19](#), s. 22(1), **Sch. 7 Pt. I**, para. 34(2); [S.I. 1996/396](#), art. 3, **Sch. 1**

Commencement Information

- I1** Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and [S.I. 1992/2784](#), art. 2, **Sch. 1**.

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