
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

**The Transport and Works (Scotland) Act 2007
(Applications and Objections Procedure) Rules 2007**

Fees for applications

17.—(1) The fee for an application is—

- (a) £10,000; or
- (b) £1,000 where either—
 - (i) the primary object of the proposed order to which the application relates is the construction or operation of a heritage railway; or
 - (ii) the applicant is a body which may refer to itself as a “charity” in terms of section 13 or 14 of the Charities and Trustee Investment (Scotland) Act 2005 (references to charitable status)(1).

(2) In paragraph (1), “heritage railway” means a railway which is operated to—

- (a) preserve, re create or simulate railways of the past; or
- (b) demonstrate or operate historical or special types of motive power or rolling stock,

and which is exclusively or primarily used for tourist, educational or recreational purposes.

(3) The fee for an application shall be paid to the Scottish Ministers when the application is made.

(4) Where an application is withdrawn before the expiration of the time limit specified in paragraph (5) an applicant may make a request in writing to the Scottish Ministers for the repayment of any part of the fee paid when that application was made.

(5) The time limit is—

- (a) in the case of an application in relation to which, pursuant to rules made under section 10 of the Act, the Scottish Ministers have given notice of their intention to hold a public local inquiry, the expiration of the period of 14 days commencing with the date on which any such inquiry is closed;
- (b) in the case of an application in relation to which, pursuant to rules made under section 10 of the Act, the Scottish Ministers have given notice of their intention to hold a hearing under section 9(2) of the Act, the expiration of the period of 14 days commencing with the date on which any such hearing is closed;
- (c) in the case of an application to which the provisions of rule 22 apply, the end of the day on which is completed the latest of such of the time periods specified in or pursuant to paragraphs (2) to (10) of that rule as shall apply to that application; or
- (d) in any other case, the end of the operative date.

(6) Where a request is made pursuant to paragraph (4), the Scottish Ministers shall repay to the applicant such portion (if any) of the fee paid as the Scottish Ministers shall consider appropriate.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007 No. 570
