
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

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

Application of written representations procedure

21.—(1) Subject to paragraphs (2) to (4), rule 22 shall apply to an objection unless, on or before the operative date, the Scottish Ministers have—

- (a) given notice in accordance with rules made under section 10(1) of the Act (procedure at inquiries and hearings) that they will cause a public local inquiry to be held;
- (b) given notice to the applicant and every objector who made the objection in question that the objection will be dealt with in accordance with section 9(2) of the Act (inquiries and hearings); or
- (c) informed the objector in question and the applicant that it appears to the Scottish Ministers that the objection is of a type mentioned in paragraph (a) or (b) of section 8(3) of the Act (frivolous or trivial objections or objections relating to compensation).

(2) Rule 22 shall not apply in relation to an objection if, not later than the operative date, a statutory objector informs the Scottish Ministers in writing of the statutory objector's wish for the objection to be referred to a public local inquiry or dealt with in accordance with section 9(2) of the Act.

(3) Rule 22 shall cease to apply to an objection if after the operative date either the Scottish Ministers or a statutory objector, as the case may be, takes in relation to that objection one of the steps mentioned in paragraph (1) or (2) above.

(4) Notwithstanding that one of the steps mentioned in paragraph (1) or (2) has been taken, the Scottish Ministers may, with the consent of the applicant and every statutory objector, and after consulting such other persons as they think fit, direct that rule 22 shall thereafter apply to all objections that have not been withdrawn; provided that, where any of the steps required to be taken under that rule have been taken before the date of that direction, they need not be taken again.

(5) In this rule “statutory objector” means a person within section 9(4) of the Act who has made an objection which—

- (a) has not been withdrawn; and
- (b) does not appear to the Scottish Ministers to be of a type mentioned in paragraph (a) or (b) of section 8(3) of the Act.