
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

**The Transport and Works (Scotland) Act 2007
(Inquiries and Hearings Procedure) Rules 2007**

PART 2

INQUIRIES

Service of statements of case, etc

7.—(1) The applicant shall not later than 4 weeks after the starting date serve a statement of case on the Scottish Ministers and on each statutory objector and each person who is required to serve a statement of case under paragraph (3).

(2) In addition to the statement of case served under paragraph (1), the applicant shall serve—

- (a) upon the Scottish Ministers a copy of every document or the relevant part of any document which the applicant intends to refer to or put in evidence and of the notice mentioned in sub paragraph (b); and
- (b) upon each statutory objector and each person who is required to serve a statement of case under paragraph (3) a notice giving the names of all places, within each area in which the proposals contained in the application are to have effect (or as close as reasonably possible to any such area), where a copy of every document or the relevant part of any document which the applicant intends to refer to or put in evidence may be inspected free of charge at all reasonable hours until the date of commencement of the inquiry.

(3) When required by notice in writing from the Scottish Ministers to do so—

- (a) a statutory objector; or
- (b) any other person who has notified the Scottish Ministers of an intention or wish to appear at the inquiry,

shall within 4 weeks from the date of such notice serve a statement of case on the Scottish Ministers, on the applicant and on any other person specified in such notice and the Scottish Ministers shall, as soon as practicable, notify the applicant of the name and address of each person required to serve a statement of case.

(4) In addition to the statement of case served under paragraph (3), every person mentioned in paragraph (3)(a) and (b) shall serve upon the Scottish Ministers and the applicant a copy of every document or the relevant part of any document which such person intends to refer to or put in evidence unless copies of the document or part of the document are available for inspection pursuant to paragraph (9).

(5) Any person who has served a statement of case in accordance with this rule shall—

- (a) when required by notice in writing from the Scottish Ministers or the reporter provide such further information about the matters contained in the statement as the Scottish Ministers or reporter may specify; and

- (b) at the same time send a copy of such further information to any other person on whom the statement of case has been served.
- (6) The Scottish Ministers shall, within 8 weeks from the starting date, serve a statement of matters on the applicant, each statutory objector and any person from whom they have required a statement of case.
- (7) The Scottish Ministers may amend a statement of matters served under paragraph (6) at any time up to 4 weeks before the commencement of the inquiry.
- (8) Any person who has served a statement of case in accordance with this rule and who wishes to comment on another person's statement of case shall, not later than 4 weeks before the date fixed for the commencement of the inquiry, send further comments in writing to the Scottish Ministers, the applicant and the person whose statement of case is the subject of the comment if that person is not the applicant.
- (9) The applicant shall afford to any person who so requests a reasonable opportunity to inspect and, where practicable and subject to payment by that person of a reasonable charge, take copies of any statement or document which, or a copy of which, has been served on or by the applicant in accordance with any of the preceding paragraphs of this rule; and shall specify in the applicant's statement of case the time and place at which the opportunity will be afforded.