

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules regulate the procedures prior to, the conduct of proceedings during and the procedures after, a public local inquiry or hearing held pursuant to section 9 of the Transport and Works (Scotland) Act 2007. These relate to applications or proposals for orders under section 1 of that Act to authorise transport systems and inland waterways.

Part 1 of the Rules makes introductory provision.

Rule 4 provides for the extension of time limits for the taking of steps set out in the Rules.

Part 2 of the Rules applies in relation to inquiries.

Rule 5 imposes a requirement on the Scottish Ministers, where they cause an inquiry to be held, to notify the persons directly interested in the inquiry within a specified time period.

Rule 6 imposes requirements on the Scottish Administration to serve an official case comprising a statement of its evidence where an official representation has been made.

Rule 7 imposes requirements on the applicant and (where required by the Scottish Ministers) other persons with an interest in the inquiry to serve documents relevant to it. It also requires the Scottish Ministers to serve a statement of the matters about which they particularly wish to be informed for the purposes of their consideration of an order. It also makes provision for the supply of additional information and a right of any person to inspect information held by the applicant.

Rule 8 enables a reporter to hold a pre inquiry meeting.

Rule 9 enables the reporter, where a pre inquiry meeting is held, to arrange a timetable for the inquiry and to vary that timetable.

Rule 10 provides for the appointment of an assessor by the Scottish Ministers.

Rule 11 provides for fixing the date of, and the notification procedures relating to, an inquiry.

Rule 12 sets out those who may take part in an inquiry and rule 13 makes provision to require any part of the Scottish Administration which has provided an official case to attend the inquiry.

Rule 14 imposes a requirement on those giving (or calling another person to give) evidence to the inquiry to prepare a precognition. It also sets out requirements and service arrangements in this connection.

Rule 15 enables the applicant and any other party to prepare a statement of common ground and send it to the reporter 4 weeks before the inquiry.

Rule 16 provides for the procedure at an inquiry and rule 17 makes provision for the reporter to make unaccompanied and accompanied site visits.

Rule 18 provides for the procedure after an inquiry in respect of the production of the report of the inquiry by the reporter and the notification procedures to affected parties if the Scottish Ministers disagree with a matter of fact in the report or they are taking into consideration new evidence or a new matter of fact.

Rule 19 provides the procedure to make available the reporter's report when the Scottish Ministers have not supplied that report with the notification of their decision.

Rule 20 provides the procedure following the quashing by a court of the Scottish Ministers' decision in relation to an application or proposal for an order.

Part 3 of the Rules applies in relation to hearings.

Rule 21 imposes a requirement on the Scottish Ministers where they cause a hearing to be held to notify the persons directly interested in the hearing within a specified time period.

Rule 22 imposes requirements on the Scottish Administration to serve an official case comprising a statement of its evidence where an official representation is made.

Rule 23 imposes requirements on the applicant and (where required by the Scottish Ministers) any person whose objection or representations are to be dealt with at the hearing to serve documents relevant to it. It also makes provision for the supply of additional information and a right of any person to inspect information held by the applicant.

Rule 24 provides for the appointment of an assessor by the Scottish Ministers.

Rule 25 provides for fixing the date of, and the notification procedures relating to, a hearing.

Rule 26 sets out those who may take part in a hearing and rule 27 makes provision to require any part of the Scottish Administration which has provided an official case to attend the hearing.

Rule 28 provides for the procedure at a hearing and rule 29 makes provision for the reporter to make unaccompanied and accompanied site visits.

Rule 30 provides for the procedure after a hearing in respect of the production of the report of the hearing by the reporter and the notification procedures to affected parties if the Scottish Ministers disagree with a matter of fact in the report or they are taking into consideration new evidence or a new matter of fact.

Rule 31 provides the procedure to make available the reporter's report when the Scottish Ministers have not supplied that report with the notification of their decision.

Rule 32 provides the procedure following the quashing by a court of the Scottish Ministers decision in relation to an application or proposal for an order.

A Regulatory Impact Assessment has been prepared in respect of these rules. A copy can be obtained from the Scottish Government Transport Directorate, Victoria Quay, Edinburgh EH6 6QQ.