
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 571

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

PART 3

HEARINGS

Date and notification of hearing

25.—(1) The date fixed by the Scottish Ministers for the commencement of a hearing shall be determined in consultation with the applicant but shall be—

- (a) not later than 14 weeks after the starting date; or
- (b) where the Scottish Ministers are satisfied that in all the circumstances of the case it is impracticable to commence the hearing within the period mentioned in sub paragraph (a), the earliest practicable date after the end of that period.

(2) The place at which the hearing is to be held shall be determined by the Scottish Ministers in consultation with the applicant and where the Scottish Ministers are satisfied, having regard to the nature of the application, that it is reasonable to do so they may direct that it shall be held at more than one place.

(3) Unless the Scottish Ministers agree to a lesser period of notice with the applicant and each statutory objector, they shall give not less than 4 weeks' notice of the date, time and place fixed by them for the holding of a hearing to every person specified in rule 26(1).

(4) The Scottish Ministers may—

- (a) vary the date fixed for the holding of a hearing whether or not the revised date is within the applicable period mentioned in paragraph (1); and
- (b) where a direction has been given under paragraph (2) vary the date of the holding of the hearing at any place,

and paragraph (3) shall apply to a variation of a date as it applied to the date originally fixed.

(5) The Scottish Ministers may vary the time or place for the holding of a hearing and shall give such notice of any such variation as appears to them to be reasonable.

(6) Unless the Scottish Ministers otherwise direct, and subject to paragraph (7), the applicant shall not later than 2 weeks before the date fixed for the commencement of a hearing—

- (a) post a notice of the hearing in a conspicuous place or (in the case of an application for an order making provision for land based linear works more than 5 kilometres in length) at intervals of not more than 5 kilometres on, or as close as reasonably practicable to, the land to which the powers sought in the application relate;
- (b) post a notice of the hearing in one or more places where public notices are usually posted in the area in which the proposals contained in the application relate; and
- (c) publish a notice of the hearing by local advertisement in the area in which the proposals contained in the application are to have effect.

(7) Where a direction has been given under paragraph (2), paragraph (6) shall have effect with the substitution—

- (a) for references to the hearing, of references to the part of the hearing which is to be held at a place specified in the direction; and
- (b) for references to the application, of references to that part of the application which is to be the subject of that part of the hearing.

(8) Any notice posted pursuant to paragraph (6)(a) or (b) shall be readily visible to and legible by members of the public provided that where the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the commencement of the hearing, the applicant shall be treated as having complied with the requirements of those sub paragraphs if the applicant has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(9) Any notice of the hearing posted or published pursuant to paragraph (6) shall contain a statement of the date, time and place of the hearing, and of the relevant section of the Act under which the application has been made, together with a sufficient description of the proposals in the application to identify their location with or without reference to a specified map.