
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 571

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

PART 3

HEARINGS

Procedure following quashing of decision

32.—(1) Where a decision of the Scottish Ministers on an application in respect of which a hearing has been held is quashed in proceedings before any court, the Scottish Ministers—

- (a) shall send to the persons entitled to appear at the hearing who appeared at it a written statement of the matters with respect to which further representations are invited for the purpose of the Scottish Ministers further consideration of the application;
- (b) shall afford to those persons the opportunity of making written representations to the Scottish Ministers in respect of those matters or of asking for the re opening of the hearing; and
- (c) may, if the Scottish Ministers think fit, cause the hearing to be re opened (whether by the same or a different reporter) and if they do so paragraphs (2) to (9) of rule 25 shall apply—
 - (i) as if references to any hearing were references to a re opened hearing; and
 - (ii) as if the words “whether or not the revised date is within the applicable period mentioned in paragraph (1)” were omitted from paragraph (4)(a).

(2) Any persons making representations or asking for the hearing to be re opened under paragraph (1)(b) shall submit such representations or requests to the Scottish Ministers within 3 weeks of the date of the written statement sent under paragraph (1)(a).