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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 199**

**The Transport and Works (Scotland) Act 2007  
(Access to Land on Application) Order 2008**

**Hearing**

**8.—**(1) The Scottish Ministers may give to a person who has made representations an opportunity of appearing before and being heard by a person appointed by the Scottish Ministers for the purpose.

(2) The persons entitled to appear at a hearing are—

(a) the applicant; and

(b) any person whose representations are to be dealt with at the hearing.

(3) Nothing in paragraph (2) shall prevent the person appointed by the Scottish Ministers to hold a hearing from permitting any other person to appear at a hearing.

(4) Any person entitled or permitted to appear may do so on that person's own behalf or be represented by counsel, a solicitor or any other person.

(5) The Scottish Ministers shall notify—

(a) the applicant; and

(b) any person whose representations are to be dealt with at a hearing,

of the arrangements for the hearing not less than 28 days before the date on which the hearing is to take place.

(6) The Scottish Ministers may vary the arrangements for a hearing and shall give such notice of any such variation as appears to them to be reasonable.

(7) The applicant shall, not later than 14 days before the date on which the hearing is to take place (or by such later day as the Scottish Ministers may allow), publish a notice of the hearing in at least one newspaper circulating in the locality, or each of the localities, in which the relevant land to which the application relates is situated.

(8) The person appointed by the Scottish Ministers to hold a hearing shall determine the procedure at a hearing and shall state at the commencement of a hearing the procedure that person proposes to adopt subject to consideration of any submission by any of the persons specified in paragraph (2).

(9) Subsections (6), (7) and (8) of section 210 of the Local Government (Scotland) Act 1973 (expenses of inquiries)<sup>(1)</sup> apply to a hearing held under this article as they apply to a local inquiry under that Act.

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(1) 1973 c. 65; section 210 was relevantly amended by the Housing and Planning Act 1986 (c. 63), Schedule 11, paragraph 39.