



Transport and Works Act 1992

1992 CHAPTER 42

PART I

ORDERS AUTHORISING WORKS ETC

Procedure for making orders

11 Inquiries and hearings.

- (1) The Secretary of State may cause a public local inquiry to be held for the purposes of an application under section 6 above or a proposal by the Secretary of State to make an order by virtue of section 7 above.
- (2) The Secretary of State may give to a person who makes an objection in accordance with rules under section 10 above an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (3) Where an objection is made by a person within subsection (4) below who informs the Secretary of State in writing that he wishes the objection to be referred to an inquiry or dealt with in accordance with subsection (2) above, then, unless section 10(3) above applies, the Secretary of State shall either cause an inquiry to be held or, if he so determines, cause the objection to be dealt with in accordance with subsection (2).
- (4) The persons within this subsection are—
 - (a) any local authority for an area in which any works authorised by the proposed order are to be carried out, and
 - (b) where the proposals include the compulsory acquisition of land, any person who, if Part II of the^{M1} Acquisition of Land Act 1981 (notice to owners, lessees and occupiers) applied to the acquisition, would be entitled to a notice under section 12 of that Act;

and for the purposes of paragraph (a) above “local authority” means a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly [^{F1}, a county borough council,] and a Passenger Transport Executive.

Status: Point in time view as at 25/06/2013.

Changes to legislation: Transport and Works Act 1992, Section 11 is up to date with all changes known to be in force on or before 04 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Subsections (2) to (5) of section 250 of the ^{M2}Local Government Act 1972 (attendance and evidence at, and costs of, inquiries) shall apply to an inquiry held under subsection (1) above; but—
- (a) in its application by virtue of this subsection, section 250(4) shall have effect with the omission of the words “and any amount” onwards, and
 - (b) the power to make an order as to costs under section 250(5) as applied by this subsection shall be exercisable not only where the inquiry takes place but also where arrangements are made for it but it does not take place.
- (6) Subsections (4) and (5) of section 250 of the Local Government Act 1972 (costs) shall apply in relation to proceedings under subsection (2) above as they apply in relation to an inquiry under subsection (1) above.

Textual Amendments

- F1** Words in s. 11(4) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I**, para. 34(1) (with ss. 54(5), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

- C1** S. 11(4) modified (1.6.1993) by S.I. 1993/1119, reg. 4(2), **Sch. 2** (as amended (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 32(4)** (with arts. 4-6))

Commencement Information

- I1** Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

- M1** 1981 c. 67.
M2 1972 c. 70.

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