



# Transport and Works Act 1992

## 1992 CHAPTER 42

### PART I

#### ORDERS AUTHORISING WORKS ETC

##### *Procedure for making orders*

#### **13 Making or refusal of orders under section 1 or 3**

- (1) Where an application has been made to the Secretary of State under section 6 above, or he proposes to make an order by virtue of section 7 above, and (in either case) the requirements of the preceding provisions of this Act in relation to any objections have been satisfied, he shall determine—
  - (a) to make an order under section 1 or 3 above which gives effect to the proposals concerned without modifications, or
  - (b) to make an order which gives effect to those proposals with modifications, or
  - (c) not to make an order.
- (2) Where an application has been made to the Secretary of State under section 6 above and he considers that any of the objects of the order applied for could be achieved by other means, he may on that ground determine not to make the order (but this subsection is without prejudice to subsection (3) below).
- (3) The power of the Secretary of State to make a determination under subsection (1) above includes power to make a determination in respect of some only of the proposals concerned, while making a separate determination in respect of, or deferring consideration of, others (and accordingly the power to make an order under section 1 or 3 above includes power to make two or more orders on the same application).
- (4) Where the Secretary of State proposes to make an order which gives effect to the proposals concerned with modifications which will in his opinion make a substantial change in the proposals—
  - (a) he shall notify any person who appears to him to be likely to be affected by the modifications,

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*Status: This is the original version (as it was originally enacted).*

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- (b) he shall give that person an opportunity of making representations to him about the modifications within such period as he may specify in the notice, and
  - (c) he shall before making the order consider any representations duly made to him.
- (5) An order under section 1 or 3 above shall come into operation on the date on which the notice required by subsection (1)(b) of section 14 below is first published, or on such later date, if any, as may be specified in the order.