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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for amendments to Part 1 of the Transport and Works Act 1992 (“the Act”) in relation to applications for orders and to orders which may be made otherwise than on application.

These amendments implement, in part, the provisions of Directive [2003/35/EC](#). Article 3 amends the public participation and access to justice provisions of Council Directive [85/337/EEC](#) (as previously amended by Council Directive [97/11/EC](#) of 3 March 1997), relating to the assessment of the effects of certain public and private projects on the environment.

In so far as the provisions of Article 3 are not fully implemented in regard to orders under Part 1 of the Act, implementation will be achieved by the introduction of these amendments to the Act and of new procedure rules to be made under the Act (as amended) after these Regulations come into force.

A new section 6(2B) of the Act is inserted to enable the making of rules as to the publicity to be given to any environmental information provided in relation to an application under section 6.

Section 7(3)(b) of the Act is amended to require the Secretary of State to publish a notice in the London Gazette and a local newspaper for any draft order which he proposes to make under section 7 (orders made otherwise than on application).

Section 9(3)(a) of the Act (schemes of national significance) is amended to require the Secretary of State to publish a notice in a local newspaper for all proposals which he considers to be of national significance.

Section 14(2) of the Act is amended to require the notice of a determination to state the main reasons and considerations upon which the determination is based together with information regarding the public participation process, the right to challenge the validity of the determination and the process for such a challenge.

A new section 14(2A) is inserted which requires the notice in the London Gazette to include the terms of the determination, to state where copies of the determination may be obtained and to state that the determination gives the information required under section 14(2).

Section 14(4) of the Act is amended to require the publication of a local newspaper notice for any determination given by the Secretary of State under section 13(1).

A new section 14(4A) is inserted containing definitions for terms used in section 14(4) as amended.

A Regulatory Impact Assessment has not been prepared for this instrument, as it will place negligible additional burdens on business. The Regulatory Impact Assessment which has been prepared in relation to the proposed new procedural Rules to be made under the Act, as amended, takes account of the minimal effects of this instrument as part of the wider implementation of Directive [2003/35/EC](#). A copy of that Regulatory Impact Assessment will be available from the Department for Transport, Zone 2, Floor 9, Southside, 105 Victoria Street, London SW1E 6DT.

A copy of the Transposition Note for this instrument is available from the same address.