

# Transport and Works Act 1992 c. 42

## s. 1 Orders as to railways tramways etc.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

Version 2 of 2

1 March 2010 - Present

### Subjects

Transport

### Keywords

Transport and works orders; Transport policy

### 1.— Orders as to railways tramways etc.

(1) The Secretary of State may make an order relating to, or to matters ancillary to, the construction or operation of a transport system of any of the following kinds, so far as it is in England and Wales—

- (a) a railway;
- (b) a tramway;
- (c) a trolley vehicle system;
- (d) a system using a mode of guided transport prescribed by order made under [section 2](#) below.

[

(1A) Subsection (1) is subject to—

- (a) [section 33\(2\)](#) of the [Planning Act 2008](#) (exclusion of powers to authorise development);
- (b) [section 120\(9\)](#) of that Act (exclusion of power to include ancillary provision in orders).

] <sup>1</sup>

(2) The power to make orders under this section shall be exercisable by statutory instrument.

### Notes

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<sup>1</sup> Added by Planning Act 2008 c. 29 [Sch.2 para.52](#) (March 1, 2010)

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*Part I ORDERS AUTHORISING WORKS ETC > Power to make orders > s. 1 Orders as to railways tramways etc.*

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## s. 2 Extension of section 1 to other guided transport systems.



Law In Force

### Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Guidelines; Transport and works orders; Transport policy

### 2.— Extension of section 1 to other guided transport systems.

- (1) The Secretary of State may by order prescribe modes of guided transport for the purposes of [section 1\(1\)\(d\)](#) above.
- (2) The power to make orders under this section shall be exercisable by statutory instrument; but no order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

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*Part I ORDERS AUTHORISING WORKS ETC > Power to make  
orders > s. 2 Extension of section 1 to other guided transport systems.*

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## s. 3 Orders as to inland waterways etc.



Law In Force With Amendments Pending

[View proposed draft amended version](#)

**Version 2 of 2**

1 March 2010 - Present

### Subjects

Transport

### Keywords

Inland waterways; Ministers' powers and duties; Transport and works orders

### 3.— Orders as to inland waterways etc.

(1) The Secretary of State may make an order relating to, or to matters ancillary to—

(a) the construction or operation of an inland waterway in England and Wales;

(b) the carrying out of works which—

(i) interfere with rights of navigation in waters within or adjacent to England and Wales, up to the seaward limits of the territorial sea, and

(ii) are of a description prescribed by order made under [section 4](#) below.

[

(1A) Subsection (1) is subject to—

(a) [section 33\(2\)](#) of the [Planning Act 2008](#) (exclusion of powers to authorise development);

(b) [section 120\(9\)](#) of that Act (exclusion of power to include ancillary provision in orders).

] <sup>1</sup>

(2) The Secretary of State shall not make an order under this section if in his opinion the primary object of the order could be achieved by means of an order under the [Harbours Act 1964](#).

(3) The power to make orders under this section shall be exercisable by statutory instrument.

## Notes

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<sup>1</sup> Added by Planning Act 2008 c. 29 [Sch.2 para.53](#) (March 1, 2010)

## s. 4 Description of works for purposes of section 3.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Descriptions; Inland waterways; Transport and works orders

### 4.— Description of works for purposes of section 3.

- (1) The Secretary of State may by order prescribe descriptions of works for the purposes of [section 3\(1\)\(b\)](#) above.
- (2) The power to make orders under this section shall be exercisable by statutory instrument; but no order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

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*Part I ORDERS AUTHORISING WORKS ETC > Power to make  
orders > s. 4 Description of works for purposes of section 3.*

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## s. 5 Subject-matter of orders under sections 1 and 3.



Law In Force

Version 2 of 2

2 July 2012 - Present

### Subjects

Transport

### Keywords

Inland waterways; Public transport; Subject matter; Transport and works orders

### 5.— Subject-matter of orders under sections 1 and 3.

(1) Without prejudice to the generality of [sections 1 and 3](#) above, the matters as to which provision may be made by an order under either of those sections include those set out in [Schedule 1](#) to this Act.

(2) An order under section 1 or 3 above may make provision in relation to more than one scheme, system or mode of transport.

(3) An order under section 1 or 3 above may—

(a) apply, modify or exclude any statutory provision which relates to any matter as to which an order could be made under section 1 or, as the case may be, 3, and

(b) make such amendments, repeals and revocations of statutory provisions of local application as appear to the Secretary of State to be necessary or expedient in consequence of any provision of the order or otherwise in connection with the order;

and for the purposes of this subsection “*statutory provision*” means provision of an Act of Parliament or of an instrument made under an Act of Parliament.

(4) The provisions that may be made by an order under section 1 or 3 above include—

(a) any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to—

(i) any other provision of the order,

(ii) any provision of an earlier order under the section concerned, or

(iii) any provision which is contained in an Act of Parliament passed before the time when this Part of this Act is first wholly in force, or in an instrument made under an Act of Parliament before that time, and which is of a kind which could be included in an order under section 1 or 3 above;

(b) such supplemental and transitional provisions as appear to him to be necessary or expedient in connection with the order.

(5) A provision of an order under section 1 or 3 above relating to offences shall not authorise the imposition on persons convicted of an offence of a term of imprisonment or of a fine exceeding level 3 on the standard scale.

(6) An order under section 1 or 3 above shall not extinguish any public right of way over land unless the Secretary of State is satisfied—

(a) that an alternative right of way has been or will be provided, or

(b) that the provision of an alternative right of way is not required.

(7) Where an order under [sections 104\(3\), 105\(3\) or 112](#) of the Transport Act 1968 (classification and maintenance of [Canal & River Trust's] <sup>1</sup> waterways, and maintenance and use of other waterways) is required so as to give effect to any proposal, no provision shall be included in an order under section 1 or 3 above which would—

- (a) remove that requirement, or
- (b) alter the requirements of [sections 104, 105 or 112](#) of, or [Schedule 13](#) to, that Act relating to orders under those sections.

## Notes

- <sup>1</sup> Words substituted by British Waterways Board (Transfer of Functions) Order 2012/1659 [Sch.3\(1\) para.12\(2\)](#) (July 2, 2012 subject to transitional provisions and savings specified in SI 2012/1659 arts 5 and 6)

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*Part I ORDERS AUTHORISING WORKS ETC > Power to make  
orders > s. 5 Subject-matter of orders under sections 1 and 3.*

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## s. 6 Applications for orders under sections 1 and 3.



Law In Force

Version 8 of 8

5 December 2017 - Present

### Subjects

Transport

### Keywords

Applications; Inland waterways; Public transport; Transport and works orders

### 6.— Applications for orders under sections 1 and 3.

(1) Subject to [section 7](#) below, the Secretary of State shall not make an order under [section 1](#) or [3](#) above except on an application made to him in accordance with rules made under this section.

(2) The Secretary of State may make rules as to—

- (a) the form of an application under this section;
- (b) the documents and information that must be submitted with it;
- (c) the giving and publication of notices of an application;
- (d) any other steps that must be taken before an application is made or in connection with the making of an application.

[

(2A) The power to make rules by virtue of subsection (2) above includes power to make provision for or in connection with requiring the Secretary of State in such cases or circumstances as may be prescribed in the rules to give to a person who proposes to make an application under this section an opinion on the information, if any, to be supplied in connection with that application.

]<sup>1</sup>[

(2B) The power to make rules by virtue of subsection (2) above includes a power to make rules as to the publicity to be given to any [EIA information (see [section 13A](#))]<sup>3</sup> provided in relation to an application made under this section.

]<sup>2</sup>

(3) Any provision made by rules as to the consultation that must be carried out before an application is made [, or as to the provision of information by a relevant authority to a person for the purposes of an application which the person proposes to make,]<sup>4</sup> may include provision requiring compliance with general or special directions given by the Secretary of State.

(4) Rules under this section may make different provision for different cases, and may include provision authorising the Secretary of State—

- (a) to dispense with compliance with rules that would otherwise apply, or
- (b) to require compliance with rules that would not otherwise apply,

in any case where he considers it appropriate to do so.

(5) Rules may provide for fees of such amounts as may be determined by or in accordance with the rules to be payable to the Secretary of State on the making of applications under this section.

(6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[

(7) In subsection (3) above “*relevant authority*” means—

(a) Natural England;

(b) the Natural Resources Body for Wales;

(c) a local planning authority, within the meaning of [Part 1](#) of the [Town and Country Planning Act 1990](#);

(d) any other person or authority having specific environmental responsibilities, or local or regional competences, which the Secretary of State considers is likely to have an interest in an application a person proposes to make.

] <sup>5</sup>

## Notes

- 1 Added by Transport and Works (Assessment of Environmental Effects) Regulations 1998/2226 [reg.2\(a\)](#) (October 7, 1998)
- 2 Added by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(1\)](#) (April 20, 2006)
- 3 Words substituted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.2\(a\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 7, 8, 9 and 12)
- 4 Words inserted by Transport and Works (Assessment of Environmental Effects) Regulations 1998/2226 [reg.2\(b\)](#) (October 7, 1998)
- 5 Substituted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.2\(b\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 7, 8, 9 and 12)

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*Part I ORDERS AUTHORISING WORKS ETC > Procedure for  
making orders > s. 6 Applications for orders under sections 1 and 3.*

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## s. 6A Cases where Member States are affected



Law In Force

Version 4 of 4

31 December 2020 - Present

### Subjects

Transport

### Keywords

Member States; Ministers' powers and duties

[

### 6A.— Cases where [...] <sup>2</sup> Member States are affected

(1) The power conferred on the Secretary of State by [subsection \(2\) of section 6](#) above to make rules includes power to make rules for a case where an application has been made under that section and [a] <sup>3</sup> Member State is affected by the project in question, as to—

- (a) the provision by the Secretary of State to the Member State, or to authorities in, or the public of, the Member State, of documents and information relating to the application;
- (b) consultation by the Secretary of State with the Member State in connection with the application; or
- (c) notification by the Secretary of State to the Member State of the decision, or of matters relating to the decision, on the application.

(2) For the purposes of subsection (1) above, the cases where [a] <sup>3</sup> Member State is affected by the project in question are those cases where—

- (a) it appears to the Secretary of State that the project would be likely to have significant effects on the environment in [a] <sup>3</sup> Member State; or
- (b) [a] <sup>4</sup> Member State is likely to be significantly affected by the project and requests information relating to the application.

[

(3) "*Member State*", in relation to any time, includes a State which is at that time a party to the EEA agreement.

] <sup>5</sup> ] <sup>1</sup>

## Notes

<sup>1</sup> Added by Transport and Works (Assessment of Environmental Effects) Regulations 1998/2226 [reg.3](#) (October 7, 1998)

<sup>2</sup> Word repealed by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(2\)\(a\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

## Notes

- 3 Word substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(2\)\(b\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
  - 4 Words substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(2\)\(c\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
  - 5 Substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 2 reg.2\(2\)](#) (March 12, 2019)
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*Part I ORDERS AUTHORISING WORKS ETC > Procedure for  
making orders > s. 6A Cases where Member States are affected*

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## s. 7 Orders under sections 1 and 3 made otherwise than on application.



Law In Force

Version 2 of 2

20 April 2006 - Present

### Subjects

Transport

### Keywords

Inland waterways; Ministers' powers and duties; Public transport; Publication; Transport and works orders

### 7.— Orders under sections 1 and 3 made otherwise than on application.

(1) The Secretary of State may without any application being made to him make—

(a) an order under [section 1](#) above which relates to, or to matters ancillary to, the construction for naval, military, air force or other defence purposes of a railway, tramway or other system within [section 1\(1\)](#), or the operation of a railway, tramway or other system constructed for those purposes;

(b) an order under section 1 or [3](#) above making any provision which appears to the Secretary of State to be necessary or expedient, in the interests of safety,—

(i) for the purpose of suspending or discounting any operations, or

(ii) in consequence of the abandonment or neglect of any works;

(c) an order under section 1 or 3 above repealing or revoking provisions which appear to the Secretary of State to be spent.

(2) An order made by virtue of subsection (1)(b) above may include provision for the recovery by the Secretary of State of the costs of making the order and of carrying its provisions into effect.

(3) Where the Secretary of State proposes to make an order by virtue of this section, he shall—

(a) prepare a draft of the order,

[

(b) publish a notice of his intention to make the order, which notice shall include such particulars as may be prescribed, in the London Gazette and in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the draft order are intended to have effect, and

] <sup>1</sup>

(c) give such further notices of the proposal as may be prescribed.

(4) The power to make provision by rules under [section 6](#) above in relation to applications shall include power to make such corresponding provision as the Secretary of State considers appropriate in relation to proposals to make orders by virtue of this section; and in subsection (3) above “*prescribed*” means prescribed by rules under section 6.

## Notes

- 1 Substituted by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(2\)](#) (April 20, 2006)
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*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders  
> s. 7 Orders under sections 1 and 3 made otherwise than on application.*

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## s. 8 Model clauses.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Clauses; Transport and works orders

### 8.— Model clauses.

- (1) The Secretary of State may by order prescribe model provisions for incorporation in any draft orders which, in accordance with rules made under [section 6](#) above, may be required to be submitted with applications under that section.
- (2) Different provisions may be prescribed under this section for different cases.
- (3) The prescribing under this section of a model provision shall not of itself make it mandatory for a provision in the terms of the model to be incorporated in a draft order or in any order eventually made by the Secretary of State under [section 1](#) or [3](#) above.
- (4) The power to make orders under this section shall be exercisable by statutory instrument.

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*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 8 Model clauses.*

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## s. 9 Schemes of national significance.



Law In Force

Version 2 of 2

20 April 2006 - Present

### Subjects

Transport

### Keywords

Proposals; Publication; Resolutions

### 9.— Schemes of national significance.

- (1) This section applies where an application made under [section 6](#) above relates (wholly or in part) to proposals which in the opinion of the Secretary of State are of national significance.
- (2) Before the end of the period of 56 days beginning with the day on which he receives the application, the Secretary of State shall publish in the London Gazette a notice identifying the application and the proposals which in his opinion are of national significance.
- (3) On, or as soon as practicable after, the day on which the notice required by subsection (2) above is published, the Secretary of State shall—[
  - (a) publish a like notice in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the application are intended to have effect, and
 ]<sup>1</sup>
  - (b) send a copy of the notice to the applicant and to every person within [section 11\(4\)](#) below who objected to the application in accordance with rules made under [section 10](#) below.
- (4) The Secretary of State shall not make an order on the application unless each House of Parliament, on a motion moved by a Minister of the Crown which identifies the proposals referred to above, passes a resolution approving them at some time later than 56 days after the day of publication of the notice required by subsection (2) above.
- (5) An order made on the application shall not include any provision that is inconsistent with a proposal approved by a resolution in accordance with this section unless that provision gives effect to modifications of the proposal which have themselves been approved by a resolution of each House of Parliament passed on a motion moved by a Minister of the Crown.
- (6) This section shall apply in relation to an order which the Secretary of State makes or proposes to make by virtue of [section 7](#) above as it applies in relation to an order for which an application is made to him, except that in such a case—
  - (a) subsections (2) and (3) above shall not apply, and
  - (b) subsection (4) above shall apply as if the reference to the notice required by subsection (2) above were a reference to the notice required by [section 7\(3\)](#) above to be published in the London Gazette;
 and any proposals which in the opinion of the Secretary of State are of national significance shall be identified as such in any notice required by or under [section 7\(3\)](#) above.

## Notes

- 1 Substituted by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(3\)](#) (April 20, 2006)
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*Part I ORDERS AUTHORISING WORKS ETC > Procedure  
for making orders > s. 9 Schemes of national significance.*

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## s. 10 Objections.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Objections; Orders

### 10.— Objections.

(1) The Secretary of State may make rules as to—

- (a) the making of objections to an application under [section 6](#) above or to a proposal to make an order by virtue of [section 7](#) above;
- (b) the information to be comprised within or submitted with an objection;
- (c) the submission by the person making the application of written representations or information in relation to objections;
- (d) the submission of further written representations or information;
- (e) such other matters relating to the consideration of objections as appear to the Secretary of State to be appropriate.

(2) Subject to the following provisions of this section, the Secretary of State shall not make a determination under [section 13\(1\)](#) below to make an order without first taking into consideration the grounds of any objection in respect of which rules under this section have been complied with.

(3) If an objection is withdrawn or appears to the Secretary of State—

- (a) to be frivolous or trivial, or
- (b) to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation,

he may make a determination under [section 13\(1\)](#) below without further consideration of the objection.

(4) Subsection (2) above shall not apply where the Secretary of State causes an inquiry to be held under [section 11\(1\)](#) below or causes an objection to be dealt with in accordance with [section 11\(2\)](#) below, but the Secretary of State shall not make a determination under [section 13\(1\)](#) below without first taking into consideration the report of the person holding the inquiry, or as the case may be of the person appointed under [section 11\(2\)](#).

(5) Rules under this section may make different provision for different cases, and may include provision authorising the Secretary of State—

- (a) to dispense with compliance with rules that would otherwise apply, or
- (b) to require compliance with rules that would not otherwise apply,

in any case where he considers it appropriate to do so.

(6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.



*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 10 Objections.*

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## s. 11 Inquiries and hearings.



Law In Force

Version 2 of 2

1 April 1996 - Present

### Subjects

Transport

### Keywords

Hearings; Ministers' powers and duties; Public inquiries; Transport and works 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 [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 [, a county borough council,]<sup>1</sup> and a Passenger Transport Executive.
- (5) [Subsections \(2\) to \(5\) of section 250](#) of the [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.

## Notes

- 1 Words inserted by Local Government (Wales) Act 1994 c. 19 [Sch.7\(I\) para.34\(1\)](#) (April 1, 1996)
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*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 11 Inquiries and hearings.*

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## s. 12 Special parliamentary procedure.



Law In Force

Version 2 of 2

25 June 2013 - Present

### Subjects

Transport

### Keywords

Compulsory purchase orders; Parliamentary procedure

### 12.— Special parliamentary procedure.

(1) An order under [section 1](#) or [3](#) above authorising a compulsory purchase shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of [section 18](#) or [19](#) of the [Acquisition of Land Act 1981](#) (or by virtue of [paragraph 5](#) or [6 of Schedule 3](#) to that Act) (National Trust land, commons etc), if the purchase were authorised by an order under [section 2\(1\)](#) of that Act.

(2) In [section 3](#) of the Statutory Orders (Special Procedure) Act 1945 (petitions against orders subject to special parliamentary procedure) after [subsection \(4\)](#) there shall be inserted—

“

(4A) The Chairman shall not certify that a petition is proper to be received if the order to which it relates is made under [section 1](#) or [3](#) of the Transport and Works Act 1992 and either—

(a) the petition is a petition of general objection and the order relates to proposals which have been approved by each House of Parliament in accordance with [section 9](#) of that Act, or

(b) the petition is a petition for amendment and any of the amendments asked for would in the opinion of the Chairmen be inconsistent with such proposals.

”

(3) In relation to an order under [section 1](#) or [3](#) above which is subject to special parliamentary procedure—

(a) [section 13\(5\)](#) below shall not apply,

(b) [section 22](#) below shall not apply if the order is confirmed by Act of Parliament under [[section 4](#) or [6](#)]<sup>1</sup> of the Statutory Orders (Special Procedure) Act 1945, and

(c) in any other case, [section 22\(1\)](#) below shall have effect as if for the reference to the day on which the notice required by [section 14\(1\)\(b\)](#) is published there were substituted a reference to the day on which the order comes into operation under the Statutory Orders (Special Procedure) Act 1945.

## Notes

- 1 Words inserted by Growth and Infrastructure Act 2013 c. 27 [s.25\(9\)](#) (June 25, 2013: insertion has effect subject to transitional and saving provisions specified in SI 2013/1488 art.8(3))
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*Part I ORDERS AUTHORISING WORKS ETC > Procedure  
for making orders > s. 12 Special parliamentary procedure.*

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## s. 13 Making or refusal of orders under section 1 or 3: general.



Law In Force

Version 2 of 2

5 December 2017 - Present

### Subjects

Transport

### Keywords

Decisions; Ministers' powers and duties; Notice; Transport and works orders

### 13.— Making or refusal of orders under section 1 or 3 [: general] <sup>1</sup> .

(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,
- (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 \(1\)](#) of [section 14](#) below is first published, or on such later date, if any, as may be specified in the order.

[

(6) This section is subject to [sections 13B to 13D](#) (which make provision about the consideration of applications or proposals for EIA orders and the making of such orders).

] <sup>2</sup>

## Notes

- 1 Word inserted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.3\(a\)](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
  - 2 Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.3\(b\)](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 13 Making or refusal of orders under section 1 or 3: general.*

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## s. 13A Environmental impact assessment: definitions



Law In Force

Version 1 of 1

5 December 2017 - Present

### Subjects

Environment; Transport

### Keywords

Environmental impact assessments; Environmental statements; Interpretation; Orders; Statutory definition

[

### 13A.— Environmental impact assessment: definitions

- (1) This section defines certain terms used in this Part.
- (2) “*The EIA Directive*” means Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.
- (3) “*EIA information*”, in relation to an application under [section 6](#), or proposal under [section 7](#), for an EIA order, means—
  - (a) the environmental statement,
  - (b) any other information which the Secretary of State reasonably requires for the purpose of reaching a reasoned conclusion (see [section 13B](#)), and
  - (c) any representations made by any person about the environmental effects of the proposed works or other projects.
- (4) “*EIA order*” means an order authorising works or other projects—
  - (a) which are—
    - (i) in a class listed in Annex I to the EIA Directive, or
    - (ii) in a class listed in Annex II to the EIA Directive and, by virtue of their nature, size or location, likely to have significant effects on the environment, and
  - (b) which are not exempt works.
- (5) For the purposes of subsection (4), works or other projects are exempt if the Secretary of State directs or decides (in accordance with rules made under [section 6](#)) that an environmental impact assessment is not required in respect of those works or projects.
- (6) “*Environmental statement*” means a statement which, by rules under [section 6](#), is required—
  - (a) to accompany an application for, or be prepared in connection with the publication of a proposal to make, an EIA order, and
  - (b) amongst other matters, to set out the likely significant effects of the implementation of the EIA order applied for or proposed on the environment.
- (7) “*Reasoned conclusion*” means a reasoned conclusion under [section 13B\(1\)\(b\)](#).

] <sup>1</sup>



## Notes

- 1 Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.4](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for  
making orders > s. 13A Environmental impact assessment: definitions*

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## s. 13B Application or proposal for an EIA order: reasoned conclusion



Law In Force

Version 1 of 1

5 December 2017 - Present

### Subjects

Environment; Transport

### Keywords

Administrative decision-making; Environmental impact assessments; Ministers' powers and duties; Orders

[

### 13B.— Application or proposal for an EIA order: reasoned conclusion

(1) Before making a determination under [section 13\(1\)](#) in respect of an application or proposal for an EIA order, the Secretary of State—

(a) must consider the EIA information, and

(b) following that consideration, must reach a reasoned conclusion about the likely significant effects of the proposed works or other projects on the environment.

(2) The Secretary of State must obtain such expert advice as appears to the Secretary of State to be necessary for the purposes of considering the environmental statement.

(3) When making a determination under [section 13\(1\)](#) in respect of an application or proposal for an EIA order, the Secretary of State must take into account the reasoned conclusion.

(4) But the Secretary of State may determine to make an EIA order (whether with or without modifications) only if satisfied that the reasoned conclusion is up to date.

] <sup>1</sup>

## Notes

- <sup>1</sup> Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.4](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)

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*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders  
> s. 13B Application or proposal for an EIA order: reasoned conclusion*

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## s. 13C EIA orders: monitoring measures and remedial action



Law In Force

Version 2 of 2

31 December 2020 - Present

### Subjects

Environment; Transport

### Keywords

Environmental impact assessments; Environmental monitoring; Environmental remediation; Ministers' powers and duties; Orders  
[

### 13C.— EIA orders: monitoring measures and remedial action

(1) If the Secretary of State proposes to make an EIA order (whether with or without modifications), the Secretary of State must consider whether monitoring of the significant adverse effects of the works or other projects on the environment to be authorised by the order is appropriate and, if so, must consider—

- (a) whether it is appropriate to impose a monitoring measure, and
- (b) whether it is appropriate to impose a requirement to take remedial action.

(2) In this section, “*monitoring measure*”, in relation to proposed works or other projects, means a requirement to monitor any significant adverse effects of the works or projects on the environment.

(3) For the purposes of subsection (1)(a), the Secretary of State must take into account any monitoring arrangements which are required to be carried out under the law of any part of the United Kingdom (other than a provision [which implemented]<sup>2</sup> the EIA Directive).

(4) The Secretary of State may impose a monitoring measure or a requirement to take remedial action in the EIA order or, if the Secretary of State gives a direction under [section 90\(2A\)](#) of the [Town and Country Planning Act 1990](#) on the making of the EIA order, by way of condition specified in that direction.

(5) But the Secretary of State may impose a monitoring measure only if satisfied that the type of parameters which will be required to be monitored and the duration of such monitoring are proportionate having regard to—

- (a) the nature, location and size of the proposed works or other projects, and
- (b) the significance of the effects of the works or other projects on the environment.

] <sup>1</sup>

## Notes

<sup>1</sup> Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.4](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)

## Notes

- 2 Word substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(3\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
- 

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making  
orders > s. 13C EIA orders: monitoring measures and remedial action*

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## s. 13D Application or proposal for an EIA order: time limit



Law In Force

Version 1 of 1

5 December 2017 - Present

### Subjects

Environment; Transport

### Keywords

Administrative decision-making; Applications; Environmental impact assessments; Ministers' powers and duties; Orders; Proposals; Time limits

[

### 13D. Application or proposal for an EIA order: time limit

The Secretary of State must make a determination under [section 13\(1\)](#) in relation to an application or proposal for an EIA order within a reasonable period of time (having regard to the nature and complexity of the works or other project to which it relates) beginning on the day on which the Secretary of State has all of the information necessary to reach the reasoned conclusion.

] <sup>1</sup>

## Notes

- <sup>1</sup> Added by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.4](#) (December 5, 2017: insertion has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)

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*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 13D Application or proposal for an EIA order: time limit*

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## s. 14 Publicity for making or refusal of orders.



Law In Force

Version 7 of 7

31 December 2020 - Present

### Subjects

Transport

### Keywords

Decisions; Notice; Publication; Transport and works orders

### 14.— Publicity for making or refusal of orders.

[

(1) As soon as practicable after making a determination under [section 13\(1\)](#) above, the Secretary of State must—

- (a) give notice of the determination to the persons specified in subsection (1A),
- (b) publish a notice of the determination in the London Gazette, and
- (c) if it relates to an EIA order, make a notice of the determination available on a website maintained by or on behalf of the Secretary of State.

(1A) The specified persons are—

- (a) the person (if any) who applied for the order;
- (b) any person who made an objection which was referred to an inquiry or hearing in accordance with [section 11\(3\)](#);
- (c) if the determination is that an EIA order is to be made, to any authority the Secretary of State considers is likely to be concerned by the works or other projects authorised by the order because of their specific environmental responsibilities or local and regional competencies.

] <sup>1</sup> [

(2) A notice under subsection (1)(a) above shall give—

- (a) the reasons for the determination and the considerations upon which it is based;
- (b) information about the public participation process; and
- (c) information regarding the right to challenge the validity of the determination and the procedures for doing so.

(2A) A notice under subsection (1)(b) above shall state—

- (a) the terms of the determination;
- (b) that the notice under subsection (1)(a) above gives the information referred to in subsection (2)(a) to (c) above; and
- (c) where copies of the notice under subsection (1)(a) above may be obtained.

] <sup>2</sup>

(3) A notice under subsection (1) above of a determination to make an order shall give such particulars of the terms of the order as the Secretary of State considers appropriate, and in particular shall (except where the order is made by virtue of [section 7](#) above) state the name and address of the person who applied for the order.

[

(3A) Where a determination under [section 13\(1\)](#) above relates to an application or proposal [for an EIA order]<sup>4</sup>, the notices under subsection (1) above shall state that, before the Secretary of State made the determination—

- (a) he [complied with [sections 13B to 13D](#)]<sup>5</sup>, and
- (b) he complied with any obligations under [section 10](#) above in respect of any objection made in accordance with rules under that section which relates to the environmental statement, and
- (c) he considered, or referred to an inquiry under [section 11\(1\)](#) above or a person appointed under [section 11\(2\)](#), any representation duly made to him (other than an objection) which relates to the environmental statement.

[

(3AA) If an EIA order is to be made—

- (a) the notice under subsection (1)(a) must also include the address of the website on which it is to be made available under subsection (1)(c), and
- (b) the notices under subsection (1)(a) and (c) must include the information specified in subsection (3AB).

(3AB) The specified information is—

- (a) in so far as they relate to the likely significant effects of the proposed works or other projects on the environment, a summary of —
  - (i) the results of any consultation undertaken in accordance with rules made under [section 6](#) (including in particular any comments made by, or the authorities in or public of, [a]<sup>7</sup> Member State), and
  - (ii) any objections made in accordance with rules made under [section 10](#),
- (b) a summary of how those results and objections have been taken into account in making the determination,
- (c) the reasoned conclusion,
- (d) a description of any features of the works or other projects, or measures, to avoid, prevent or reduce and, if possible, offset any likely significant adverse effects of the works or other projects on the environment, and
- (e) a statement of any monitoring measures, requirements to take remedial action or other conditions relating to the likely significant effects of the proposed works or other projects on the environment that are imposed.

] <sup>6</sup>[...]<sup>8</sup>

(3C) The Secretary of State shall send a copy of any notice to which subsection (3A) above applies to any person who made—

- (a) an objection to which paragraph (b) of that subsection refers, which was not referred to an inquiry or hearing in accordance with [section 11\(3\)](#) above, or
- (b) a representation to which subsection (3A) (c) above refers.

[...]<sup>9</sup>]<sup>3</sup>[

(4) Where the Secretary of State makes a determination under [section 13\(1\)](#) above, the appropriate person shall publish a notice in a local newspaper circulating in the area, or in each of the areas, in which the relevant proposals are or were intended to have effect; and such notice shall state the information referred to in subsection (2A) (a) to (c) above.

(4A) In subsection (4)—

(a) in relation to an application for an order under [section 1](#) or [3](#) above—

(i) “*appropriate person*” means the person who applied for the order;

(ii) “*relevant proposals*” means the proposals contained in the application;

(b) in relation to a proposal to make an order by virtue of [section 7](#) above—

(i) “*appropriate person*” means the Secretary of State;

(ii) “*relevant proposals*” means the proposals contained in the draft order prepared by the Secretary of State pursuant to [section 7](#).

]

<sup>10</sup>

(5) As soon as practicable after the making of an order under [section 1](#) or [3](#) above, the person who applied for the order (or, where the order is made by virtue of section 7 above, the Secretary of State) shall—

(a) deposit in the office of the Clerk of the Parliaments a copy of the order, and of any plan or book of reference prepared in connection with the application (or proposed order), and

(b) deposit with each of the councils mentioned in subsection (7) below in whose area works authorised by the order are to be carried out a copy of each of those documents, or of so much of them as is relevant to those works.

(6) Where a plan or book of reference is revised before the order is made, the reference in subsection (5)(a) above is to the latest version.

(7) The councils referred to in subsection (5) above are district councils, London borough councils and the Common Council of the City of London [ but are, in relation to Wales, county councils and county borough councils] <sup>11</sup> .

(8) A council with which documents are deposited in accordance with subsection (5) above shall make them available for inspection free of charge at all reasonable hours.

## Notes

- 1 S.14(1) and (1A) substituted for s.14(1) by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(2\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 2 S.14(2) and (2A) substituted for a.14(2) by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(4\)](#) (April 20, 2006)
- 3 Added by Transport and Works (Assessment of Environmental Effects) Regulations 1995/1541 [reg.2](#) (August 1, 1995)
- 4 Words substituted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(3\)\(a\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
- 5 Words substituted by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(3\)\(b\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)



## Notes

- 6 S.14(3AA) and (3AB) substituted for s.14(3AA) by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(4\)](#) (December 5, 2017: substitution has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
  - 7 Word substituted by Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019/311 [Pt 3 reg.4\(4\)](#) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)
  - 8 Repealed by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(5\)](#) (December 5, 2017: repeal has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
  - 9 Repealed by Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017/1070 [Sch.3 para.5\(6\)](#) (December 5, 2017: repeal has effect subject to transitional and savings provisions specified in SI 2017/1070 Sch.6 paras 9 and 12)
  - 10 S.14(4) and (4A) substituted for s.14(4) by Transport and Works (Assessment of Environmental Effects) Regulations 2006/958 [reg.2\(5\)](#) (April 20, 2006)
  - 11 Words inserted by Local Government (Wales) Act 1994 c. 19 [Sch.7\(I\) para.34\(2\)](#) (April 1, 1996)
- 

*Part I ORDERS AUTHORISING WORKS ETC > Procedure for making orders > s. 14 Publicity for making or refusal of orders.*

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## s. 14A Compulsory acquisition: notice requirements



Law In Force

Version 1 of 1

2 February 2017 - Present

### Subjects

Transport

### Keywords

Compulsory purchase; Notices; Transport and works orders

[

### 14A Compulsory acquisition: notice requirements

(1) This section applies where the appropriate national authority has determined under [section 13\(1\)](#) to make an order under [section 1](#) or [3](#)—

- (a) authorising the compulsory acquisition of land in England or Wales, and
- (b) applying [Parts 2 and 3](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#) to the acquisition.

(2) As soon as practicable after the appropriate national authority has made the determination, the acquiring authority must give a notice to any person who, if [Part 2](#) of the [Acquisition of Land Act 1981](#) applied to the acquisition, would be entitled to a notice under [section 12](#) of that Act (notice to owners, lessees and occupiers).

(3) The notice must—

- (a) contain a statement about the effect of [Parts 2 and 3](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#), and
- (b) invite any person who would be entitled to claim compensation if a declaration were executed under [section 4](#) of the [Compulsory Purchase \(Vesting Declarations\) Act 1981](#) to give the acquiring authority information about the person's name, address and interest in land, using a form set out in the notice.

(4) The statement referred to in subsection (3)(a) must be the same as the relevant statement prescribed under—

- (a) [section 15\(4\)\(e\)](#) of the [Acquisition of Land Act 1981](#), where the determination was made following an application, or
- (b) [paragraph 6\(4\)\(e\)](#) of [Schedule 1](#) to that Act, where the determination was made otherwise than following an application,

subject to any necessary modifications.

(5) The form mentioned in subsection (3)(b) must be the same as the relevant form that is prescribed under—

- (a) [section 15\(4\)\(f\)](#) of the [Acquisition of Land Act 1981](#), where the determination was made following an application, or
- (b) [paragraph 6\(4\)\(f\)](#) of [Schedule 1](#) to that Act, where the determination was made otherwise than following an application,

subject to any necessary modifications.

(6) The acquiring authority must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.

(7) For the purposes of subsections (4) and (5), a statement or a form is “relevant”—

- (a) where the order under [section 1](#) or [3](#) is made by the Welsh Ministers, if it was prescribed by the Welsh Ministers, or
- (b) where the order under [section 1](#) or [3](#) is made by the Secretary of State, if it was prescribed by the Secretary of State.

(8) In this section—

the “*acquiring authority*” means the person authorised to carry out the compulsory acquisition, and

the “*appropriate national authority*” means—

- (a) where an order authorises the compulsory acquisition of land wholly in England, the Secretary of State,
- (b) where an order authorises the compulsory acquisition of land in both England and Wales, the Secretary of State, and
- (c) where an order authorises the compulsory acquisition of land wholly in Wales, the Welsh Ministers.

] <sup>1</sup>

## Notes

- 1 Added by Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017/16 [Sch.1 para.5\(1\)](#) (February 2, 2017: insertion applies only where the Secretary of State or the Welsh Ministers determine to make an order under 1992 c.42 s.1 or 3 after February 2, 2017)

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*Part I ORDERS AUTHORISING WORKS ETC > Procedure for  
making orders > s. 14A Compulsory acquisition: notice requirements*

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## s. 15 Assimilation of procedures.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Procedure; Regulations; Variation

### 15.— Assimilation of procedures.

- (1) This section applies to applications made under [section 6](#) above relating to proposals for the purposes of which the giving of a consent, permission or licence under any enactment, or the making or confirmation of an order under any enactment, is required.
- (2) The Secretary of State may make regulations for securing that, where the requirement referred to in subsection (1) above would not be removed by the order to which the application relates—
- (a) the procedure for obtaining, or otherwise relating to, the consent, permission, licence, order or confirmation, and
  - (b) the procedure relating to the application made under section 6 above,
- are wholly or partly assimilated (and in particular that proceedings relating to the one may be held concurrently with proceedings relating to the other).
- (3) Regulations under this section may include provision—
- (a) excluding or modifying the application of any enactment;
  - (b) authorising the Secretary of State to give directions or take such other steps as may be appropriate for the purpose of securing the object mentioned in subsection (2) above.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section shall apply to proposals by the Secretary of State to make orders by virtue of [section 7](#) above as it applies to applications under section 6 above.

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*Part I ORDERS AUTHORISING WORKS ETC > Consents etc  
under other enactments > s. 15 Assimilation of procedures.*

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## s. 16 Town and country planning.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### 16.— Town and country planning.

(1) In [section 90](#) of the [Town and Country Planning Act 1990](#) (which gives power to deem planning permission to be granted in certain cases where development is authorised by a government department) after [subsection \(2\)](#) there shall be inserted—

“

(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

”

(2) In [Schedule 13](#) to the Town and Country Planning Act 1990 (blighted land) after [paragraph 22](#) there shall be added—

“

#### 23.

Land—

(a) the compulsory acquisition of which is authorised by an order under section 1 or 3 of the Transport and Works Act 1992, or

(b) which falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable, or

(c) which is the subject of a proposal, contained in an application made in accordance with rules under section 6 of that Act or in a draft order prepared under section 7(3) of that Act, that it should be such land.

”

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*Part I ORDERS AUTHORISING WORKS ETC > Consents etc  
under other enactments > s. 16 Town and country planning.*

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## s. 17 Listed buildings and conservation areas.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### 17. Listed buildings and conservation areas.

In [section 12](#) of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), after [subsection \(3\)](#) there shall be inserted—

“(3A) An application for listed building consent shall, without any direction by the Secretary of State, be referred to the Secretary of State instead of being dealt with by the local planning authority in any case where the consent is required in consequence of proposals included in an application for an order under section 1 or 3 of the Transport and Works Act 1992.”

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*Part I ORDERS AUTHORISING WORKS ETC > Consents etc under  
other enactments > s. 17 Listed buildings and conservation areas.*

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## s. 18 Hazardous substances.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### 18. Hazardous substances.

In [section 12](#) of the [Planning \(Hazardous Substances\) Act 1990](#) (which gives power to deem hazardous substances consent to be granted in certain cases) after [subsection \(2\)](#) there shall be inserted—

“

(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes any provision that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the Secretary of State may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

”

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*Part I ORDERS AUTHORISING WORKS ETC > Consents etc under other enactments > s. 18 Hazardous substances.*

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## s. 19 Coast Protection Act 1949.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### 19. Coast Protection Act 1949.

In [section 35](#) of the Coast Protection Act 1949 (which excepts certain operations from the requirement to obtain the Secretary of State's consent under section 34) in [subsection \(1\)](#) there shall be added after [paragraph \(g\)](#)—

“

(h) any operations authorised by an order under section 1 or 3 of the Transport and Works Act 1992.

”

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*Part I ORDERS AUTHORISING WORKS ETC > Consents  
etc under other enactments > s. 19 Coast Protection Act 1949.*

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## s. 20 Power to apply for, or object to, orders.

**Law In Force****Version 5 of 5**

2 July 2012 - Present

**Subjects**

Transport

**Keywords**

Authorised persons; Conditions; Opposition; Powers rights and duties

**20.— Power to apply for, or object to, orders.**

(1) A body which has power to promote or power to oppose Bills in Parliament shall also have power to apply for, or as the case may be power to object to, orders under [sections 1](#) and [3](#) above.

(2) Where the power of a body to promote or to oppose Bills is subject to any condition, then, except as provided by subsection (3) [ or (4)]<sup>1</sup> below, the corresponding power conferred on the body by subsection (1) above shall be subject to the like condition.

[...]<sup>2</sup> [

(4) In the case of Transport for London—

(a) the powers conferred by subsection (1) above shall be exercisable with the written consent of the Mayor of London; and

(b) subsection (2) above shall not have effect.

]<sup>3</sup>

### Notes

<sup>1</sup> Words added by Greater London Authority Act 1999 c. 29 [Pt IV c.II s.168\(2\)](#) (July 3, 2000)

<sup>2</sup> Repealed by British Waterways Board (Transfer of Functions) Order 2012/1659 [Sch.3\(1\) para.12\(3\)](#) (July 2, 2012) subject to transitional provisions and savings specified in SI 2012/1659 arts 5 and 6)

<sup>3</sup> Added by Greater London Authority Act 1999 c. 29 [Pt IV c.II s.168\(3\)](#) (July 3, 2000)

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*Part I ORDERS AUTHORISING WORKS ETC > Consents etc under  
other enactments > s. 20 Power to apply for, or object to, orders.*

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## s. 21 Transport Consultative Committees.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### 21.— Transport Consultative Committees.

(1) In [section 56](#) of the Transport Act 1962 (which establishes a Central Transport Consultative Committee and Area Transport Users Consultative Committees) after [subsection \(6\)](#) there shall be inserted—

“

(6A) An Area Committee may consider, and if they think fit object to, any proposal for the discontinuance of railway services made in an application for an order under section 1 of the Transport and Works Act 1992 or made by the Secretary of State by virtue of section 7 of that Act.

”

(2) In [section 41](#) of the [London Regional Transport Act 1984](#) (which provides for the London Regional Passenger Committee to be treated as an Area Transport Users Consultative Committee for certain purposes) in [...] <sup>1</sup> for “(7)” there shall be substituted “(6A)”.

### Notes

<sup>1</sup> Subsection (2)(c)

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*Part I ORDERS AUTHORISING WORKS ETC > Consents etc  
under other enactments > s. 21 Transport Consultative Committees.*

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## s. 22 Validity of orders under section 1 or 3.

**Law In Force****Version 2 of 2**

1 November 2007 - Present

**Subjects**

Transport

**Keywords**

Transport and works orders; Validity

**22.— Validity of orders under section 1 or 3.**

(1) If a person aggrieved by an order under [section 1](#) or [3](#) above desires to question the validity of it, or of any provision contained in it, on the ground—

(a) that it is not within the powers of this Act, or

(b) that any requirement imposed by or under this Act or the [[Tribunals and Inquiries Act 1992](#)]<sup>1</sup> has not been complied with,

he may, within the period of 42 days beginning with the day on which the notice required by [section 14\(1\)\(b\)](#) above is published, make an application for the purpose to the High Court.

(2) On any such application, the court—

(a) may by interim order suspend the operation of the order, or of any provision contained in it, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings, and

(b) if satisfied that the order or any provision contained in it is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement imposed by or under this Act or the Tribunals and Inquiries Act [1992]<sup>1</sup>, may quash the order or any provision contained in it, either generally or in so far as it affects any property of the applicant.

(3) Subject to subsections (1) and (2) above, an order under section 1 or 3 above shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

### Notes

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<sup>1</sup> Word substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 [Sch.8 para.21](#) (November 1, 2007)

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*Part I ORDERS AUTHORISING WORKS ETC > Miscellaneous > s. 22 Validity of orders under section 1 or 3.*

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## s. 23 Exercise of Secretary of State's functions by appointed person.



Law In Force

Version 14 of 14

3 May 2023 - Present

### Subjects

Transport

### Keywords

Delegated powers; Ministers' powers and duties; Transport; Transport and works orders

### 23.— Exercise of Secretary of State's functions by appointed person.

(1) The Secretary of State may by regulations prescribe classes of application which are to be dealt with by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.

(2) The Secretary of State may if he thinks fit direct that an application which would otherwise fall to be determined by an appointed person shall be determined by the Secretary of State.

(3) Subject to subsection (4) below, a person appointed under this section shall have in relation to the application—

(a) the same powers and duties as the Secretary of State has under [sections 1 and 3](#) above, and

(b) such other powers and duties conferred on the Secretary of State under or by virtue of this Part of this Act as may be specified in the regulations;

and for that purpose any reference in any Act or instrument (including this Act and any instrument made under it) to the Secretary of State, or to anything done or authorised or required to be done by or to the Secretary of State, shall be construed, so far as the context permits and subject to regulations under this section, as a reference to that person.

(4) An order made on an application dealt with by a person appointed under this section shall not authorise the compulsory acquisition of land, or the compulsory creation or extinguishment of rights over land (including rights of navigation over water).

(5) Where an application has been dealt with by a person appointed under this section, any order made by him under section 1 or 3 shall be treated as made by the Secretary of State.

(6) At any time before the appointed person has determined the application the Secretary of State may—

(a) revoke his appointment, and

(b) appoint another person under subsection (1) above to deal with the application instead;

and where such a new appointment is made the consideration of the application shall begin afresh, except to the extent that regulations under this section provide otherwise.

(7) If the Secretary of State exercises the power conferred on him by subsection (6)(a) above, he shall give reasons to the appointed person for revoking his appointment.

(8) Regulations under this section may provide for the giving of publicity to any directions given by the Secretary of State under subsection (2) above and to any appointment made by virtue of subsection (6) above.

(9) The [\[Tribunals and Inquiries Act 1992\]](#)<sup>1</sup> shall apply to a local inquiry or other hearing by a person appointed under this section as it applies to a statutory inquiry held by the Secretary of State, but as if in [\[section 10\(1\)\]](#)<sup>2</sup> of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.

[...]<sup>3</sup>

(10) Where a person appointed under this section is an officer of [\[\[the Department for Levelling Up, Housing and Communities\]](#)<sup>5</sup>, [\]](#)<sup>4</sup> [\[Department for Energy Security and Net Zero\]](#)<sup>6</sup> or the Welsh Office, his functions shall be treated for the purposes of the [Parliamentary Commissioner Act 1967](#)—[

(a) if he was appointed by the Secretary of State for the time being having general responsibility in transport matters in relation to England, as functions of the Department for Transport;

(b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of [\[the Department for Levelling Up, Housing and Communities\]](#)<sup>5</sup> ;

] <sup>7</sup>

(c) if he was appointed by the Secretary of State for the time being having general responsibility in energy matters, as functions of [\[the Department for Business, Energy and Industrial Strategy\]](#)<sup>8</sup> ;

(d) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

(11) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## Notes

- 1 Word substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 [Sch.8 para.22\(2\)\(a\)](#) (November 1, 2007)
- 2 Words substituted by Tribunals, Courts and Enforcement Act 2007 c. 15 [Sch.8 para.22\(2\)\(b\)](#) (November 1, 2007)
- 3 Repealed by Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013/2042 [Sch.1 para.9](#) (August 19, 2013)
- 4 Words substituted by Transfer of Functions (Transport, Local Government and the Regions) Order 2002/2626 [Sch.2 para.20\(a\)](#) (November 25, 2002)
- 5 Words substituted by Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021/1265 [Sch.2\(1\) para.10](#) (December 8, 2021)
- 6 Words substituted by Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023/424 [Sch.1\(1\) para.7](#) (May 3, 2023)
- 7 S.23(10)(a)-(b) substituted for s.23(10)(a) by Transfer of Functions (Transport, Local Government and the Regions) Order 2002/2626 [Sch.2 para.20\(b\)](#) (November 25, 2002)
- 8 Words substituted by Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016/992 [Sch.1\(1\) para.6](#) (November 9, 2016)

*Part I ORDERS AUTHORISING WORKS ETC > Miscellaneous >  
s. 23 Exercise of Secretary of State's functions by appointed person.*

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## s. 24 Private legislation procedure in Scotland.



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### 24. Private legislation procedure in Scotland.

In [section 1](#) of the Private Legislation Procedure (Scotland) Act 1936 (which requires the promotion of Provisional Orders rather than Private Bills in connection with powers relating to Scotland), in [subsection \(4\)](#) (which provides an exception from the requirement in certain cases relating to Scotland and elsewhere if the promotion of a Private Bill would be more appropriate than the promotion of a Private Bill and a Provisional Order) after the words “Provisional Order” there shall be inserted the words “(or a Provisional Order and an order under section 1 or 3 of the Transport and Works Act 1992)”.

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*Part I ORDERS AUTHORISING WORKS ETC > Miscellaneous > s. 24 Private legislation procedure in Scotland.*

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## s. 25 Crown land.



Law In Force

Version 2 of 2

1 April 2017 - Present

### Subjects

Transport

### Keywords

Crown Estate

### 25.— Crown land.

(1) If the appropriate authority agrees—

(a) an interest which—

(i) subsists in land in which there is a Crown or Duchy interest, but

(ii) is not itself a Crown or Duchy interest,

may be acquired compulsorily by virtue of an order under [section 1](#) or [3](#) above, and

(b) any provision of this Act or of such an order (other than a provision by virtue of which an interest in land is compulsorily acquired) may apply in relation to land in which there is a Crown or Duchy interest.

(2) In this section “*Crown or Duchy interest*” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.

(3) In this section “*the appropriate authority*” means—

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;

(b) in the case of other land belonging to Her Majesty in right of the Crown, the government department having the management of the land [ or the relevant person] <sup>1</sup> ;

(c) in the case of land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(d) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;

(e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department.

[

(3A) In subsection (3), “*relevant person*”, in relation to any land to which [section 90B\(5\)](#) of the [Scotland Act 1998](#) applies, means the person who manages that land.

] <sup>2</sup>



(4) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

## Notes

- 1 Words inserted by Crown Estate Transfer Scheme 2017/524 [Sch.5\(1\) para.25\(a\)](#) (April 1, 2017)
  - 2 Added by Crown Estate Transfer Scheme 2017/524 [Sch.5\(1\) para.25\(b\)](#) (April 1, 2017)
- 

*Part I ORDERS AUTHORISING WORKS ETC > Miscellaneous > s. 25 Crown land.*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 1



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Demolition; Maintenance; Remedial works; Removal; Transport

## 1.

The construction, alteration, repair, maintenance, demolition and removal of railways, tramways, trolley vehicle systems and other transport systems within [section 1\(1\)](#) of this Act, waterways, roads, watercourses, buildings and other structures.

---

*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 1*

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## Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 2



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Engineering operations; Performance

2.

The carrying out of any other civil engineering or other works.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 2*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 3



Law In Force

## Version 1 of 1

1 January 1993 - Present

## Subjects

Real property; Transport

## Keywords

Acquisition of land; Agreements; Compulsory purchase

3.

The acquisition of land, whether compulsorily or by agreement.

---

*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 3*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 4



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Real property; Transport

## Keywords

Creation; Extinguishment; Proprietary rights

4.

The creation and extinguishment of rights over land (including rights of navigation over water), whether compulsorily or by agreement.

---

*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 4*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 5



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Agreements; Amendments; Annulment; Real property

5.

The abrogation and modification of agreements relating to land.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 5*

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## Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 6



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Public services; Public transport

6.

The conferring on persons providing transport services of rights to use systems belonging to others.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 6*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 7



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Proprietary rights

7.

The protection of the property or interests of any person.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 7*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 8



Law In Force

Version 1 of 1

1 January 1993 - Present

**Subjects**

Transport

**Keywords**

Exclusion; Liabilities; Offences

8.

The imposition and exclusion of obligations or of liability in respect of any acts or omissions.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 8*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 9



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Agreements; Police service

9.

The making of agreements to secure the provision of police services.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 9*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 10



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Samples; Surveys

10.

The carrying out of surveys and the taking of soil samples.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 10*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 11



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Compensation; Payments

11.

The payment of compensation.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 11*

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## Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 12



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Charges; Fares; Non-payment; Payments; Tolls

### 12.

The charging of tolls, fares (including penalty fares) and other charges, and the creation of summary offences in connection with non-payment (or in connection with a person's failure to give his name or address in accordance with provisions relating to penalty fares).

---

*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 12*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 13



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Byelaws; Creation; Enforcement; Summary offences

13.

The making of byelaws by any person and their enforcement, including the creation of summary offences.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 13*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 14



Law In Force

Version 1 of 1

1 January 1993 - Present

**Subjects**

Transport

**Keywords**

Payments; Rates

14.

The payment of rates.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 14*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 15



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Discontinuance; Leasing; Revival; Transfer; Undertakings

15.

The transfer, leasing, discontinuance and revival of undertakings.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 15*

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# Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 16



Law In Force

Version 1 of 1

1 January 1993 - Present

## Subjects

Transport

## Keywords

Arbitration

16.

The submission of disputes to arbitration.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 16*

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## Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 para. 17



Law In Force

Version 1 of 1

1 January 1993 - Present

### Subjects

Transport

### Keywords

Consent; Secretaries of State

17.

The imposition of requirements to obtain the consent of the Secretary of State.

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*Schedule 1 MATTERS WITHIN SECTIONS 1 AND 3 > para. 17*

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