Transport and Works (Scotland) Bill

Bill Number: SP Bill 66
Introduced on: 26 June 2006
Introduced by: Tavish Scott (Executive Bill)
Passed: 8 February 2007
Royal Assent: 14 March 2007

Passage of the Bill

The Transport and Works (Scotland) Bill [SP Bill 66] was introduced in the Parliament on 26 June 2006. Stage 1 began on 5 September 2006 with the Local Government and Transport Committee as the lead committee. The Stage 1 debate took place on 22 November 2006, and the Bill was passed following the Stage 3 parliamentary debate on 8 February 2007. Royal Assent was received on 14 March 2007.

Purpose and objectives of the Bill

The Bill provides for the making of orders related to, or to matters connected with, the construction or operation of major transport infrastructure projects e.g. railways, tramways and inland waterways.

The Bill aims to replace the current approval system for major transport infrastructure projects (through a Private Act of the Scottish Parliament), with a new system of authorisation. Additionally, the Bill removes the current requirement to obtain an Act of the Scottish Parliament, following a special parliamentary procedure for certain road developments where there are objections from statutory bodies and for harbour developments where there is to be compulsory purchase, and replace it with a system similar to that described above.

Provisions of the Bill

The Bill is in 3 parts.

Part 1 makes provision to enable the Scottish Ministers, under an order-making power, to authorise transport developments and provides details of the procedure for the making of orders.

Part 2 modifies legislation relating to road and harbour developments, making the authorisation process for transport developments more consistent. It also
establishes revised procedures for the making of Pilotage orders. A minor modification is made to the Transport (Scotland) Act 2001 to enable the Scottish Ministers to make grants and loans for the purchase of certain properties in consequence of a transport development.

Part 3 describes how secondary legislation (orders, rules and regulations) will be made. It also deals with modifications and repeals predominantly in respect of special Parliamentary procedure, and the commencement and short title of the Act.

Parliamentary consideration

The Local Government and Transport Committee took Stage 1 evidence on the Bill between September and November 2006. Based on the evidence taken, the committee made recommendations on:

- standards of consultation carried out by promoters and the Executive
- resourcing the Scottish Executive Inquiry Reporters Unit
- publication of inquiry reports by Scottish Ministers
- publication of a written statement when a Minister decides to go against the recommendations of an inquiry report

Stage 2 consideration of the Bill took place on 12 December 2006. The majority of amendments made were of a technical nature. The main changes are:

- an expansion to the list of authorities whose objection to a proposal will require a hearing or inquiry to be held
- additional parliamentary scrutiny for amendments to relevant legislation
- an extension of the application of the voluntary purchase scheme