

From: Glynis Brown
Transport Scotland
September 2013

Minister for Transport and Veterans

TRANSPORT AND WORKS (SCOTLAND) ACT 2007 (TAWS) REPORT ON TAWS ORDERS

Purpose

1. To seek your approval for the laying before the Scottish Parliament of a Report under section 21 of the Transport and Works (Scotland) Act 2007 for the year to 31 July 2013.

Priority

2. **Routine.** The terms of the 2007 Act require that a Report on TAWS orders is submitted to Parliament before 1 October annually.

Background

3. Section 21 of the Transport and Works (Scotland) Act 2007 (TAWS) requires the Scottish Ministers to lay before the Parliament a Report informing it of the Orders made under the TAWS legislation. This is to cover the 12 month period until 31 July of each year.

4. I therefore attach a draft Report to cover the period 1 August 2012– 31 July 2013 for your consideration.

Recommendation

5. You are invited to approve the laying of the attached Report in the Scottish Parliament which should be signed and dated at the foot of page 4, above the line "**MEMBER OF THE SCOTTISH GOVERNMENT**", and then returned to me.

Glynis Brown
Transport Scotland, 2D, VQ
X 47760

September,2013

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Deputy First Minister			x		
Minister for Parliamentary Business					x

PS Transport Scotland
 David Middleton, Transport Scotland
 Transport Scotland Directors
 Tom Davy Transport Scotland
 Stuart Foubister, SGLD
 Communications Infrastructure & Capital Investment
 Press Transport Scotland
 Noel Dolan Special Adviser
 Liz Lloyd Special Adviser
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 Donna Watson, Comms
 Gary Hendrie, SGLD
 Allan Crawford
 Ally Nelson

TRANSPORT AND WORKS (SCOTLAND) ACT 2007

ANNUAL REPORT ON TRANSPORT AND WORKS ORDERS

Background

Section 21 of the Transport and Works (Scotland) Act 2007 (“the Act”) states that:

“(1) The Scottish Ministers are, by 1st. October in each year after the year of Royal Assent, to prepare a report on—

- (a) such orders as were, in the relevant period, made (or by virtue of section 11(2)(c) not made) under section 1,
- (aa) such draft statutory instruments containing orders under section 1 which were laid before Parliament in the relevant period but which had not been approved by the Parliament as at the date that period ended,
- (b) such applications as were made by virtue of section 4 (whether in the relevant period or before it commenced) and remained current as at the date that period ended, and
- (c) such proposals as were (whether in the relevant period or before it commenced) the subject of a notice published under section 6(3)(b) and remained current as at that date.

(2) Without prejudice to the generality of subsection (1), the report is to include—

- (a) details of each order and draft statutory instrument and as the case may be of—
 - (i) each applicant and application, or
 - (ii) each proposal,
- (b) where the Scottish Ministers have—
 - (i) dealt with an application,
 - (ii) made, or determined not to make, an order notice of the proposal for which was published under section 6(3)(b), or
 - (iii) made a direction under section 13(1)(c) or (7)(c), a summary of the reasons which they had for doing as they did,
- (c) in relation to each order made during the relevant period (or which the Scottish Ministers have, during that period, determined not to make)—
 - (i) on an application, the length of time which elapsed between the application being made and the date on which the order (or determination) was made, or
 - (ii) other than on an application, the length of time which elapsed between notice of the proposal to make the order being published under section 6(3)(b) and that date.
- (d) in relation to each draft statutory instrument the length of time which elapsed between—
 - (i) the application for an order being made under section 4, or

- (ii) where no application was made, notice of the proposal to made the order being published under section 6(3)(b),

and the draft statutory instrument containing the order being laid before the Parliament.

(3) The Scottish Ministers are to lay a copy of the report before the Parliament and are to publish the report.

(4) In this section the “relevant period” means the period of 12 months which ends on 31st. July in the year in which the report is prepared (except that in the case of the report first prepared under this section, it means the period which begins on the day on which section 1 comes into force and ends on 31st. July in the year in which the report is prepared).”

The relevant period for this Report is the period 1 August 2012 to 31 July 2013.

TAWS Report

1. The TAWS Unit is established within Transport Scotland's Transport Policy Directorate.
2. TAWS Orders and advice was previously given to the following:-
 - a. Network Rail – Edinburgh to Glasgow Improvement Project (EGIP). To date, the actual TAWS process has not begun and no action has taken place this reporting year.
 - b. Strathspey Railway Company – Heritage Railway. The TAWS Unit received a first draft of Strathspey's proposed draft Order in June 2011. Comments and advice were given. To date, the actual TAWS process has still not began.

Orders

3. During the relevant period :-
 - a) No orders were made (or by virtue of section 11(2) (c) of the Act, not made) under section 1 of the Act;
 - b) No draft statutory instruments containing orders under section 1 were laid before Parliament in the relevant period and not approved by the Parliament as at the date that period ended,
 - c) No applications were made or remain current as at the date that period ended;
 - d) No proposals by the Scottish Ministers to make an order under section 1 of the Act were published in a notice, nor did any such proposal remain current at the end of that period.

Conclusions

4. Following the change in scope of EGIP, announced in July 2012, no TAWS Order(s) have been received and it is not clear when Network Rail will be in a position to make an application for a TAWS Order. EGIP is the core element in upgrading the strategic rail network in central Scotland.
5. The TAWS Unit will continue to provide procedural advice and guidance to the promoters of the Strathspey Heritage Railway development. There has been no action this period.

MEMBER OF THE SCOTTISH GOVERNMENT