

**Cruickshank T (Tony)**

CON/730/16

**From:** Gillatt, Sandy [Sandy.Gillatt@east-ayrshire.gsx.gov.uk]  
**Sent:** 26 April 2006 12:50  
**To:** Transport & Works  
**Cc:** Lees, Fiona; Lavery, James  
**Subject:** Consultation: Transport Legislation - Review of special parliamentary procedure provisions

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**For the attention of Tony Cruickshank, TWA Consultation**

I apologise for the delay in responding to the consultation proposals. However, I have received the following comments from East Ayrshire's Legal Section.

**I have looked at the existing procedure and the proposed changes and as there is no interference with the right to object the only observations I would make relate to consequential issues. Specifically, under the existing procedures an order cannot be made unless confirmed with or without amendment by an Act of the Scottish Parliament. Clearly there is potential for substantial delay given that the objections must be laid before Parliament also.**

**The proposal to proceed with a hearing if the Act is amended I would suggest a positive from the point of view of any objector as it will give the opportunity to make representations verbally which also allows for clarification of any particular point. This is always an advantage as much can be lost in terms of collateral implications of written submissions. It is also likely to be faster. The decision of the hearing will also be subject to judicial review for example where the hearing arrives at a decision that is unreasonable the issue and decision making process can be looked at by the court of Session.**

I will return the Respondent Information Form under separate cover.

Regards,

Sandy Gillatt,

Chief Engineer,

Roads and Transportation Division,

East Ayrshire Council

Tel. 01563 555755

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27/04/2006