

3. The Scottish Ministers are to lay a copy of the Report before Parliament in addition to publishing the Report.

4. The relevant period is the period of 12 months which ends on 31 July in each year. The relevant period for this Report is the period 1 August 2009 to 31 July 2010.”

TAWS Report

2. The TAWS Unit received an Order from Network Rail Infrastructure Ltd on 11 February 2009 entitled The Network Rail (Waverley Steps) Order. A Public Local Inquiry (PLI) was held from 22 – 29 July 2009 and the Reporter’s report was received on 16 October 2009.

3. Meetings took place between Network Rail and Transport Directorate legal advisers to finalise the contents of the Order. The TAWS Unit received the final Book of Reference plus Maps, Plans and Sections from Network Rail on 13 April, 2010.

4. A Submission to the Scottish Ministers was put forward on 19 April 2010 recommending agreement to the Order and a decision letter was issued on 4 May 2010.

5. The final Book of Reference plus the Maps, Plans and Sections were certified and sent to Network Rail on 11 May 2010. Notice of the Order appeared in the Edinburgh Gazette on 14 May 2010.

6. The Network Rail (Waverley Steps) Order was made on 11 May 2010 and, in accordance with the Act, came into force on 1 June 2010.

7. The Statutory Instrument 2010 No 188, The Network Rail (Waverley Steps) Order 2010 was published on the TAWS website and the Stationery Office website. Printed paper copies were also made available.

8. Future TAWS orders and advice given to the following:

a) Strathspey Railway Company (SRC) Heritage Railway. The TAWS Unit have had frequent correspondence and meetings with SRC. The Unit received a pre-draft Order on 1 July 2010 for comment and advice. The Unit is meeting with a SRC representative next month.

b) Network Rail, Edinburgh to Glasgow Improvement Project. The TAWS Unit anticipate further information from Network Rail in the near future on this project.

c) Borders, Waverley Route Heritage Association. The TAWS Unit has provided initial procedural advice on the proposal.

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

Background

1. Section 21 of the Transport and Works (Scotland) Act 2007 (“the Act”) provides to the effect that:

“1. The Scottish Ministers are, by 1 October in each year after the year of Royal Assent, to prepare a Report on orders made, or made, under that Act and applications or proposals for orders made or still current during the year.

2. Matters contained in the Report are to include:-

(a) details of each order and as the case may be of :-

- (i) each applicant and application for an order, or
- (ii) each proposal where the Scottish Ministers are acting as the promoter for the project,

(b) where the Scottish Ministers have :-

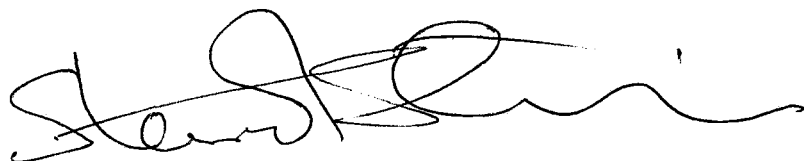
- (i) dealt with the application,
- (ii) made, or determined not to make, an order pursuant to a proposal where the Scottish Ministers are the promoters for the project, or
- (iii) made a direction in relation to an order that if it is made that it cannot come into force unless laid before and approved by resolution of the Scottish Parliament, a summary of the reasons which they had for doing as they did: and

(c) in relation to each order made during the period of the Report (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) where this arose from a proposal by the Scottish Ministers who are promoters for the project, the length of time which elapsed between notice of the proposal to make the order being published and the date on which the order was made or the Ministers determine not to make it.

Conclusion

9. Waverley Steps is the first Order under the Transport and Works (Scotland) Act 2007. However, discussions held recently with Network Rail indicated that the TAWS Unit would receive either one large Order or several smaller Orders from Network Rail during 2011-12 relating to the Edinburgh to Glasgow Improvement Project, which is the core element in upgrading the strategic rail network in central Scotland. The TAWS Unit has also been providing procedural advice and guidance to the promoters of two potential heritage railway developments.

A handwritten signature in black ink, appearing to be 'Stewart', written in a cursive style.

MEMBER OF THE SCOTTISH GOVERNMENT

