

These notes relate to the Environmental Assessment (Scotland) Act 2005 (asp15) (asp 15) which received Royal Assent on 14 December 2005

ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005 (ASP15)

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 5 – General Provisions

Section 21 – Crown Application

43. This section makes provision for the Act to bind the Crown.

Section 22 & 23 – Orders and Ancillary provision

44. [Section 22](#) makes provision for the general powers and procedures for orders which may be made under powers conferred by the Act. [Section 23](#) separately gives powers to make subordinate legislation which is incidental, supplemental, consequential, transitional or savings in respect of the provisions of the Act itself. Any order under [section 23](#) which amends primary legislation must follow affirmative procedure.

Section 24 – Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004

45. This section revokes the [Environmental Assessment of Plans and Programmes \(Scotland\) Regulations 2004 \(S.S.I. 2004/258\)](#). It is intended that the Act will become the implementing legislation for Directive [2001/42/EC](#) of the European Parliament and Council as regards plans and programmes which relate solely to the whole or any part of Scotland.
46. It is also intended that plans and programmes which fall to be dealt with in accordance with the terms of the Regulations while they were in force will continue to be dealt with under the Regulations (see [section 23](#)).

Sections 25 and 26 – Interpretation, Commencement and short title

47. [Section 25](#) makes provision for interpretation of the terms “The Directive” and “the public”. It also provides that terms used in the Act which are also used in the Directive will have the meaning in the Act that they have in the Directive unless the context otherwise requires.
48. [Section 26](#) provides that, except for [sections 21, 22, 23, 25 and 26](#), the provisions of the Act come into force on a date or dates set by the Scottish Ministers by order. [Sections 21, 22, 23, 25 and 26](#) will come into force on Royal Assent.