

FORTH CROSSING ACT 2011

EXPLANATORY NOTES

STRUCTURE OF THE ACT

15. Before commenting on the individual sections it may be helpful to explain how the Act operates. The Act is divided into 10 Parts:

Part 1 creates the statutory framework to allow the Scottish Ministers to construct the works, which describes the works and sets out how the works will be undertaken.

Part 2 enables the Scottish Ministers to designate roads as trunk and special roads. Additionally, it allows the Scottish Ministers to transfer roads to and from the management of the local roads authority. It also provides powers to the Scottish Ministers to create or stop up roads and accesses.

Part 3 provides powers to acquire permanently land or rights in land within defined limits and sets a limit of 5 years in order to commence the conveyance of land. This Part also provides the Scottish Ministers with power to acquire, in specified circumstances, land by agreement.

Part 4 sets out the procedure including the notification arrangements that the Scottish Ministers have to apply when taking title to land.

Part 5 creates powers to take temporary possession of land and sets out the purposes for which possession can be taken, the notification procedures, what can be done on the land, the duration of the possession and the obligations placed on the Scottish Ministers to return the use of the land to the owner. This Part also provides powers to enter but not take ownership of other land and the procedures that apply.

Part 6 sets out the rights in respect of compensation and the procedures to apply where there is dispute.

Part 7 sets out the rights and responsibilities of the providers of water, gas, electricity, sewerage and telecommunications services through apparatus that will or may be affected by works. It also provides a mechanism for the Scottish Ministers to compensate individuals for the costs incurred in connecting their premises to other apparatus.

Part 8 deems planning permission for the works and provides for the relaxation of controls in respect of listed buildings so that work affecting those properties can proceed without requiring further separate authority.

Part 9 sets out the duties of the Scottish Ministers to mitigate the impact of the scheme on the environment and to comply with code of construction practice and the noise and vibration policy statement. This Part also sets out procedures in respect of the control of noise and what matters may constitute a statutory nuisance.

Part 10 includes general provisions concerning matters such as the definition of blight (as it relates to the Act), the certification of plans, provision of information, communication and noticing procedures, the application of the Act to the Crown,

*These notes relate to the Forth Crossing Act 2011 (asp
2) which received Royal Assent on 20 January 2011*

interpretation of terms used within the Act and the date on which provisions are to come into force.

16. The Act incorporates or disapplies provisions of a number of Acts and these are referenced accordingly within these notes.