
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 1

**The Environmental Impact Assessment
(Scotland) Regulations 1999**

**PART III
ROADS**

Sections 55A and 55B

50. For section 55A(1) there shall be substituted the following—

“55A Environmental assessment of certain road improvement projects

(1) If the Scottish Ministers as roads authority have under consideration—

- (a) the making of an order such as is mentioned in paragraph 1 of Schedule 1 to this Act relating to the improvement of a road; or
- (b) the improvement of a road without such an order,

they shall, before details of the project are published, determine whether or not it falls within Annex I or Annex II.

(2) If the Scottish Ministers determine that the project—

- (a) falls within Annex I, or
- (b) is a relevant project falling within Annex II and that, having regard to the selection criteria contained in Annex III, it should be made subject to an environmental impact assessment in accordance with the Directive,

they shall no later than the date when details of the project are published, publish an environmental statement.

(3) The Scottish Ministers shall publish any determination made by them in accordance with subsection (2) above.

(4) Any project for the improvement of a special road which falls within Annex II shall be treated as having characteristics that require it to be made subject to an environmental impact assessment.

(5) The Scottish Ministers shall publish any environmental statement so as to ensure that members of the public who are likely to be concerned are given a reasonable opportunity to express an opinion before they decide whether to proceed with the project, and they shall not make any such decision without taking into consideration any opinion so expressed to them within a period of 3 weeks running from the date of publication of the environmental statement.

(1) Section 55A was inserted by [S.I. 1988/1221](#) and amended by section 42(2) of the New Roads and Street Works Act 1991 ([c. 22](#)).

(6) The Scottish Ministers shall ensure that the consultation bodies are given an opportunity to express an opinion on the published details of the project and the environmental statement before they decide whether to proceed with the project.

(7) In this section, the expressions “the Directive”, “Annex”, “relevant project” and “sensitive area” shall have the meanings assigned to those expressions in section 20A(9) of this Act with the proviso that in the definition of “relevant project” the reference to the construction of a new road shall be a reference to the improvement of a road and cognate expressions shall be construed accordingly.

55B Application of section 20B

55B. The provisions of section 20B of this Act shall apply to a project in terms of section 55A of this Act as they apply to a project in terms of section 20A of this Act.”.