
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 115

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 12

TRANSITIONAL PROVISIONS AND REVOCATIONS

Transitional provisions – general

40.—(1) These Regulations, other than regulations 5(4), 6(4) and (5)(b), 8(3), 24 and 38, apply with the modifications specified in paragraph (2) in respect of an application for regulatory approval where the applicant has before 16th May 2017—

- (a) submitted an environmental statement in connection with the application; or
- (b) made a request for a scoping opinion under regulation 13(1) of the 2007 Regulations in respect of the works to which the application relates.

(2) These Regulations apply in accordance with paragraph (1) as if—

- (a) references to an EIA report included references to an environmental statement;
- (b) for the factors specified in regulation 5(3)(a) to (d) there were substituted—
 - “(a) human beings, fauna and flora;
 - (b) soil, water, air, climate and the landscape; and
 - (c) material assets and cultural heritage;”;

(c) for regulation 6(2) there were substituted—

“(2) An EIA report is a report prepared in accordance with this regulation by the applicant which includes (at least) the information specified in schedule 3 of the 2007 Regulations.”; and

(d) the reference in regulation 21(2) to matters mentioned in schedule 4 of these Regulations were a reference to the matters mentioned in schedule 3 of the 2007 Regulations.

[^{F1}(2A) Paragraphs (1) to (3) of regulation 22 (publication of additional information) do not apply to additional information falling within paragraph (b) of the definition of “additional information” in regulation 2(1) which is received by the Scottish Ministers in relation to an application for regulatory approval before 16th May 2017 where before that date notice has been given under regulation 16(1) of the 2007 Regulations publicising that information in relation to that application.]

(3) Where—

- (a) a request for a scoping opinion under regulation 13(1) of the 2007 Regulations is made before 16th May 2017; and
- (b) the Scottish Ministers have not adopted the scoping opinion before that date,

that request is to be treated as having been made under regulation 14(1) but when adopting the scoping opinion the Scottish Ministers are to assess the scope and level of detail of information to be contained in the EIA report by reference only to the scope and level of detail of information which

immediately before 16th May 2017 had to be included in an environmental statement in accordance with regulation 12(2) and schedule 3 of the 2007 Regulations.

(4) References in this regulation and in regulation 41 to provisions of the 2007 Regulations are references to such provisions as they had effect immediately before 16th May 2017.

Textual Amendments

- F1** Reg. 40(2A) inserted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **6(7)**

Transitional provisions – requests for screening opinions

41. These Regulations, other than regulations 9(1)(b) and 10(2) to (4), apply in respect of a request for a screening opinion made under regulation 11(1) of the 2007 Regulations before 16th May 2017 as they apply to a request for a screening opinion [^{F2}made under regulation 10(1)] of these Regulations on or after that date as if—

- (a) the reference in regulation 11(4) to items or information required to be contained in or accompany a request in accordance with regulation 10(2) of these Regulations were a reference to items or information required to accompany a request for a screening opinion in accordance with sub-paragraphs (a) and (b) of paragraph 1 of schedule 2 of the 2007 Regulations; and
- (b) the reference in regulation 9(1)(a)(i) and (2)(a) to the criteria set out in schedule 3 of these Regulations were a reference to the criteria set out in schedule 1 of the 2007 Regulations.

Textual Amendments

- F2** Words in [reg. 41](#) substituted (30.6.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/168\)](#), regs. 1, **6(8)**

Revocations

42. The following instruments are revoked:—

- (a) the 2007 Regulations;
- (b) the Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2011^{M1}; and
- (c) the Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2015^{M2}.

Marginal Citations

- M1** [S.I. 2011/735](#).
M2 [S.I. 2015/446](#).

Changes to legislation:

There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, PART 12.