

**Changes to legislation:** Roads (Scotland) Act 1984, Paragraph 13 is up to date with all changes known to be in force on or before 16 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 1

#### PROCEDURES FOR MAKING OR CONFIRMING CERTAIN ORDERS AND SCHEMES

##### Modifications etc. (not altering text)

- C1** Sch. 1 excluded (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), **ss. 30(6), 34(7)**(with savings ss. 47(4), 167(2)); [S.I. 1991/2286, art. 2\(1\)](#), **Sch. 1**

### PART II

#### SCHEMES UNDER SECTIONS 7 AND 75(3)

- 13 (1) <sup>F1</sup>...after considering objections (if any) to the proposed scheme which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may make or confirm the scheme either without modification or subject to such modifications as he thinks fit <sup>F2</sup>or, where the scheme is subject to the affirmative procedure by virtue of section 143A(3) of this Act, lay before the Scottish Parliament a draft statutory instrument containing the scheme (with or without modification)].

<sup>F3</sup>(1A) Where the Scottish Ministers have published an <sup>F4</sup>[EIA report] they shall take into consideration—

- (a) that <sup>F5</sup>[report]; <sup>F6</sup>...
- <sup>F7</sup>(b) any opinion on that <sup>F5</sup>[report] or the project which is expressed in writing by any of the consultation bodies or by any other person and is received by the Scottish Ministers within any period specified for the purpose by them; and
- (c) where section <sup>F8</sup>[20F] applies and the EEA State has indicated in accordance with subsection (4) of that section that it wishes to participate in the environmental impact assessment procedure, any opinion on that <sup>F5</sup>[report] or the project which is expressed in writing by the EEA State, by a member of the public in the EEA State or by any of the authorities <sup>F9</sup>[in that State that the State has specified as authorities to be consulted] and is received by the Scottish Ministers within any period specified for the purpose by them.]

<sup>F10</sup>(1B) When the Scottish Ministers have decided whether to proceed with the project in relation to which an environmental impact assessment has been made they shall publish their decision together with a statement confirming they have complied with sub-paragraph (1A) and shall notify the consultation bodies by sending to them copies of, and make available to the public, documents containing—

- (a) a description of the project;
- (b) the terms of the decision;
- (c) the main reasons and considerations on which the decision is based;

---

*Changes to legislation: Roads (Scotland) Act 1984, Paragraph 13 is up to date with all changes known to be in force on or before 16 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (d) information about the arrangements taken to ensure the public had the opportunity to participate in the decision making procedures;
- (e) a summary of—
  - (i) the environmental information; and
  - (ii) the results of the consultations and information gathered pursuant to section 20C and, where relevant, section 20F, and how those results, in particular comments received from [F11]an]EEA State pursuant to consultation under section 20F, have been incorporated or otherwise addressed;
- (f) if the decision is to proceed with the project—
  - (i) any conditions to which the decision is subject;
  - (ii) the reasoned conclusion referred to in section 20B(1)(d);
  - (iii) a statement that the Scottish Ministers are satisfied that the reasoned conclusion is still up to date;
  - (iv) a description of any features of the project and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; and
  - (v) a description of any monitoring measures required under section 20G; and
- (g) information regarding the right to challenge the validity of the decision and the procedures for doing so.]

[ Where—

- <sup>F12</sup>(1BA) (a) the Scottish Ministers publish under sub-paragraph (1B) above a decision to proceed with a project; and
- (b) [<sup>F13</sup>a draft of] the statutory instrument giving effect to that decision is to be laid before the Scottish Parliament under section [<sup>F14</sup>143A(3)] of this Act, they shall publish together with the decision a statement to the effect that the instrument cannot [<sup>F15</sup>be made unless] the Scottish Parliament, by resolution, approves [<sup>F16</sup>the draft statutory instrument].]

<sup>F17</sup>(1BB) [ For the purposes of sub-paragraph (1B)(f)(iii) the reasoned conclusion referred to in section 20B(1)(d) is still up to date if the Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that the reasoned conclusion addresses the likely significant effects of the project on the environment.]

<sup>F18</sup>(1C) Any requirement for publication in connection with an environmental impact assessment shall be met by publication—

- (a) in the Edinburgh Gazette;
- (b) in at least one local newspaper circulating in the area in which the project is situated; and
- (c) on the website the Scottish Ministers use for the purpose of giving information to the public about projects of a category into which the project in question falls.]]

<sup>F19</sup>(1D) Any non-governmental organisation promoting environmental protection and meeting any requirements under the law [<sup>F20</sup>of any part of the United Kingdom] shall be deemed to have an interest for the purposes of [<sup>F21</sup>11] of the Directive and rights capable of being impaired for the purposes of [<sup>F21</sup>11] of the Directive.]

*Changes to legislation: Roads (Scotland) Act 1984, Paragraph 13 is up to date with all changes known to be in force on or before 16 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[<sup>F22</sup>(1E) For the purpose of sub-paragraph (1D) Article 11(1) of the Directive is to be read as if the reference to—

- (a) “Member States” were a reference to “The Scottish Ministers”,
- (b) “a Member State” were a reference to “Scotland”.]

(2) The power under this paragraph to make or confirm the scheme includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Secretary of State thinks fit) while deferring consideration of the remaining part.

### Textual Amendments

- F1** Words in Sch. 1 para. 13(1) repealed (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\), s. 30\(4\), sch. 3; S.S.I. 2007/516, art. 2](#) (with S.S.I. 2007/517, arts. 1(1), 4(2)-(4))
- F2** Words in Sch. 1 para. 13(1) inserted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\), arts. 1, 14\(c\)](#) (with art. 16)
- F3** Sch. 1 para. 13(1A)-(1C) substituted for Sch. 1 para. 13(1A)(1B) (1.8.1999) by S.S.I. 1999/1, [reg. 52](#)
- F4** Words in Sch. 1 para. 13(1A) substituted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\), regs. 1, 10\(a\)\(i\)](#) (with reg. 12)
- F5** Word in Sch. 1 para. 13(1A) substituted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\), regs. 1, 10\(a\)\(ii\)](#) (with reg. 12)
- F6** Word in Sch. 1 para. 13(1A) omitted (1.2.2007) by virtue of [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\), regs. 1, 6\(5\)\(a\)](#)
- F7** Sch. 1 para. 13(1A)(b)(c) substituted for Sch. 1 para. 13(1A)(b) (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\), regs. 1, 6\(5\)\(a\)](#)
- F8** Word in Sch. 1 para. 13(1A) substituted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\), regs. 1, 10\(a\)\(iii\)](#) (with reg. 12)
- F9** Words in Sch. 1 para. 13(1A)(c) substituted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\), regs. 1, 2\(8\)\(e\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F10** Sch. 1 para. 13(1B) substituted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\), regs. 1, 10\(b\)](#) (with reg. 12)
- F11** Word in Sch. 1 para. 13(1B)(e)(ii) substituted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\), regs. 1, 2\(8\)\(f\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F12** Sch. 1 para. 13(1BA) inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\), ss. 24\(4\)\(b\), 30\(4\); S.S.I. 2007/516, art. 2](#)
- F13** Words in Sch. 1 para. 13(1BA)(b) inserted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\), arts. 1, 14\(d\)\(i\)\(aa\)](#) (with art. 16)
- F14** Word in Sch. 1 para. 13(1BA)(b) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\), arts. 1, 14\(d\)\(i\)\(bb\)](#) (with art. 16)
- F15** Words in Sch. 1 para. 13(1BA) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\), arts. 1, 14\(d\)\(ii\)](#) (with art. 16)
- F16** Words in Sch. 1 para. 13(1BA) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\), arts. 1, 14\(d\)\(iii\)](#) (with art. 16)
- F17** Sch. 1 para. 13(1BB) inserted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\), regs. 1, 10\(c\)](#) (with reg. 12)

---

*Changes to legislation: Roads (Scotland) Act 1984, Paragraph 13 is up to date with all changes known to be in force on or before 16 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- F18** Sch. 1 para. 13(1C) substituted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, **10(d)** (with reg. 12)
- F19** Sch. 1 para. 13(1D) inserted (1.2.2007) by [The Environmental Impact Assessment \(Scotland\) Amendment Regulations 2006 \(S.S.I. 2006/614\)](#), regs. 1, **6(5)(d)**
- F20** Words in Sch. 1 para. 13(1D) inserted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(8)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Word in Sch. 1 para. 13(1D) substituted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, **10(e)** (with reg. 12)
- F22** Sch. 1 para. 13(1E) inserted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **2(8)(h)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

Roads (Scotland) Act 1984, Paragraph 13 is up to date with all changes known to be in force on or before 16 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)