



# Transport and Works (Scotland) Act 2007

## 2007 asp 8

### PART 2

#### MISCELLANEOUS AMENDMENTS

#### 24 Amendment of Roads (Scotland) Act 1984

- (1) The Roads (Scotland) Act 1984 (c. 54) is amended as follows.
- (2) After section 143, insert—

#### **“143A “Developments of national significance” etc.: special procedure**

- (1) Subsection (3) below applies to a statutory instrument which—
  - (a) contains an order under section 5 of this Act directing that a road proposed to be constructed shall be a trunk road and the construction of the road would constitute a national development;
  - (b) contains or confirms a scheme under section 7 of this Act which authorises the carrying out of work which would constitute a national development; or
  - (c) is the subject of a direction by the Scottish Ministers under this paragraph.
- (2) In subsection (1) above, the references to a “national development” are to any development (within the meaning of the Town and Country Planning (Scotland) Act 1997) for the time being designated under section 3A(4)(b) of that Act as a national development.
- (3) The statutory instrument—
  - (a) is to be laid before the Scottish Parliament; and
  - (b) cannot come into force unless the Scottish Parliament, by resolution, approves the instrument.
- (4) Unless the Scottish Ministers otherwise direct, an instrument containing or confirming an order or scheme which revokes, amends or re-enacts an instrument laid before the Scottish Parliament under paragraph (a) of subsection (3) above is not subject to the procedure in that subsection.”.

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*Status: This is the original version (as it was originally enacted).*

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(3) In section 144(1) (regulations for procedure in schemes and orders), for the words “section 143” substitute “sections 143 and 143A”.

(4) In Schedule 1 (procedure for making or confirming certain orders and schemes)—

(a) after sub-paragraph (1B) of paragraph 7, insert—

“(1BA) Where—

- (a) the Scottish Ministers publish under sub-paragraph (1B) above a decision to proceed with a project; and
- (b) the statutory instrument giving effect to that decision is to be laid before the Scottish Parliament under section 143A(3)(a) of this Act,

they shall publish together with the decision a statement to the effect that the instrument cannot come into force until the Scottish Parliament, by resolution, approves it.”, and

(b) after sub-paragraph (1B) of paragraph 13, insert—

“(1BA) Where—

- (a) the Scottish Ministers publish under sub-paragraph (1B) above a decision to proceed with a project; and
- (b) the statutory instrument giving effect to that decision is to be laid before the Scottish Parliament under section 143A(3)(a) of this Act,

they shall publish together with the decision a statement to the effect that the instrument cannot come into force until the Scottish Parliament, by resolution, approves it.”.

(5) In Schedule 2 (validity and date of operation of orders and schemes)—

(a) in paragraph 1—

- (i) the existing words from “stating” to “confirmed” become sub-paragraph (a),
- (ii) the word “and” where it occurs for the second time is repealed,
- (iii) the existing words from “naming” to “hours” become sub-paragraph (b), and
- (iv) after that sub-paragraph, add—

“(c) if subsection (3) of section 143A of this Act does not apply to the statutory instrument containing or confirming the scheme or order, giving information regarding—

- (i) the date on which the scheme or order will become operative; and
- (ii) the right to challenge the validity of the scheme or order and the procedure for doing so; and

(d) if that subsection does apply to the relevant statutory instrument, stating that the instrument cannot come into force until the Scottish Parliament, by resolution, approves it.”,

(b) after that paragraph, insert—

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*Status: This is the original version (as it was originally enacted).*

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- “1A As soon as may be after the Scottish Parliament has decided whether or not to approve a statutory instrument under section 143A(3)(b) of this Act, the Scottish Ministers shall publish in the Edinburgh Gazette, and in such other manner as they think best adapted for informing persons affected, a notice—
- (a) stating that the Parliament has, or as the case may be has not, passed a resolution approving the instrument; and
  - (b) where a resolution has been passed, providing information regarding—
    - (i) the date on which the relevant scheme or order will become operative;
    - (ii) the place where a copy of it may be inspected free of charge at all reasonable hours; and
    - (iii) the right to challenge the validity of the scheme or order and the procedure for doing so.”, and
- (c) in paragraph 2—
- (i) the existing words from “the date” to “published” become sub-paragraph (a), and
  - (ii) after that sub-paragraph, insert “or
- (b) in a case where a notice under paragraph 1A above is required, the date on which that notice is first published.”.