

FORTH CROSSING ACT 2011

EXPLANATORY NOTES

THE ACT

4. The Act provides powers to the Scottish Ministers to construct a new crossing over the Firth of Forth to the west of the Forth Road Bridge. The scheme comprises:
 - the construction of the new crossing and connecting roads to link to the road network;
 - the upgrading of existing roads and junctions; and
 - changes to the designation and responsibility of ownership of specified existing roads.
5. The major works in respect of the scheme are described in the Act as principal works (being works that are specifically described in [schedule 1](#)). That schedule describes each of the principal works in relation to:
 - construction of the new crossing;
 - construction of new roads (including connections with existing roads) and accesses; and
 - improvement of existing roads.
6. To facilitate the implementation of the works the Act also provides for the stopping up¹ of lengths of some roads, means of access and other rights of way where they cross or are on the route shown on the plans.
7. In addition, the Act provides a power to the Scottish Ministers to construct miscellaneous works or do other things that are ancillary to or in consequence of the principal works. In the Act, the works that enable these miscellaneous things to be done are called “ancillary works” (and may be of a type described in [schedule 2](#)). The principal and ancillary works are collectively described within the Act as the “Forth Crossing works”.
8. All the other powers in the Act are required in connection with or to facilitate the construction of the new bridge and the construction and improvement of roads. In particular, the Act grants compulsory purchase powers over the land required for the scheme. This power ensures that the Scottish Ministers will be able to acquire the land or rights in land that are required for the works to be constructed and operated.
9. In the absence of statutory compulsory purchase powers there could not be certainty of being able to acquire the necessary land. Even if the owners of all the relevant property interests were prepared to sell, without compulsory purchase powers there would be no way of preventing them from demanding prices in excess of a fair market value, effectively demanding a premium for the scheme. Without compulsory purchase

¹ “Stopping up” a road is a technical expression for closing a road and terminating a public right of passage over it. A road may include a road, cycle track, footway or footpath, all of which have the status of road.

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

powers there would therefore be no certainty that the scheme could be provided within a reasonable time and budget.

10. The Act also grants planning permission for the scheme, however, the Act restricts this permission so that it applies only where the works authorised by the Act have started within 5 years of the Act receiving Royal Assent.