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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 415**

**The Environmental Impact Assessment (Transport)  
(EU Exit) (Scotland) (Amendment) Regulations 2019**

**Amendment of the Roads (Scotland) Act 1984**

- 2.—(1) The Roads (Scotland) Act 1984(1) is amended as follows.
- (2) In section 20B(3)(b) (environmental impact assessment), after “under” insert “any law in Scotland that implemented”.
- (3) In section 20C (environmental impact assessment report)—
- (a) in subsection (7) the words “Union legislation or” are repealed,
  - (b) in subsection (10)(c), for “another” substitute “an”,
  - (c) in subsection (16) the definition of “Union legislation” is repealed.
- (4) In section 20E(2) (competent authority – avoidance of conflict of interest), for “the Directive” substitute “this Part”.
- (5) In section 20F (projects with significant transboundary effects)—
- (a) in subsection (1)(a), for “another” substitute “an”,
  - (b) in subsection (5)(a), for sub-paragraph (i) substitute—
    - “(i) any authority in that State that the State may specify”,
  - (c) in subsection (6), for “In accordance with Article 7(4) of the Directive, the” substitute “The”.
- (6) In section 20G(2)(b) (monitoring measures), the words from “Union legislation” to “or” are repealed.
- (7) In section 55A (environmental assessment of certain road improvement projects)—
- (a) in subsection (7), the words “Union legislation or” are repealed”,
  - (b) in subsection (10)(c), for “another” substitute “an”,
  - (c) in subsection (16)—
    - (i) after ““relevant project”,” where it first occurs insert “and”,
    - (ii) the words “and Union legislation” are repealed.
- (8) In schedule 1 (procedures for making or confirming certain orders and schemes)—
- (a) in paragraph 7(1A)(c), for “referred to in Article 6(1) of the Directive” substitute “in that State that the State has specified as authorities to be consulted”,
  - (b) in paragraph 7(1B)(e)(ii), for “another” substitute “an”,
  - (c) in paragraph 7(1D) after “law” insert “of any part of the United Kingdom”,
  - (d) after paragraph 7(1D), insert—

“(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”.”,
- (e) in paragraph 13(1A)(c), for “referred to in Article 6(1) of the Directive” substitute “in that State that the State has specified as authorities to be consulted”,
- (f) in paragraph 13(1B)(e)(ii), for “another” substitute “an”,
- (g) in paragraph 13(1D) after “law” insert “of any part of the United Kingdom”,
- (h) after paragraph 13(1D) insert—

“(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”.”.
- (9) In schedule 1A (information for inclusion in environmental impact assessment reports)—
- (a) in paragraph 6, for “established at Union or Member State level” substitute “in retained EU law or otherwise under the law of any part of the United Kingdom”,
  - (b) in paragraph 9—
    - (i) the words from “Union legislation” to “pursuant to” are repealed,
    - (ii) after “requirements of” insert “any law that implemented”.