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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2015 No.**

**The Historic Environment Scotland Act  
2014 (Ancillary Provision) Order 2015**

**Roads (Scotland) Act 1984**

2.—(1) The 1984 Act<sup>(1)</sup> is modified as follows.

(2) In section 91(4) (prevention of danger to road from nearby vegetation and fences etc. or from retaining walls being inadequate: ancient monument) for “the Secretary of State” substitute “Historic Environment Scotland”.

(3) In section 151(1) (interpretation)<sup>(2)</sup> in the definition of “consultation bodies” for paragraph (d) substitute—

“(d) Historic Environment Scotland;”.

(4) The modification made by paragraph (2) does not affect the validity of any consent given under section 91(4) of the 1984 Act before 1st October 2015.

(5) Despite paragraph (3), where before 1st October 2015 the Scottish Ministers have complied with a provision of the 1984 Act mentioned in paragraph (6) in relation to a particular project, Historic Environment Scotland is not to be treated as a consultation body for the purpose of that provision in relation to that project.

(6) The provisions referred to in paragraph (5) are—

(a) section 20A(6) (environmental assessment of certain road construction projects: consultation bodies’ opinion)<sup>(3)</sup>;

(b) section 55A(6) (environmental assessment of certain road improvement projects: consultation bodies’ opinion).

(7) In this article “the 1984 Act” means the Roads (Scotland) Act 1984.

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(1) Roads (Scotland) Act 1984 (c.54).

(2) The definition of “consultation bodies” was inserted by S.S.I. 1999/1 and amended by paragraph 12 of Schedule 5 to the National Parks (Scotland) Act 2000 (asp 10) and S.S.I. 2006/614.

(3) Section 20A and 55A were most recently amended by S.I. 1991/1 and S.S.I. 2006/614.