
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on specified dates, all of the provisions of the Forth Crossing Act 2011 (“the Act”).

The Schedule to the Order appoints 3rd February 2011 for the coming into force of—

- Part 3, which provides powers to acquire permanently title to land or rights in land within defined limits and sets a limit of five years in order to commence the conveyance of land and provides powers to acquire, in specified circumstances, land by agreement;
- Part 4, which sets out the procedure including the notification arrangements that the Scottish Ministers have to apply when taking title to land;
- Part 5, which provides powers to take temporary possession of land and sets out the purposes for which possession can be taken, the notification procedures, what can be done on the land, the duration of the possession and the obligations placed on the Scottish Ministers to return the use of the land to the owner as well as providing powers to enter but not take ownership of other land and the procedures that apply;
- Part 6, which sets out rights in respect of compensation and the procedures to apply where there is dispute; and
- Part 10, insofar as not already in force, which includes general provisions concerning matters such as the definition of blight (as it relates to the Act), the certification of plans, communication and noticing procedures and the application of the Act to the Crown. Sections 77 on ancillary provision and 79 to 81 on interpretation, commencement and the short title came into force on Royal Assent.

The Schedule to the Order appoints 18th March 2011 for the coming into force of—

- Part 1, which provides powers to allow the Scottish Ministers to construct the works, which describes the works and sets out how the works will be undertaken;
- Part 2, which enables the Scottish Ministers to designate roads as trunk and special roads and to transfer roads to and from the management of the local roads authority as well as providing powers to the Scottish Ministers to create or stop up roads and accesses;
- Part 7, which sets out the rights and responsibilities of the providers of water, gas, electricity, sewerage and telecommunications services through apparatus that will or may be affected by works. It also provides a mechanism for the Scottish Ministers to compensate individuals for the costs incurred in connecting their premises to other apparatus;
- Part 8, which deems planning permission for the works and provides for the relaxation of controls in respect of listed buildings so that work affecting those properties can proceed without requiring further separate authority; and
- Part 9, which sets out the duties of the Scottish Ministers to mitigate the impact of the scheme on the environment and to comply with a code of construction practice and the noise and vibration policy statement. This part also sets out procedures in respect of the control of noise and what matters may constitute a statutory nuisance.