
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 415

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

Amendment of the Transport and Works (Scotland) Act 2007

- 3.—**(1) The Transport and Works (Scotland) Act 2007(1) is amended as follows.
- (2) In section 4(7) (applications), the words from “any” to “includes” are repealed.
- (3) In section 5 (cases where other Member States are affected)—
- (a) in the heading the word “other” is repealed,
 - (b) in subsection (1), for “another” substitute “a”,
 - (c) in subsection (2)—
 - (i) for “another” substitute “a”,
 - (ii) in paragraph (a), for “the other” substitute “that”,
 - (iii) in paragraph (b), for “the other” substitute “that”.
- (4) In section 12 (publicity for making or refusal of order)—
- (a) in subsection (8), for the words from “an organisation” to the end of the subsection substitute—

“any non-governmental organisation promoting environmental protection and meeting any requirements under the law of any part of the United Kingdom is deemed to—

 - (a) have an interest for the purposes of Article 11(1)(a) of the relevant directive, and
 - (b) rights capable of being impaired for the purposes of Article 11(1)(b) of that directive”,
 - (b) after subsection (8), insert—

“(8A) For the purpose of subsection (8), Article 11(1) of the relevant 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”.”,
 - (c) in subsection (9) for “and (8)” substitute “, (8) and (8A)”.
- (5) in section 20A (monitoring measures)—
- (a) in subsection (2)(b), the words from “Union legislation” to “or” are repealed,
 - (b) in subsection (5), paragraph (a) is repealed.