

Changes to legislation: Roads (Scotland) Act 1984, SCHEDULE 2 is up to date with all changes known to be in force on or before 22 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

Sections, 5, 7, 9, 12, 75 and 77.

VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS AND SCHEMES

Modifications etc. (not altering text)

- C1** Sch. 2 excluded (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 30\(6\), 34\(7\)](#) (with savings [ss. 47\(4\), 167\(2\)](#)); S.I. 1991/2286, art. 2(1), [Sch. 1](#)

- 1 As soon as may be after a scheme or order to which this Schedule applies has been made or confirmed by the Secretary of State [^{F1}(or where the order, scheme or instrument confirming the scheme is subject to the affirmative procedure by virtue of section 143A(3) of this Act, after a draft statutory instrument containing or confirming the order or scheme has been laid before the Scottish Parliament)] , he shall publish in the Edinburgh Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice,
- [^{F2}(a)] stating that the scheme or order has been made or confirmed [^{F3}, or as the case may be, that a draft statutory instrument containing or confirming it has been laid before the Scottish Parliament]^{F4}...
- [^{F5}(b)] naming a place where a copy thereof may be inspected free of charge at all reasonable hours
- [^{F6}(c)] if subsection (3) of section 143A of this Act does not apply to the [^{F7}order, scheme or instrument confirming the scheme] , giving information regarding—
- (i) the date on which the scheme or order will become operative; and
- (ii) the right to challenge the validity of the scheme or order and the procedure for doing so; and
- (d) if that subsection does apply to the [^{F8}order, scheme or instrument confirming the scheme, stating that the order, scheme or instrument confirming the scheme cannot be made unless] the Scottish Parliament, by resolution, approves [^{F9}a draft statutory instrument containing] it.]

Textual Amendments

- F1** Words in Sch. 2 para. 1 inserted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order2011 \(S.S.I. 2011/396\), arts. 1, 15\(a\)\(i\)](#) (with art. 16)
- F2** Words in Sch. 2 para. 1 renumbered as Sch. 2 para. 1(a) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\), ss. 24\(5\)\(a\)\(i\), 30\(4\)](#); S.S.I. 2007/516, art. 2
- F3** Words in Sch. 2 para. 1(a) inserted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order2011 \(S.S.I. 2011/396\), arts. 1, 15\(a\)\(ii\)](#) (with art. 16)

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- F4** Word in Sch. 2 para. 1 repealed (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(a)(ii)**, 30(4); S.S.I. 2007/516, art. 2
- F5** Words in Sch. 2 para. 1 renumbered as Sch. 2 para. 1(b) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(a)(iii)**, 30(4); S.S.I. 2007/516, art. 2
- F6** Sch. 2 para. 1(c)(d) added (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(a)(iv)**, 30(4); S.S.I. 2007/516, art. 2
- F7** Words in Sch. 2 para. 1(c) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order2011 \(S.S.I. 2011/396\)](#), arts. 1, **15(a)(iii)** (with art. 16)
- F8** Words in Sch. 2 para. 1(d) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order2011 \(S.S.I. 2011/396\)](#), arts. 1, 15(a)(iv)(aa) (with art. 16)
- F9** Words in Sch. 2 para. 1(d) inserted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order2011 \(S.S.I. 2011/396\)](#), arts. 1, 15(a)(iv)(bb) (with art. 16)

- [^{F10}1A** **[^{F11}Where an order, scheme or instrument confirming a scheme is subject to the affirmative procedure by virtue of section 143A(3) of this Act, as soon as may be after the Scottish Ministers have made the order, scheme or instrument confirming the scheme or, as the case may be, the Scottish Parliament has decided not to approve the draft statutory instrument laid before it under that section] , the Scottish Ministers shall publish in the Edinburgh Gazette, and in such other manner as they think best adapted for informing persons affected, a notice—**
- [^{F12}(a)** stating that the order, scheme or instrument has been made or, as the case may be, the Parliament has decided not to approve the draft statutory instrument;]
 - (b)** where [^{F13}the order, scheme or instrument has been made] , providing information regarding—
 - (i)** the date on which the relevant scheme or order will become operative;
 - (ii)** the place where a copy of it may be inspected free of charge at all reasonable hours; and
 - (iii)** the right to challenge the validity of the scheme or order and the procedure for doing so.]

Textual Amendments

- F10** Sch. 2 para. 1A inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 24(5)(b)**, 30(4); S.S.I. 2007/516, art. 2
- F11** Words in Sch. 2 para. 1A substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order2011 \(S.S.I. 2011/396\)](#), arts. 1, **15(b)(i)** (with art. 16)
- F12** Sch. 2 para. 1A(a) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order2011 \(S.S.I. 2011/396\)](#), arts. 1, **15(b)(ii)** (with art. 16)
- F13** Words in Sch. 2 para. 1A(b) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order2011 \(S.S.I. 2011/396\)](#), arts. 1, **15(b)(iii)** (with art. 16)

- 2** If any person aggrieved by the scheme or order desires to question the validity thereof, or of any provision contained therein, on the grounds that it is not within

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the powers of this Act or that any requirement of this Act or of any regulations made thereunder has not been complied with in relation to the scheme or order, he may, within six weeks of the

[^{F14}(a)] date on which the notice required by paragraph 1 above is first published, [^{F15}or

(b) in a case where a notice under paragraph 1A above is required, the date on which that notice is first published,]

make an application as regards that validity to the Court of Session.

Textual Amendments

F14 Words in Sch. 2 para. 2 renumbered as Sch. 2 para. 2(a) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), [ss. 24\(5\)\(c\)\(i\)](#), 30(4); S.S.I. 2007/516, art. 2

F15 Sch. 2 para. 2(b) and word inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), [ss. 24\(5\)\(c\)\(ii\)](#), 30(4); S.S.I. 2007/516, art. 2

3 On any such application the Court—

(a) may by interim order suspend the operation of the scheme or order or of any provision contained in it, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and

(b) if satisfied that the scheme or order or any provision contained in it is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by failure to comply with any such requirement as aforesaid, may quash the scheme or order or any provision contained in it, either generally or in so far as it effects the property of the applicant.

4 Subject to paragraph 3 above, a scheme or order to which this Schedule applies shall not, either before or after it as been made or confirmed, be questioned in any legal proceedings whatever, and shall become operative on the date on which the notice required by paragraph 1 above is first published or on such later date, if any, as may be specified in the scheme or order.

^{F16}5

Textual Amendments

F16 Sch. 2 para. 5 repealed (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), s. 30(4), [sch. 3](#); S.S.I. 2007/516, art. 2 (with S.S.I. 2007/517, arts. 1(1), 4(2)-(4))

^{F17}[^{F18}6]

Textual Amendments

F17 Sch. 2 para. 6 repealed (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), s. 30(4), [sch. 3](#); S.S.I. 2007/516, art. 2 (with S.S.I. 2007/517), arts. 1(1), 4(2)-(4))

F18 Sch. 2 para. 6 inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 108\)](#), s. 168(1), [Sch. 8 para 97](#); S.I. 1991/2286, art. 2(1), [Sch. 1](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)