



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART I

PUBLIC ROADS

[^{F1} Transitory provisions

[^{F1}12B Transitional power of Secretary of State as respects proposed roads.

- (1) Without prejudice to section 5 of this Act, where the Secretary of State considers that it is necessary or expedient as a result of, or in connection with, the establishment of new local government areas on 1st April 1996—
- (a) that any proposed road—
 - (i) to be constructed by the local roads authority; and
 - (ii) in respect of which all necessary planning permission has been granted or is deemed to have been granted,should become a trunk road; or
 - (b) that any proposed road—
 - (i) to be constructed by the Secretary of State as a trunk road; and
 - (ii) in relation to which an order has been made under section 5 of this Act,should not become a trunk road,
- he may by order direct that the proposed road shall or, as the case may be, shall not become a trunk road.
- (2) Where an order is made in respect of a proposed road as mentioned in subsection (1) (a) above—
- (a) subject to subsection (6) below, the Secretary of State may, for the purposes of the construction of that road, do any thing which he would have been entitled to do if an order under section 12 of this Act (in this section referred to as a “section 12 order”) had been made in relation to that road; and

Changes to legislation: Roads (Scotland) Act 1984, Section 12B is up to date with all changes known to be in force on or before 29 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

- (b) where an [^{F2}EIA report] has been published in respect of the project, the Secretary of State shall not be required to publish a further [^{F2}EIA report] , but otherwise the Secretary of State shall in all respects be in the same position in relation to that proposed road as the local roads authority would have been if such order had not been made.
- (3) Where an order is made in respect of a proposed road as mentioned in subsection (1) (b) above—
- (a) the local roads authority may proceed with construction of the said road as if all necessary planning permission had been granted;
 - (b) the section 12 order made in relation to that road shall apply as if—
 - (i) the local roads authority were the roads authority referred to in such order; and
 - (ii) all necessary planning permission has been granted; and
 - (c) where an [^{F3}EIA report] has been published in respect of the project, the local roads authority shall not be required to publish a further [^{F3}EIA report] .
- (4) Where an order under this section directs that a proposed road shall not become a trunk road, it may also direct that—
- (a) as from the date specified in that regard in the order, the local roads authority for the area shall become the roads authority for the proposed road; and
 - (b) on such date as may be specified in that regard in the order, the authority shall enter the road in their list of public roads.
- (5) An order under this section may relate to one or more proposed roads.
- (6) The Secretary of State shall not by virtue of this section be empowered—
- (a) to stop up a road as mentioned in section 12(1)(a)(i) of this Act; or
 - (b) to do anything mentioned in paragraphs (a) and (b) of section 70 of this Act except where the local roads authority have been so authorised under a section 12 order; and where such an order has been made, the Secretary of State may do anything he would have been authorised to do if the order had been made by him.
- (7) In this section and in section 12C of this Act “planning permission” means permission under [^{F4}Part III of the Town and Country Planning (Scotland) Act 1997].]

Textual Amendments

- F1** S. 12A-12F added (4.1.1995) by 1994 c. 39, s. 7(2), 38(2) (with s. 7(2)); S.I. 1994/2850 art. 3(a), Sch. 2
- F2** Words in s. 12B(2)(b) substituted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, 3
- F3** Words in s. 12B(3)(c) substituted (16.5.2017) by [The Roads \(Scotland\) Act 1984 \(Environmental Impact Assessment\) Regulations 2017 \(S.S.I. 2017/137\)](#), regs. 1, 3
- F4** S. 12B(7) words substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2](#), para. 38(1)

Changes to legislation:

Roads (Scotland) Act 1984, Section 12B is up to date with all changes known to be in force on or before 29 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.

[View outstanding changes](#)

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\(2\)](#)