Status: Point in time view as at 16/05/2017.
Changes to legislation: Roads (Scotland) Act 1984, Section 12C is up to date with all changes known to be in force on or before 04 June 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)

Roads (Scotland) Act 1984

1984 CHAPTER 54

PART I

PUBLIC ROADS

[F1 *Transitory provisions*

[F1**12C   Transitional power of Secretary of State as respects special road schemes.**

(1) 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 that—

(a)   a special road which the Secretary of State is authorised to provide by virtue of a scheme under section 7 of this Act (a "section 7 scheme") should be provided by a local roads authority; or

(b)   a special road which a local roads authority is authorised to provide by virtue of a section 7 scheme which has been confirmed by the Secretary of State should be provided by the Secretary of State,

he may by order direct that the local roads authority or, as the case may be, the Secretary of State shall be authorised to provide such special road; and the section 7 schemes relating to those special roads shall (notwithstanding their terms) be deemed to authorise the provision of such special roads by the local roads authority and the Secretary of State respectively.

(2) Where an order is made in respect of a special road as mentioned in subsection (1) (a) above—

(a)   where the Secretary of State has made an order under section 9 of this Act (a "section 9 order") in relation to that special road, the local roads authority may treat that order as if it were an order made by them and confirmed by the Secretary of State;

(b)   any necessary planning permission (whether relating to the special road or the doing of anything authorised by virtue of the section 9 order) shall be deemed to have been granted to the local roads authority; and

    (c)   where an [**F2**EIA report] has been published in respect of the project, the local roads authority shall not be required to publish a further [**F2**EIA report] .

(3) Where an order is made in respect of a special road as mentioned in subsection (1) (b) above—

    (a)   if the local roads authority have made a section 9 order which has been confirmed by the Secretary of State, the Secretary of State may treat that section 9 order as if it were an order made by him; and

    (b)   where an [**F3**EIA report] has been published in respect of the project, the Secretary of State shall not be required to publish a further [**F3**EIA report] ,

but otherwise the Secretary of State shall in all respects be in the same position in relation to that special road as the local roads authority would have been if such order had not been made.]

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. 12C(2)(c) substituted (16.5.2017) by The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 (S.S.I. 2017/137), regs. 1, **4**

F3   Words in s. 12C(3)(b) substituted (16.5.2017) by The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 (S.S.I. 2017/137), regs. 1, **4**

Status:
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Changes to legislation:
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