

Status: Point in time view as at 01/04/2002.

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SCHEDULES

SCHEDULE 1

PROCEDURES FOR MAKING OR CONFIRMING CERTAIN ORDERS AND SCHEMES

Modifications etc. (not altering text)

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

PART II

SCHEMES UNDER SECTIONS 7 AND 75(3)

- 9 Where the Secretary of State proposes to make a scheme under section 7 or 75(3) of this Act, or where a scheme under either of those sections is submitted to the Secretary of State by a local roads authority, the Secretary of State or that authority, as the case may be, shall publish in at least one newspaper circulating in the area in which the road, or as the case may be the site of the bridge or tunnel, to which the scheme relates is situated and in the Edinburgh Gazette a notice—
- (a) stating the general effect of the proposed scheme;
 - (b) specifying a place in the said area where copies of a draft of the scheme, or of the scheme as submitted to the Secretary of State, as the case may be, and of any relevant map or plan may be inspected free of charge, at all reasonable hours during a period specified in the notice, being not less than six weeks from the date of the publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Secretary of State object to the making or confirmation of the scheme.
- 10 Not later than the day on which the said notice is published or, if it is published on two more days, the day on which it is first published, the Secretary of State or the local roads authority, as the case may be, shall serve a copy of it (together with a copy of draft scheme or of the scheme, as the case may be, and of any relevant map or plan)—
- (a) on ^{F1}every local authority] in whose area any part of the route of the special road, or as the case may be the site of the bridge or tunnel, is situated; and
 - (b) where the scheme provides for the construction of a bridge over or tunnel under any navigable waters, on
 - ^{F2}(i) every navigation authority ^{F3}. . . concerned with or having jurisdiction over the waters affected or over the area comprising those waters^{F4}, and
 - (ii) Scottish Water.]

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Textual Amendments

- F1** Words in Sch. 1 Pt. II para. 10(a) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 135(1)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in Sch. 1 Pt. II para. 10(b) renumbered (1.4.2002) as Sch. 1 Pt. II para. 10(b)(i) by **Water Industry (Scotland) Act 2002 (asp 3)**, s. 71(2), **Sch. 7 para. 14(6)(b)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F3** Words in Sch. 1 Pt. II para. 10(b) repealed (1.4.2002) by **Water Industry (Scotland) Act 2002 (asp 3)**, s. 71(2), **Sch. 7 para. 14(6)(b)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F4** Sch. 1 Pt. II para. 10(b)(ii) and preceding word inserted (1.4.2002) by **Water Industry (Scotland) Act 2002 (asp 3)**, s. 71(2), **Sch. 7 para. 14(6)(b)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- 11 If before the expiration of the period specified in pursuance of paragraph 9(b) above an objection is received by the Secretary of State from any person on whom a copy of the notice is required to be served under paragraph 10 above or from any other person appearing to him affected by the proposed scheme, and the objection is not withdrawn, the Secretary of State shall, subject to paragraphs 12 and 19 below, cause a local inquiry to be held.
- 12 Except where the objection is made by any person on whom notice is required to be served under paragraph 10 above, the Secretary of State may, if he is satisfied that in the circumstances of the case the holding of an inquiry under paragraph 11 above is unnecessary, dispense with such an inquiry.
- 13 (1) Subject to paragraph 19 below, after considering objections (if any) to the proposed scheme which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may make or confirm the scheme either without modification or subject to such modifications as he thinks fit.
- [^{F5}(1A) Where the Scottish Ministers have published an environmental statement they shall take into consideration—
- (a) that statement; and
 - (b) any opinion expressed by a member of the public, by any of the consultation bodies or by any EEA State consulted under section 20B of this Act.
- (1B) When the Scottish Ministers have decided whether to proceed with the project in relation to which an environmental impact assessment has been made they shall publish their decision together with a statement confirming that they have complied with sub-paragraph (1A) above and shall make available to the public documents containing—
- (a) the content of the decision and any conditions attached to it;
 - (b) the main reasons and considerations on which the decision is based; and
 - (c) where their decision is to proceed with the project, a description of the main measures which will be taken to avoid, reduce and if possible offset any major adverse effects of the project.
- (1C) Any requirement for publication in connection with an environmental impact assessment shall be met by publication in The Edinburgh Gazette and in at least one local newspaper circulating in the area in which the project is situated.]
- (2) The power under this paragraph to make or confirm the scheme includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Secretary of State thinks fit) while deferring consideration of the remaining part.

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Textual Amendments

F5 Sch. 1 para. 13(1A)-(1C) substituted for Sch. 1 para. 13(1A)(1B) (1.8.1999) by [S.S.I. 1999/1](#), [reg. 52](#)

14 In this Part of this Schedule “proposed scheme” includes a scheme made by a local roads authority and submitted to the Secretary of State.

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