

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transport and Works (Scotland) Act 2007 (“the Act”).

These Regulations implement, in relation to transport developments to which the Act applies, [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment, as amended by Council [Directive 2014/52/EU](#).

The Regulations amend the Act to impose additional procedural requirements in relation to applications under section 4, or proposals under section 6, for an order under section 1 of the Act.

Regulation 3 adds Historic Environment Scotland to the list of specified authorities in section 4(7).

Regulation 4 amends section 11 to include a prohibition on making an order under section 1 of the Act unless an environmental impact assessment has been carried out in circumstances where such an assessment is required.

Regulation 5 amends section 12 to set out additional information that must be included in the notices publicising the Scottish Ministers’ determination to make an order under section 1 where an environmental impact assessment is required for the transport development that is the subject of the determination.

Regulation 6 inserts into the Act—

- (a) section 20A to make provision for the inclusion, where appropriate, in an order under section 1 of a requirement for measures to monitor any significant adverse effects on the environment to be carried out;
- (b) section 20B to make it an offence for any person to provide false information for the purpose of obtaining a decision in relation to the making or otherwise of an order under section 1;
- (c) section 20C applies section 20B to bodies corporate (including officers and members thereof), Scottish partnerships, and unincorporated associations other than Scottish partnerships.

Regulation 7 contains transitional and savings provisions.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.