



Roads (Scotland) Act 1984

1984 CHAPTER 54

PART III

NEW ROADS

[^{F1}20B Projects with significant transboundary effects

- (1) This section applies if—
 - (a) it appears to the Scottish Ministers that a project to which section 20A(2) of this Act applies is likely to have a significant effect on the environment in another EEA State; or
 - (b) an EEA State the environment of which is likely to be significantly affected by such a project asks the Scottish Ministers for information about it.
- (2) The Scottish Ministers shall give to the EEA State—
 - (a) a description of the project together with any information available to them which suggests that it may have a significant effect on the environment in the EEA State;
 - (b) any information which they have about the nature of the decision which may be taken on the project;
 - (c) where they consider it appropriate, information about the environmental impact assessment procedure; and
 - (d) a reasonable period within which to indicate whether the EEA State wishes to participate in that procedure of this Act.
- (3) Subsection (2)(a) and (b) above must be complied with no later than the date of publication of the notice referred to in section 20A(3) of this Act.
- (4) If the EEA State indicates that it wishes to participate in the environmental impact assessment procedure, the Scottish Ministers shall give it—
 - (a) a copy of the environmental statement where that has not already been given to that EEA State; ^{F2}...
 - [^{F3}(b) the information required by subsection (5A) of section 20A to be included in the notice under subsection (5) of that section; and

Status: Point in time view as at 18/03/2011. This version of this provision has been superseded.

Changes to legislation: Roads (Scotland) Act 1984, Section 20B is up to date with all changes known to be in force on or before 05 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)

- (c) any information about the environmental impact assessment procedure under this Part of this Act which they consider it appropriate to give and has not already been given to the EEA State.]
- (5) The Scottish Ministers shall also—
- (a) arrange for the information which they have given to the EEA State to be made available within a reasonable time to—
- (i) the authorities referred to in Article 6(1) of the Directive; and
 - (ii) members of the public in the EEA State who are likely to be concerned; and
- (b) ensure that those authorities and the members of the public concerned are given a reasonable opportunity to express an opinion before they decide whether to proceed with the project.
- (6) In accordance with Article 7(4) of the Directive, the Scottish Ministers shall—
- (a) enter into consultation with the EEA State concerned regarding in particular the potential significant effects of the project on the environment of that EEA State and the measures envisaged to reduce or eliminate those effects; and
- (b) agree with the EEA State a reasonable period for that consultation.
- [^{F4}(7) Where an EEA State has been consulted in accordance with subsection (4) above, the Scottish Ministers must, after deciding whether to proceed with the project to which the environmental assessment relates, inform the EEA State of the decision and give it copies of the documents containing the matters referred to in paragraph 7(1B) or 13(1B) as the case may be of Schedule 1 to this Act.]
- (8) In this section [^{F5}and in paragraphs 7(1A) and 13(1A) of Schedule 1 to this Act] “EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 ^{M1} as adjusted by the Protocol signed at Brussels on 17th March 1993 ^{M2}.]

Textual Amendments

- F1** Ss. 20A and 20B substituted for s. 20A (1.8.1999) by S.S.I. 1999/1, **reg. 49**
- F2** Word in s. 20B(4)(a) omitted (1.2.2007) by virtue of The Environmental Impact Assessment (Scotland) Amendment Regulations 2006 (S.S.I. 2006/614), regs. 1, **6(2)(a)**
- F3** S. 20B(4)(b)(c) substituted for s. 20B(4)(b) (1.2.2007) by The Environmental Impact Assessment (Scotland) Amendment Regulations 2006 (S.S.I. 2006/614), regs. 1, **6(2)(a)**
- F4** S. 20B(7) substituted (1.2.2007) by The Environmental Impact Assessment (Scotland) Amendment Regulations 2006 (S.S.I. 2006/614), regs. 1, **6(2)(b)**
- F5** Words in s. 20B(8) inserted (1.2.2007) by The Environmental Impact Assessment (Scotland) Amendment Regulations 2006 (S.S.I. 2006/614), regs. 1, **6(2)(c)**

Marginal Citations

- M1** Cm 2073.
- M2** Cm 2183.

Status:

Point in time view as at 18/03/2011. This version of this provision has been superseded.

Changes to legislation:

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