



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART IV

#### IMPROVEMENTS AND MAINTENANCE

##### *Miscellaneous improvements*

#### **[<sup>F1</sup>55A Environmental assessment of certain road improvement projects.**

- (1) In any case where the Secretary of State has under consideration—
  - (a) the making of an order such as is mentioned in paragraph 1 of Schedule 1 to this Act relating to the improvement of a road, or
  - (b) the improvement of a road without such an order,he shall determine before the relevant date whether or not the project falls within Annex I or Annex II to Council Directive No. [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment.
- (2) If he determines that the project falls within Annex I, or that it falls within Annex II and [<sup>F2</sup>either the project is in respect of a special road or the project]] has such characteristics that it should be made subject to an environmental assessment, he shall publish an environmental statement not later than the relevant date.
- (3) In this section “the relevant date” means—
  - (a) in a case falling within paragraph (a) of subsection (1) above, the date of the publication of the draft order; and
  - (b) in a case falling within paragraph (b), the date of the publication of details of the project.
- (4) If the Secretary of State publishes an environmental statement under this section, he shall ensure that the public concerned is given an opportunity to express an opinion before the project is initiated.
- (5) If on completion of the project any part of the road would lie on, or within 100 metres of, land such as is mentioned in section 20A(5) of this Act, the Secretary of State shall

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*Status: Point in time view as at 21/10/1991. This version of this provision has been superseded.*

*Changes to legislation: Roads (Scotland) Act 1984, Section 55A is up to date with all changes known to be in force on or before 23 July 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)*

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ensure that the appropriate environmental body is given an opportunity to express an opinion before the project is initiated.

- (6) In a case falling within subsection (1)(b) above, the Secretary of State—
- (a) shall consider
    - (i) the environmental statement;
    - (ii) any opinion expressed by a member of the public; and
    - (iii) if the statement relates to land such as is mentioned in section 20A(5) of this Act, any opinion expressed by the appropriate environmental body; and
  - (b) shall publish his decision as to whether or not to initiate the project.
- (7) This section does not apply—
- (a) where a draft order relating to an improvement is published before the coming into force of the Environmental Assessment (Scotland) Regulations 1988; or
  - (b) where the Secretary of State has under consideration before that date the making of an improvement without an order.

#### Textual Amendments

- F1** S. 55A inserted by S.I. 1988/1221, reg. 71
- F2** Words in s. 55A(2) inserted (21.10.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 58, 108), s. 42(2)(with savings s. 47(4), 167(2)); S.I. 1991/2286, art. 2(1), Sch. 1

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