

These notes relate to the Environmental Assessment (Scotland) Act 2005 (asp15) (asp 15) which received Royal Assent on 14 December 2005

ENVIRONMENTAL ASSESSMENT (SCOTLAND) ACT 2005 (ASP15)

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Environmental Assessment for Plans and Programmes

Section 2 – Responsible Authorities

8. The Act is focussed solely on the public sector, defined in this section “as any person, body or office-holder exercising functions of a public character”. This phrase seeks to capture the full extent of the public sector from central and local government, across the range of public bodies and to those private persons or bodies which perform functions of a public character. This might apply to a private body operating under licence or in accordance with statutory powers. The Responsible Authority is in charge of the qualifying plan or programme and each qualifying plan or programme may only have one Responsible Authority at any one time. Where several authorities have an interest in a particular plan or programme they should agree amongst themselves who should be nominated as the Responsible Authority for that plan or programme. Where agreement cannot be reached, the Scottish Ministers will decide who should be the Responsible Authority.
9. [Section 2\(4\)](#) sets out the public sector bodies to which section 5(4) applies. The bodies listed include most Scottish public sector bodies. Paragraph (f) allows Scottish Ministers to specify further responsible authorities by order. Any additions would be made in respect only of functions of a public character being carried out by a person, body or office holder in Scotland. Any order made by the Scottish Ministers in this respect is subject to annulment in pursuance of a resolution of the Scottish Parliament.