



# Environmental Assessment (Scotland) Act 2005 2005 asp 15

## PART 1

### ENVIRONMENTAL ASSESSMENT FOR PLANS AND PROGRAMMES

#### **9 Screening: procedure**

- (1) Before making a determination under section 8(1), the responsible authority shall prepare a summary of its views as to whether or not the plan or programme is likely to have significant environmental effects.
- (2) The responsible authority shall send that summary to each consultation authority for its consideration.
- (3) Each consultation authority shall, within 28 days of receipt of that summary, respond to the responsible authority with the consultation authority's views on it.
- (4) If the responsible authority and the consultation authorities agree that the plan or programme is unlikely to have significant environmental effects, the responsible authority shall make a determination to that effect under section 8(1).
- (5) If the responsible authority and the consultation authorities agree that the plan or programme is likely to have significant environmental effects then the responsible authority shall make a determination to that effect under section 8(1).
- (6) If the responsible authority and the consultation authorities do not reach agreement as to whether or not the plan or programme is likely to have significant environmental effects, the responsible authority shall refer the matter to the Scottish Ministers for their determination.
- (7) A determination of the Scottish Ministers under subsection (6) shall have effect as if made by the responsible authority under section 8(1); and, where the determination is that the plan or programme is unlikely to have significant environmental effects, section 8(2)(b) shall apply to the Scottish Ministers as it would to the responsible authority.

**Changes to legislation:** *There are currently no known outstanding effects for the*  
*Environmental Assessment (Scotland) Act 2005, Section 9. (See end of Document for details)*

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**Commencement Information**

**II** S. 9 in force at 20.2.2006 by [S.S.I. 2006/19](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Environmental Assessment (Scotland) Act 2005, Section 9.