



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 1

ORDERS AUTHORISING WORKS ETC.

Procedure for making orders

5 Cases where ^{F1}... Member States are affected

- (1) The power to make rules under subsection (2) of section 4 includes power to make, for a case where an application has been made under that section and [^{F2}a] Member State is affected by the project in question, rules as to—
- (a) the provision by the Scottish Ministers to—
 - (i) the Member State,
 - (ii) authorities in that state, or
 - (iii) the public of that state,of documents and information relating to the application,
 - (b) consultation by the Scottish Ministers with the Member State in connection with the application, or
 - (c) notification by the Scottish Ministers to the Member State of—
 - (i) the decision, or
 - (ii) matters relating to the decision,on the application.
- (2) For the purposes of subsection (1), the cases where [^{F3}a] Member State is affected by a project are those cases where—
- (a) it appears to the Scottish Ministers that the project would be likely to have significant effects on the environment in [^{F4}that] Member State, or
 - (b) [^{F5}that] Member State is likely to be affected significantly by the project and requests information relating to the application.
- (3) In this section “Member State” includes a state which is a contracting party to the [^{F6}EEA Agreement].

Changes to legislation: There are currently no known outstanding effects for the
Transport and Works (Scotland) Act 2007, Section 5. (See end of Document for details)

Textual Amendments

- F1** Word in s. 5 heading repealed (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **3(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in s. 5(1) substituted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **3(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in s. 5(2) substituted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **3(3)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in s. 5(2)(a) substituted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **3(3)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in s. 5(2)(b) substituted (31.12.2020) by [The Environmental Impact Assessment \(Transport\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/415\)](#), regs. 1, **3(3)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 5(3) substituted (7.12.2019) by [The Environmental Impact Assessment \(Transport\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/322\)](#), regs. 1, **3(3)**

Modifications etc. (not altering text)

- C1** Ss. 3-10 applied (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), ss. **52(2)(3)**, 70(1)

Commencement Information

- I1** S. 5 in force at 28.12.2007 by [S.S.I. 2007/516](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Section 5.