

FORTH CROSSING ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Roads

Section 12 – Trunk roads

45. **Section 12** provides for the designation of new roads and existing roads as trunk roads. The expression trunk road applies to roads within the trunk road network¹ for which the Scottish Ministers are responsible. **Section 12(1)** introduces **schedule 4** which provides details of all new roads which are to be trunk roads on the date that the section comes into force. The subsection also ensures that a proposed road identified in **schedule 3** also becomes a trunk road when the section is commenced.
46. Subsection (2) introduces **schedule 5** which lists existing roads (or parts of roads) currently maintained by local roads authorities. These roads will become trunk roads on a date determined by the Scottish Ministers and accordingly transfer to the Scottish Ministers.
47. Subsection (3) makes provision for a special road to become a trunk road on the date that the road is designated as being a special road if it is not already a trunk road under the Act or the Roads (Scotland) Act 1984. This subsection therefore ensures that any road designated as a special road will also be a trunk road.
48. The mechanism for notifying various parties when an existing road is to become a trunk road is set out in subsection (4).
49. Subsection (5) applies section 112 of the 1984 Act which provides that when a road transfers from a local roads authority to the Scottish Ministers all liabilities associated with the road (except for any loans or loan charges) will transfer at the time the road becomes a trunk road.
50. Subsection (6) enables a designation of a road as a trunk road made under the Act to be changed in the future under section 5 of the 1984 Act (which includes detrunking of roads).
51. Subsection (7) ensures a trunk road designated under the Act is included in the definition of a trunk road in the 1984 Act and therefore attracts the maintenance and other provisions of the 1984 Act as they relate to trunk roads.

¹ The Trunk Road Network is a system of strategic routes of national importance that caters for the through movement of long distance traffic. The network includes motorways (“M”) and all-purpose (“A”) roads.