

FORTH CROSSING ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Roads

Section 13 – Roads to be transferred to local roads authorities

52. The Scottish Ministers will need to create or improve a number of roads as part of the Forth Crossing works. Once created or improved the responsibility for some of these roads will transfer to the relevant local roads authority. Subsection (1) places the Scottish Ministers under an obligation to consult and consider representations from a local roads authority regarding works on roads that once built or improved are to be transferred to that local roads authority. Subsection (2) introduces **schedule 6**, which lists in column (3) the works associated with each road and in column (4) the relevant local roads authority.
53. Subsection (3) advises of the date of transfer of roads from the Scottish Ministers to the local roads authority. It is usual on any roads scheme undertaken by the Scottish Ministers under the Roads (Scotland) Act 1984 for any transfer of road responsibilities to occur on the 1 April following the date on which such a road is opened to traffic. The Act, for reasons of consistency, follows that approach.
54. Subsection (4) by attracting section 112 of the Roads (Scotland) Act 1984 ensures that on transfer of the road to the local roads authority particular liabilities attached to the construction of the road remain with the Scottish Ministers.