



# Roads (Scotland) Act 1984

## 1984 CHAPTER 54

### PART XIII

#### GENERAL

##### *Regulations, orders and schemes*

#### **143 Regulations, orders and schemes.**

- (1) Where a power to make regulations or orders, or to make or confirm schemes, is exercisable by the Secretary of State by virtue of this Act, the exercise of that power shall be by statutory instrument under this subsection, and may—
- (a) make different provision in relation to different cases or classes of case;
  - (b) exclude certain cases or classes of case.

- (2) A statutory instrument—

- (a) made under subsection (1) above and containing—
  - (i) regulations other than such regulations as are mentioned in paragraph (b)(i) below; or
  - (ii) an order under section <sup>[F1]</sup>8 <sup>[F2]</sup>, 12A, 12B, 12C, 12D, 12E]<sup>[F3]</sup>113A] or] 154 of this Act,

shall be subject to annulment in pursuance of a resolution of either House of Parliament;

and

- (b) containing—
  - (i) regulations under section 17 of this Act <sup>[F4]</sup>or regulations made for the first time under section 61A of this Act]; or
  - (ii) an order under section <sup>[F5]</sup>130A or]<sup>[F6]</sup>... 153 of this Act,

shall not be made under subsection (1) above unless a draft of the instrument has been laid before Parliament and has been approved by resolution of each House of Parliament.

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### Textual Amendments

- F1** Words in s. 143(2)(a)(ii) inserted (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para. 93\(a\)](#); S.I. 1991/2286, art. 2(1), [Sch. 1](#)
- F2** Words in s. 143(2)(a)(ii) inserted (4.1.1995) by [1994 c. 39, s. 38\(4\)](#) (with s. 7(2)); S.I. 1994/2850, [art. 3\(a\)](#)
- F3** Words in s. 143(2)(a)(ii) inserted (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 135\(9\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F4** Words in s. 143(2)(b)(i) inserted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 para. 93\(b\)](#); S.I. 1992/2990, art. 2(2), [Sch. 2](#)
- F5** Words in s. 143(2)(b)(ii) inserted (1.10.2008) by [Transport \(Scotland\) Act 2005 \(asp 12\), ss. 37\(2\), 54\(2\)](#); S.S.I. 2008/15, art. 2(3), [sch. 2](#)
- F6** Words in s. 143(2)(b)(ii) repealed (21.10.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\)\(2\), Sch. 8 para. 93\(c\), Sch. 9](#); S.I. 1991/2286, art. 2(1), [Sch. 1](#)

### [<sup>F7</sup>143A “Developments of national significance” etc.: special procedure

- (1) [<sup>F8</sup>Subject to subsection (4), subsection (3) applies to any] —
- (a) [<sup>F9</sup>... order under section 5 of this Act directing that a road proposed to be constructed shall be a trunk road and the construction of the road would constitute a national development;
  - (b) [<sup>F10</sup>... scheme under section 7 of this Act [<sup>F11</sup>(or any instrument confirming such a scheme)] which authorises the carrying out of work which would constitute a national development; or
  - (c) [<sup>F12</sup>subordinate legislation which] is the subject of a direction by the Scottish Ministers under this paragraph.
- (2) In subsection (1) above, the references to a “national development” are to any development (within the meaning of the Town and Country Planning (Scotland) Act 1997) for the time being designated under section 3A(4)(b) of that Act as a national development.
- [<sup>F13</sup>(3) The legislation is subject to the affirmative procedure.]
- (4) Unless the Scottish Ministers otherwise direct, [<sup>F14</sup>any subordinate legislation] which revokes, amends or re-enacts [<sup>F15</sup>any legislation which was subject to the affirmative procedure by virtue] of subsection (3) above is not subject to the procedure in that subsection.]

### Textual Amendments

- F7** S. 143A inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\), ss. 24\(2\), 30\(4\)](#); S.S.I. 2007/516, art. 2
- F8** Words in s. 143A(1) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\), arts. 1, 13\(a\)\(i\)](#) (with art. 16)
- F9** Words in s. 143A(1)(a) omitted (11.11.2011) by virtue of [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\), arts. 1, 13\(a\)\(ii\)](#) (with art. 16)
- F10** Words in s. 143A(1)(b) omitted (11.11.2011) by virtue of [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\), arts. 1, 13\(a\)\(iii\)\(aa\)](#) (with art. 16)

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- F11** Words in s. 143A(1)(b) inserted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, 13(a)(iii)(bb) (with art. 16)
- F12** Words in s. 143A(1)(c) inserted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, 13(a)(iv) (with art. 16)
- F13** S. 143A(3) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, 13(b) (with art. 16)
- F14** Words in s. 143A(4) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, 13(c)(i) (with arts. 16, 17)
- F15** Words in s. 143A(4) substituted (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, 13(c)(ii) (with arts. 16, 17)

#### **144 Regulations for procedure in schemes and orders for special roads and trunk roads.**

- (1) Subject to <sup>F16</sup> sections 143 and 143A ] of, and Schedules 1 and 2 to, this Act, the Secretary of State may make regulations prescribing the procedure to be followed in connection with the making and confirmation of schemes under section 7 and orders under sections 5, 9 and 12 of this Act.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may provide for securing that the centre-line of—
- (a) a special road authorised by a scheme under section 7 of this Act,
  - (b) a road directed by order to become a trunk road under section 5 of this Act, or
  - (c) a road affected by an order under section 9 or 12 of this Act,
- shall be indicated on a map on such scale as may be prescribed by the regulations.
- (3) The centre-line of any road referred to in subsection (2) above as constructed may deviate from the centre-line as indicated on the map referred to in that subsection within such limits of deviation, not exceeding 50 metres, as may be specified in the scheme or order.

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#### **Textual Amendments**

- F16** Words in s. 144(1) substituted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), ss. 24(3), 30(4); S.S.I. 2007/516, art. 2

#### **145 Revocation and variation of certain schemes and orders.**

- (1) A scheme or order made by a roads authority under this Act or confirmed by the Secretary of State under section 5, 7, 9, 12 or 75(3) of this Act may, subject to subsection (5) below and to subsection (7)(i) of the said section 5, be revoked or varied by a subsequent scheme or order so made or confirmed; and subject to the provisions of this section any such revoking or varying scheme or order may make such consequential provision as appears to the Secretary of State to be expedient.

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- (2) Where a scheme under section 7 of this Act is revoked by a subsequent scheme, any part of the special road authorised by the scheme, being a part constructed before the date on which the revoking scheme comes into operation, and any road appropriated by or transferred to the special road authority before that date, shall cease on that date to be a special road within the meaning of this Act, but shall, where the special road is a trunk road, continue to be a trunk road.
- (3) Where a scheme under section 7 of this Act is varied by a subsequent scheme, subsection (2) above shall apply in relation to any part of the special road which ceases to form part of the route of that road in consequence of the variation.
- (4) Subject to the foregoing provisions of this section, the revocation or variation of a scheme under section 7 or 75(3) of this Act shall not affect the validity of anything done in pursuance of the scheme before the date on which the revoking or varying scheme comes into force, or the validity of any order under section 9 of this Act before that date in connection with the special road to be provided under the scheme.
- (5) Where—
- (a) a scheme under section 7 or 73(3) of this Act; or
  - (b) an order under section 9 or 12 of this Act in relation to—
    - (i) a special road; or
    - (ii) a main road (within the meaning of the said section 12),

which has not been opened for the purposes of through traffic,

is revoked at any time before the special road, main road, bridge or tunnel is opened for the purposes of through traffic, Schedules 1 and 2 to this Act shall have no effect as regards the revocation but, within 28 days of the revocation, notice of it shall be published by the Secretary of State in the Edinburgh Gazette and in such other manner as he thinks best adapted for informing persons affected.

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**Modifications etc. (not altering text)**

- C1** S. 145 modified (18.3.2011) by [Forth Crossing Act 2011 \(asp 2\)](#), ss. **11(4)**, 80(2) (with ss. 69, 78); S.S.I. 2011/38, art. 2, sch.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)