
STATUTORY INSTRUMENTS

1994 No. 2012

**The Environmental Assessment
(Scotland) Amendment Regulations 1994**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Assessment (Scotland) Amendment Regulations 1994 and shall come into force on 19th August 1994.

(2) In these Regulations “the 1988 Regulations” means the Environmental Assessment (Scotland) Regulations 1988(1).

(3) Any reference in these Regulations to a numbered regulation, Schedule, paragraph or sub-paragraph shall, unless the context otherwise requires, be construed as a reference to the regulation, Schedule, paragraph or sub-paragraph so numbered in the 1988 Regulations.

Amendments to the 1988 Regulations

2. The Schedule to these Regulations shall have effect for the purpose of amending the 1988 Regulations.

Transitional provision

3.—(1) The amendments made to—

- (a) regulations 4, 16(6), 18 and 21 and Schedule 2 shall not apply to an application for planning permission;
- (b) regulation 40 shall not apply to an electricity application within the meaning of Part III of the 1988 Regulations; and
- (c) regulation 53 shall not apply to a specific development application within the meaning of Part IV of the 1988 Regulations,

where such application for planning permission, electricity application or specific development application as the case may be was made before the coming into force of these Regulations.

(2) The amendments made to regulation 59 shall not apply in relation to any environmental statement where copies have been provided in terms of regulation 59(1) before the coming into force of these Regulations.

Amendments of the Roads (Scotland) Act 1984

4. The Roads (Scotland) Act 1984(2) shall be amended as follows:—

- (a) in section 20A(2), for the words “If he determines” there shall be substituted the words “Where it appears to him”; and after the words “, a statement” there shall be inserted the following words:—

(1) S.I. 1988/1221; amended by S.I. 1990/526.
(2) 1984 c. 54, amended by S.I. 1988/1221.

“identifying, describing and assessing in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11 of the Directive, the direct and indirect effects of the project on the factors mentioned in Article 3 of the Directive and”;

- (b) in section 55A(2)(3), for the words “If he determines” there shall be substituted the words “Where it appears to him”;
- (c) at the end of section 55A(6)(b), there shall be added the following words:–
“and in his decision shall state that he has considered the matters set out in subsection (6) (a) above.”;
- (d) after paragraph 7(1A) of Schedule 1 there shall be inserted the following sub-paragraph:–
“(1B) When the Secretary of State issues his decision as to whether or not to make the order he shall state that he has considered the matters set out in paragraph 7(1A) above.”;
- (e) after paragraph 13(1A) of Schedule 1 there shall be inserted the following sub-paragraph:–
“(1B) When the Secretary of State issues his decision as to whether or not to make the scheme, he shall state that he has considered the matters set out in paragraph 13(1A) above.”.

St Andrew’s House,
Edinburgh
19th July 1994

Ian Lang
One of Her Majesty’s Principal Secretaries of
State