



# Transport (Scotland) Act 2005

## 2005 asp 12

### PART 4

#### GENERAL

#### 52 Orders and regulations

- (1) Any power of the Scottish Ministers under this Act to make an order or regulations shall be exercisable by statutory instrument.
- (2) Subject to subsection (3) below, a statutory instrument containing an order (other than an order made under section 54(2) below) or regulations made under this Act shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (3) A statutory instrument containing an order made under section 1(1), 2(1) or (2), 10(1), 11(1), 13(1) or 40(1) above [<sup>F1</sup>or regulations under section 18F] shall not be made unless a draft of the order [<sup>F2</sup>(or, as the case may be, regulations)] has been laid before, and approved by a resolution of, the Scottish Parliament.
- (4) Orders and regulations under this Act may make—
  - (a) different provision for different purposes; and
  - (b) supplemental, incidental, consequential, transitory, transitional or saving provision.

#### Textual Amendments

- F1** Words in s. 52(3) inserted (1.4.2024) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 110(3)(a)**, 130(2) (with s. 126); [S.S.I. 2023/250](#), [sch.](#)
- F2** Words in s. 52(3) inserted (1.4.2024) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 110(3)(b)**, 130(2) (with s. 126); [S.S.I. 2023/250](#), [sch.](#)

#### 53 Interpretation

- (1) In Part 1 of this Act, “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).
- (2) In Part 2 of this Act—

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*Changes to legislation: There are currently no known outstanding effects for the Transport (Scotland) Act 2005, Part 4. (See end of Document for details)*

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[<sup>F3</sup>“authorised person” has the meaning given in section 18A(1),]  
 “the Commissioner” has the meaning given by section 16 above;  
 [<sup>F4</sup>“the 1984 Act” means the Roads (Scotland) Act 1984,] and  
 “the 1991 Act” means the New Roads and Street Works Act 1991 (c. 22).

- (3) Expressions used in Part 2 of this Act and in the 1991 Act have, in this Act, the same meaning as in that Act.

#### Textual Amendments

- F3** Words in s. 53(2) inserted (1.4.2024) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 7(4)(a)** (with s. 126); S.S.I. 2023/250, sch.  
**F4** Words in s. 53(2) inserted (1.4.2024) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 7(4)(b)** (with s. 126); S.S.I. 2023/250, sch.

#### Commencement Information

- I1** S. 53 in force at 10.10.2005 by S.S.I. 2005/454, art. 2, **Sch. 2**

## 54 Short title and commencement

- (1) This Act may be cited as the Transport (Scotland) Act 2005.  
 (2) This Act (except this section and section 52 above) comes into force in accordance with provision made by order by the Scottish Ministers.

**Changes to legislation:**

There are currently no known outstanding effects for the Transport (Scotland) Act 2005, Part 4.