Transport and Works (Scotland) Act 2007

2007 asp 8

PART 3

GENERAL

28 Further provision as regards rules, regulations and orders

(1) Any power of the Scottish Ministers to make an order, regulations or rules under this Act is exercisable by statutory instrument.

(2) Subject to subsections (3) to (5), a statutory instrument containing—

(a) an order under section 12(18) or 18(1) or under subsection (7) of this section,

(b) regulations under this Act, or

(c) rules under this Act,

is subject to annulment in pursuance of a resolution of the Parliament.

(3) A statutory instrument containing—

(a) an order under section 12(18), 18(1) or 30(4) or under subsection (7) of this section which includes, or

(b) regulations or rules which include,

provision adding to, replacing or omitting any part of the text of an Act is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

(4) On the first occasion on which a power mentioned in subsection (5) is exercised the statutory instrument containing the order, regulations or rules in question is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

(5) The powers are—

(a) that under section 4(2),

(b) that under section 8(1),

(c) that under paragraph (a) of section 10(1),

(d) that under paragraph (b) of section 10(1),

(e) that under section 12(18),

(f) that under section 14(3),

(g) that under paragraph (a) of section 18(1),

(h) that under paragraph (b) of section 18(1).

(6) Any power of the Scottish Ministers to make an order, regulations or rules under this Act—

(a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes,

(b) may be exercised so as to make provision for the delegation of functions, and

(c) without prejudice to subsection (7), includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision (including provision amending, repealing or revoking any enactment) as they consider necessary or expedient.

(7) In connection with the coming into force of any provision of this Act the Scottish Ministers may by order under this subsection make such provision as is mentioned in paragraph (c) of subsection (6).

(8) Any offence created by or under an order under section 1 or 18 is to be triable only summarily, and no such order is to authorise the imposition on persons convicted of an offence of—

(a) a term of imprisonment, or

(b) a fine exceeding level 3 on the standard scale.

Modifications etc. (not altering text)

C1 S. 28 applied (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 52(2)**(3), 70(1)

29 Modification and repeal of enactments

(1) Schedule 2, which modifies enactments, has effect.

(2) The enactments specified in column 1 of schedule 3 are repealed to the extent specified in column 2.

Commencement Information

I1 S. 29 in force at 28.12.2007 by S.S.I. 2007/516, **art. 2**

30 Short title, commencement and transitional provision

(1) This Act may be cited as the Transport and Works (Scotland) Act 2007.

(2) This section and section 28 come into force on the day after Royal Assent.

(3) Sections 25(2) and (5)(a) to (g), (i) and (j) and 27 come into force at the end of the period of two months beginning with the date of Royal Assent.

(4) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

(5) The provisions of section 25 specified in subsection (3) do not apply in relation to an application for an order under section 14 or 16 of the Harbours Act 1964 (c. 40) (harbour revision and empowerment orders) if the application was made before those provisions come into force.

Status:
Point in time view as at 23/02/2017.

Changes to legislation:
There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Part 3.