



# 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 shall not be made unless a draft of the order 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.

#### 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—
  - “the Commissioner” has the meaning given by section 16 above; 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.

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**Changes to legislation:** Transport (Scotland) Act 2005, Part 4 is up to date with all changes known to be in force on or before 30 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### Commencement Information

**II** [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:**

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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. 18A-18F inserted by [2019 asp 17 s. 110\(2\)](#)
- sch. 2 para. 3(2)(3) inserted by [2019 asp 17 s. 110\(4\)\(b\)](#)
- sch. 2 para. 3(1) sch. 2 para. 3 renumbered as sch. 3 para. 3(1) by [2019 asp 17 s. 110\(4\)\(a\)](#)

**Commencement Orders yet to be applied to the Transport (Scotland) Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2008/90 art. 2](#) amendment to earlier commencing SSI 2008/15 art. 3