

Draft Order in Council laid before Parliament and the Scottish Parliament under paragraphs 1 and 2 of Schedule 7 to the Scotland Act 1998 for approval by resolution of each House of Parliament and of the Scottish Parliament.

DRAFT STATUTORY INSTRUMENTS

2015 No.

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

The Scotland Act 1998 (Modification of Schedule 5) Order 2015

*Made - - - - 2015
Coming into force in accordance with article 1(2)*

At the Court at , the day of
Present,
The Queen's Most Excellent Majesty in Council

This Order is made by Her Majesty in Council in exercise of the powers conferred upon Her by section 30(2) of the Scotland Act 1998(1).

In accordance with paragraphs 1 and 2 of Schedule 7 to that Act(2), a draft of this Order has been—

- (a) laid before and approved by a resolution of each House of Parliament; and
- (b) laid before and approved by a resolution of the Scottish Parliament.

Accordingly Her Majesty, by and with the advice of Her Privy Council, makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Scotland Act 1998 (Modification of Schedule 5) Order 2015.

(2) This Order comes into force on the day after the day on which it is made.

(1) 1998 c.46.

(2) Paragraphs 1 and 2 of Schedule 7 have been modified by paragraph 3(2) of schedule 4 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

Regulation of vehicles providing school transport

2. In Part 2 of Schedule 5 to the Scotland Act 1998, in Section E1 (specific reservations: road transport), in the exceptions, at the end insert—

“The subject-matter of the Road Traffic Act 1988⁽³⁾ so far as relating to the regulation of the description, by reference to their construction and equipment, of motor vehicles and trailers which may be used under arrangements for persons to travel to and from the places where they receive education or training, but not the setting of technical standards for the construction or equipment of such motor vehicles or trailers different from the standards that might otherwise apply to them.”.

Date

Name
Clerk of the Privy Council

(3) 1988 c.52; the reference to the subject matter of that Act is to be read in accordance with the Scotland Act 1998, Schedule 5, Part 3, paragraph 5(1).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies Schedule 5 to the Scotland Act 1998 (c.46). Schedule 5 defines reserved matters for the purposes of that Act (matters which are outside the legislative competence of the Scottish Parliament).

Article 2 provides an exception to the road transport reservation at Section E1 of Part 2 of Schedule 5. This exception gives the Scottish Parliament competence to legislate in relation to the regulation of the description of motor vehicles and trailers which transport pupils and students to and from places where they receive education or training (for example schools and colleges). However, it does not extend the Scottish Parliament's legislative competence to set technical standards for such vehicles or trailers where those would differ from the standards which might otherwise apply to them.