



Scotland Act 2016

2016 CHAPTER 11

PART 4

OTHER LEGISLATIVE COMPETENCE

41 Roads: traffic signs etc

- (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 25(1) (Secretary of State to make pedestrian crossing regulations) for “Secretary of State” substitute “national authority”.
- (3) In section 64 (general provisions as to traffic signs)—
 - (a) in subsections (1) and (2) for “Secretary of State” substitute “national authority”,
 - (b) in subsection (1) for “Ministers acting jointly” substitute “national authority”,
 - (c) omit subsections (2A) to (2C), and
 - (d) omit subsections (7) and (8).
- (4) Section 65 (powers of traffic authorities as to placing of traffic signs) is amended as follows.
- (5) In subsection (1) omit “as may be given by the Ministers acting jointly”.
- (6) In subsections (1), (2), (3A)(ii) and (4) for “Secretary of State” substitute “national authority”.
- (7) In subsection (3) after “power” insert “of the Secretary of State”.
- (8) After that subsection insert—
 - “(3ZA) The power of the Scottish Ministers to give general directions under subsection (1) is to be exercisable by Scottish statutory instrument.
 - (3ZB) Before giving a general direction under subsection (1) the Secretary of State must consult with the Scottish Ministers.

Status: This is the original version (as it was originally enacted).

- (3ZC) Before giving a general direction under subsection (1) the Scottish Ministers must consult with the Secretary of State.”
- (9) In subsection (3A)(ii) after “prescribed” insert “in regulations made by the national authority”.
- (10) In section 69(3) (Secretary of State’s directions for removal of traffic signs) for “Secretary of State” substitute “national authority”.
- (11) In section 70(1) (default powers of Secretary of State as to traffic signs)—
- (a) for “Secretary of State” substitute “national authority”,
 - (b) omit “himself”,
 - (c) omit “by him” in the first place,
 - (d) for “him”, in the second place, substitute “the national authority”, and
 - (e) after “the authority” insert “that failed to comply with the direction”.
- (12) In section 71(1) (power to enter land in connection with traffic signs) for “Secretary of State” substitute “national authority”.
- (13) In section 77 (modification of provisions relating to directions where Secretary of State is the traffic authority) for “Secretary of State”, in both places, substitute “national authority”.
- (14) Section 79 (advances by Secretary of State towards expenses of traffic signs) is amended as follows.
- (15) In subsection (1), for the words from “Secretary of State” to “Parliament,” substitute “national authority may”.
- (16) After subsection (1) insert—
- “(1A) An advance by the Secretary of State under this section is to be made out of moneys provided by Parliament.”
- (17) In subsections (3) and (5) for “Secretary of State” substitute “national authority”.
- (18) In section 142(1) (general interpretation) at the appropriate place insert—
- ““national authority”—
- (a) in relation to a function so far as exercisable within devolved competence, within the meaning of the Scotland Act 1998, means the Scottish Ministers;
 - (b) otherwise, means the Secretary of State;”.
- (19) The Road Traffic Act 1988 is amended as follows.
- (20) Section 36 (offence of failing to comply with traffic sign) is amended as follows.
- (21) In subsections (1)(b) and (3)(a) for “Secretary of State” substitute “national authority”.
- (22) In subsection (5) for the words from “Secretary of State for the Environment” to “jointly” substitute “national authority”.
- (23) After subsection (5) insert—
- “(6) Before making regulations under subsection (5) the Secretary of State must consult with the Scottish Ministers.

Status: This is the original version (as it was originally enacted).

- (7) Before making regulations under subsection (5) the Scottish Ministers must consult with the Secretary of State.
- (8) In this section “national authority” has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984.”