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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 598**

**The Transfer of Rail Functions To  
The Scottish Ministers Order 2005**

**Citation and commencement**

1. This Order may be cited as the Transfer of Rail Functions To The Scottish Ministers Order 2005 and shall come into force on the day after the day on which it is made.

**Interpretation**

2. In this Order “rail” has the same meaning as the meaning given to “railway” by section 67(1) of the Transport and Works Act 1992(1).

**Rail functions transferring to the Scottish Ministers**

3. The functions of the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive relating to the provision and regulation of rail services conferred by Part II of the Transport Act 1968(2) and sections 34 and 35 of the Railways Act 1993(3) as specified in column 1 of Schedule 1 to this Order shall, subject to any restriction, exclusion or requirement in the corresponding entry in column 2 of that Schedule, be exercisable by the Scottish Ministers instead of by whichever of the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive was responsible for carrying them out.

**Modification of enactments**

4. Schedule 2 to this Order (modification of enactments) shall have effect insofar as the modification relates to or is in consequence of the exercise of functions transferred to the Scottish Ministers by virtue of article 3.

**Transitional and saving provision**

5.—(1) The transfer, by virtue of this Order, of any function exercisable by the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive to the Scottish Ministers shall not affect the validity of anything done (or having effect as if done) by or in relation to the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive before the date on which the transfer takes effect.

(2) Anything (including legal proceedings) which, at the time when that transfer takes effect, is in the process of being done by or in relation to the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive may, so far as it relates to any function transferred, be continued by the Scottish Ministers.

(3) Anything done (or having effect as if done) by or in relation to the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive for the purposes of or in

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(1) 1992 c. 42.  
(2) 1968 c. 73.  
(3) 1993 c. 43.

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connection with any function transferred to the Scottish Ministers by virtue of this Order shall, if in force at the time when that transfer takes effect, have effect as if done by the Scottish Ministers in so far as that is required for continuing its effect after that time.

St Andrew's House, Edinburgh  
27th November 2005

*TAVISH SCOTT*  
A member of the Scottish Executive