
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 517

**The Transport and Works (Scotland) Act 2007
(Consequential and Transitional Provisions) Order 2007**

Transitional provisions

4.—(1) Nothing in section 22 of the Act applies in relation to the making of an order by the Scottish Ministers under the Light Railways Act 1896⁽¹⁾ if the application for the order was made before 28th December 2007.

(2) Subject to paragraph (3), nothing in any of the provisions specified in paragraph (4) applies in relation to—

- (a) any proposed order under section 5, 75 or 77 of the Roads (Scotland) Act 1984⁽²⁾ notice in respect of which has been published (or first published if published on two or more days), in accordance with paragraph 1 of Schedule 1 to that Act (procedures for making or confirming certain orders and schemes), before 28th December 2007; or
- (b) any scheme, or proposed scheme, under section 7 or 75 of that Act notice in respect of which has been published (or first published if published on two or more days), in accordance with paragraph 9 of Schedule 1 to that Act, before 28th December 2007.

(3) Special parliamentary procedure shall not apply (if it would otherwise do so) in relation to any proposed order, or any scheme or proposed scheme, as is mentioned in paragraph (2) where—

- (a) if that proposed order, or scheme or proposed scheme, as the case may be, were to be subsequently made or confirmed by the Scottish Ministers, the exercise of that power would be by statutory instrument⁽³⁾; and
- (b) section 143A(3) of the Roads (Scotland) Act 1984 (“developments of national significance” etc: special procedure)⁽⁴⁾ would apply to any such statutory instrument.

(4) The provisions are—

- (a) section 29 of the Act (modification and repeal of enactments) so far as relating to the provisions in sub-paragraphs (b) and (c);
- (b) paragraphs 1, 2 and 3 of Schedule 2 to the Act (which make modifications of the Roads (Scotland) Act 1984); and
- (c) the entries in Schedule 3 to the Act (repeals) relating to—
 - (i) the Roads (Scotland) Act 1984, other than the words “In Schedule 1, paragraph 14D” in column 2 of that Schedule; and
 - (ii) the Water Industry (Scotland) Act 2002⁽⁵⁾.

(1) 1896 c. 48 as continued and relevantly amended by the Light Railways Act 1912 (c. 19) and the Railways Act 1921 (c. 55), sections 68, 69, 71, 73 and 74. The functions of the Minister of the Crown were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 1984 c. 54.

(3) See section 143(1) of the Roads (Scotland) Act 1984 for the powers exercisable by statutory instrument.

(4) Section 143A of the Roads (Scotland) Act 1984 is inserted by the Transport and Works (Scotland) Act 2007, section 24(2).

(5) 2002 asp 3.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
