
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transport (Scotland) Act 2019 (“the 2019 Act”).

The Transport (Scotland) Bill (“the Bill”) became the 2019 Act on 15 November 2019. During the Bill’s parliamentary passage, amendments were made to certain provisions of the Transport (Scotland) Act 2001 (“the 2001 Act”). To ensure the amendments were properly reflected throughout the Bill cross-references to the amendments required to be updated and in certain instances those updates were not made. These Regulations make provision for omitted and erroneous cross-references so the 2019 Act can be given full effect.

Regulation 2(2) makes provision to correct an erroneous cross-reference in inserted section 3D(3) of the 2001 Act.

Section 40(4), section 41(5) and paragraph 3(8) of the schedule of the 2019 Act amend section 81 (regulation and orders) of the 2001 Act. Regulation 2(7)(b) amends paragraph 3(8)(b) of the schedule of the 2019 Act to make provision for omitted cross-references in section 81(4)(b) of the 2001 Act to ensure that the intention as regards the Parliamentary procedure attaching to regulations under new inserted sections 27A(5) and 35A(1) of the 2001 Act (i.e. affirmative procedure) is realised. Consequently, regulation 2(3) and (4) omits sections 40(4) and 41(5) of the 2019 Act as these provisions are redundant. Regulation 2(7)(c) makes provision to correct an erroneous cross-reference in inserted paragraph (c) of section 81(4) of the 2001 Act.

Regulation 2(5) makes provision to correct an error in section 55 of the 2019 Act (exceptions to pavement parking prohibition and double parking prohibition).

Regulation 2(6) makes provision to correct an erroneous cross-reference in section 65(4)(b)(v) (power to share information) of the 2019 Act.

Paragraph 3(4)(b) in the schedule of the 2019 Act amends section 39(1) (penalties) of the 2001 Act by inserting new paragraph (ba). Section 39(2) of the 2019 Act also inserts a new paragraph (ba) into section 39(1) of the 2001 Act and so regulation 2(7)(a) amends paragraph 3(4)(b) in the schedule of the 2019 Act to renumber the inserted paragraph and to correct erroneous cross-references in that paragraph.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.