



# Transport and Works (Scotland) Act 2007

## 2007 asp 8

### PART 3

#### GENERAL

#### **28 Further provision as regards rules, regulations and orders**

- (1) Any power of the Scottish Ministers to make an order, regulations or rules under this Act is exercisable by statutory instrument.
- (2) Subject to subsections (3) to (5), a statutory instrument containing—
  - (a) an order under section 12(18) or 18(1) or under subsection (7) of this section,
  - (b) regulations under this Act, or
  - (c) rules under this Act,is subject to annulment in pursuance of a resolution of the Parliament.
- (3) A statutory instrument containing—
  - (a) an order under section 12(18), 18(1) or 30(4) or under subsection (7) of this section which includes, or
  - (b) regulations or rules which include,provision adding to, replacing or omitting any part of the text of an Act is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.
- (4) On the first occasion on which a power mentioned in subsection (5) is exercised the statutory instrument containing the order, regulations or rules in question is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.
- (5) The powers are—
  - (a) that under section 4(2),
  - (b) that under section 8(1),
  - (c) that under paragraph (a) of section 10(1),
  - (d) that under paragraph (b) of section 10(1),
  - (e) that under section 12(18),
  - (f) that under section 14(3),

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*Status: This is the original version (as it was originally enacted).*

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- (g) that under paragraph (a) of section 18(1),
  - (h) that under paragraph (b) of section 18(1).
- (6) Any power of the Scottish Ministers to make an order, regulations or rules under this Act—
- (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes,
  - (b) may be exercised so as to make provision for the delegation of functions, and
  - (c) without prejudice to subsection (7), includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision (including provision amending, repealing or revoking any enactment) as they consider necessary or expedient.
- (7) In connection with the coming into force of any provision of this Act the Scottish Ministers may by order under this subsection make such provision as is mentioned in paragraph (c) of subsection (6).
- (8) Any offence created by or under an order under section 1 or 18 is to be triable only summarily, and no such order is to authorise the imposition on persons convicted of an offence of—
- (a) a term of imprisonment, or
  - (b) a fine exceeding level 3 on the standard scale.