



# Scotland Act 2012

## 2012 CHAPTER 11

### PART 2

#### MINISTERS AND THEIR POWERS

##### *Executive competence*

## 21 Speed limits

- (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) Section 17 (traffic regulation on special roads) is amended as follows.
- (3) In subsection (2) for “The Secretary of State may make regulations” substitute “Regulations may make provision”.
- (4) After subsection (3) insert—
  - “(3ZA) The power to make provision of the following kinds by regulations under subsection (2) is exercisable by the Scottish Ministers—
    - (a) provision with respect to a particular special road in Scotland;
    - (b) provision for regulating the speed of vehicles on special roads in Scotland.
  - (3ZB) The power to make provision of any other kind by regulations under subsection (2) is exercisable by the Secretary of State.
  - (3ZC) In relation to special roads in Scotland that power of the Secretary of State is exercisable only after consultation with the Scottish Ministers.
  - (3ZD) Regulations made by the Scottish Ministers under subsection (2) are subject to the negative procedure.”
- (5) In subsection (3A)—
  - (a) the words from “the National Park Authority” to the end become paragraph (a), and

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*Changes to legislation: There are currently no known outstanding effects  
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- (b) after that paragraph insert “, and  
(b) such representative organisations as they think fit.”
- (6) Section 64 (general provision as to traffic signs) is amended as follows.
- (7) After subsection (2) insert—
- “(2A) The functions under this section that are exercisable by the Scottish Ministers instead of the Secretary of State include the function of making regulations under subsection (1)(a) specifying signs for a Scottish national speed limit.
- (2B) The function of making such regulations is exercisable only with the agreement of the Secretary of State.
- (2C) “Scottish national speed limit” means any of these—
- (a) a speed limit that, by virtue of regulations under section 17(2) made by the Scottish Ministers, is to be observed—
- (i) on all special roads,
- (ii) on all special roads provided for the use of particular classes of traffic,
- (iii) on all special roads other than special roads of such description as may be specified in the regulations, or
- (iv) as mentioned in sub-paragraph (i), (ii) or (iii) except for such lengths of special road as may be specified in the regulations;
- (b) a speed limit that, by virtue of regulations under section 86 or an order under section 88 made by the Scottish Ministers, is to be observed on all roads, on all roads of any class specified in the regulations or order or on all roads other than roads of any class so specified.”
- (8) After subsection (6) insert—
- “(7) Regulations made by the Scottish Ministers under subsection (1)(a) are subject to the negative procedure.
- (8) Before making any regulations under subsection (1)(a) the Scottish Ministers must consult with such representative organisations as they think fit.”
- (9) Section 86 (speed limits for particular classes of vehicles) is amended as follows.
- (10) For “Secretary of State” in each place substitute “ national authority ”.
- (11) After subsection (6) insert—
- “(7) The national authority in this section—
- (a) as respects the driving of vehicles on roads in England and Wales, is the Secretary of State;
- (b) as respects the driving of vehicles on roads in Scotland, is the Scottish Ministers.
- (8) Regulations made by the Scottish Ministers under this section are subject to the affirmative procedure.
- (9) Before making any regulations under this section the Scottish Ministers must consult with such representative organisations as they think fit.”

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- (12) Section 88 (temporary speed limits with power to continue indefinitely) is amended as follows.
- (13) For “the Secretary of State” in each place substitute “ the national authority ”.
- (14) In subsection (1)—
- (a) for “he” substitute “ the authority ”;
  - (b) for “his” substitute “ the ”.
- (15) In subsection (4) omit the words from “made by statutory instrument” to the end.
- (16) After subsection (7) insert—
- “(7A) The national authority in this section—
- (a) in relation to roads in England and Wales, is the Secretary of State;
  - (b) in relation to roads in Scotland, is the Scottish Ministers.”
- (17) In subsection (8) after “subsection (1)(b)” insert “ by the Secretary of State ”.
- (18) After subsection (8) insert—
- “(9) The power of the Scottish Ministers to make an order under subsection (1) is not to be exercisable by Scottish statutory instrument.
- (10) The first order to be made under subsection (1)(b) by the Scottish Ministers shall not be made until a draft of the order has been laid before the Scottish Parliament and approved by it.
- (11) The power of the Secretary of State to make an order under subsection (4) is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) An order made by the Scottish Ministers under subsection (4) is subject to the negative procedure.”
- (19) In section 134(4) (provision as to regulations under sections 86 and 140) after “Regulations made” insert “ by the Secretary of State ”.

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**Commencement Information**

**II** S. 21 in force at 3.7.2012 by S.I. 2012/1710, art. 2(k)

**Changes to legislation:**

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