



Scotland Act 2016

2016 CHAPTER 11

PART 4

OTHER LEGISLATIVE COMPETENCE

42 Roads: speed limits

- (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) Section 81 (speed limit for restricted roads) is amended as follows.
- (3) In subsection (2)—
 - (a) for “Ministers acting jointly” substitute “ national authority ”, and
 - (b) omit the words from “made” to “Parliament”.
- (4) After that subsection insert—
 - “(3) An order under subsection (2)—
 - (a) if made by the Secretary of State, is to be made by statutory instrument and approved by a resolution of each House of Parliament;
 - (b) if made by the Scottish Ministers, is subject to the affirmative procedure.
 - (4) Before making an order under subsection (2) the Secretary of State must consult with the Scottish Ministers.
 - (5) Before making an order under subsection (2) the Scottish Ministers must consult with the Secretary of State.”
- (5) In section 82 (what roads are restricted roads)—
 - (a) in subsection (1)(b) for “Secretary of State” substitute “ Scottish Ministers ”, and
 - (b) in subsection (3) for “prescribed manner” substitute “ manner prescribed in regulations made by the national authority ”.

Changes to legislation: Scotland Act 2016, Section 42 is up to date with all changes known to be in force on or before 12 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) Section 83 (provisions as to directions by a traffic authority under section 82(2)) is amended as follows.
- (7) In subsection (1)—
- (a) for “Secretary of State”, in both places, substitute “ national authority ”, and
 - (b) for “his” substitute “the national authority's”.
- (8) Section 84 (speed limits on roads other than restricted roads) is amended as follows.
- (9) In subsections (1A) and (1B) for “Secretary of State” substitute “ national authority ”.
- (10) Section 85 (traffic signs for indicating speed restrictions) is amended as follows.
- (11) In the following places, for “Secretary of State” substitute “ national authority ”
- (a) subsection (1),
 - (b) subsection (2)(a) and (b),
 - (c) subsection (3), and
 - (d) subsection (5A).
- (12) In subsection (1) for “he” substitute “ the national authority ”.
- (13) In subsection (3)—
- (a) omit “himself”,
 - (b) omit “by him” in the first place, and
 - (c) for “him”, in the second place, substitute “ the national authority ”.
- (14) In subsection (5A) omit the words from “or, where” to “officer of the Scottish Ministers”.
- (15) In subsection (7) after “power” insert “ of the Secretary of State ”.
- (16) After subsection (7) insert—
- “(8) The power of the Scottish Ministers to give general directions under subsection (2) is to be exercisable by Scottish statutory instrument.
 - (9) Before giving any general directions under subsection (2) the Secretary of State must consult with the Scottish Ministers.
 - (10) Before giving any general directions under subsection (2) the Scottish Ministers must consult with the Secretary of State.”
- (17) In section 87 (exemption of emergency vehicles from speed limits) (as amended by section 19 of the Road Safety Act 2006)—
- (a) in paragraph (b) of subsection (1) for “prescribed purposes” substitute “ purposes prescribed by regulations made by the national authority ”,
 - (b) in that paragraph after “may be” insert “ so ”,
 - (c) in subsection (2)(a) for “this section” substitute “ subsection (3) ”,
 - (d) in subsection (4) for “The regulations”, in the first place, substitute “ Regulations under subsection (3) ”,
 - (e) in subsection (5) for “The regulations”, in the first place, substitute “ Regulations under subsection (3) ”, and
 - (f) in subsection (6) for “The regulations” substitute “ Regulations under subsection (3) ”.

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Commencement Information

II [S. 42](#) in force at 23.5.2016, see [s. 72\(7\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)