

2001 No. 1400 (S. 6)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

**The Scotland Act 1998 (Consequential Modifications) Order
2001**

Made

5th April 2001

Coming into force in accordance with article 1

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 115 of, and paragraphs 1, 2 and 3 of Schedule 7 to, the Scotland Act 1998(a);

Now, therefore, in exercise of the powers conferred upon me by sections 105, 112(1) and 113 of that Act and of all other powers enabling me in that behalf, I hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Scotland Act 1998 (Consequential Modifications) Order 2001 and shall come into force on the day following that on which it is made.

Amendments

2. The Schedule to this Order (which contains modifications of pre-commencement enactments) shall have effect.

Saving

3. Nothing in this Order prejudices the general operation of the modifications in sections 117 to 122 of the Scotland Act 1998.

HELEN LIDDELL
Secretary of State for Scotland

Dover House,
London
5th April 2001

SCHEDULE

Road Traffic Regulation Act 1984 (c.27)

1.—(1) Section 121A(a) of the Road Traffic Regulation Act 1984 (traffic authorities) is amended as follows.

- (2) In subsection (1)—
 - (a) “(a)”; and
 - (b) paragraph (b)(b) and the word “and” preceding it, shall cease to have effect.
- (3) After subsection (1) there is inserted—

“(1AA) The roads authority (as defined in section 151(1) of the Roads (Scotland) Act 1984(c)) is the traffic authority for every road in Scotland.”.
- (4) Subsections (1A)(d) and (4) shall cease to have effect.
- (5) In subsection (5)—
 - (a) after “than” there is inserted—

“(a) in relation to England and Wales,”; and
 - (b) at the end there is inserted—

“; or
(b) in relation to Scotland, the Secretary of State or the Scottish Ministers.”.

Roads (Scotland) Act 1984 (c.54)

2.—(1) In section 151(1) of the Roads (Scotland) Act 1984 (interpretation), paragraph (b) of the definition of “roads authority” is amended as follows.

- (2) At the beginning there is inserted “as respects functions relating to the matters reserved by paragraph (c) of Section E1 of Part II of Schedule 5 to the Scotland Act 1998 and exercisable”.
- (3) After “State”, in the first place where it occurs, there is inserted “and as respects any other functions exercisable in relation to any such roads, the Scottish Ministers”.
- (4) After “shall” there is inserted “, where the authority is the Secretary of State,”.
- (5) For “the Secretary of State”, in the second place where it occurs, there is substituted “him”.

(a) Section 121A was inserted by the New Roads and Street Works Act 1991, Schedule 8, paragraph 70.
(b) Paragraph (b) was substituted by the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820), Schedule 2, paragraph 73.
(c) 1984 c.54.
(d) Subsection (1A) was inserted by S.I. 1999/1820, Schedule 2, paragraph 73.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications to pre-commencement enactments, within the meaning of the Scotland Act 1998 (“the Act”), which appear to be necessary or expedient in consequence of the Act.

Article 2 provides for the modification of the enactments specified in the Schedule to the Order. Section 121A of the Road Traffic Regulation Act 1984 is amended to provide that, in Scotland, the traffic authority is the roads authority as defined in section 151(1) of the Roads (Scotland) Act 1984 (as amended by this Order). Paragraph (b) of the definition of “roads authority” in section 151(1) of the Roads (Scotland) Act 1984 is amended to reflect the new division of responsibility, as between the Secretary of State and the Scottish Ministers, for the exercise of functions in relation to trunk roads and certain other roads.

Article 3 contains a saving provision which ensures that, in interpreting enactments which have not been textually amended because reliance is placed on the general modifications in the Act no adverse implication can be drawn because of the presence in the Schedule of textual amendments to some enactments which replicate the effect of the general modifications.

This is the fourth Order making modifications in consequence of the Act. The other 3 are–

- (a) the Scotland Act 1998 (Consequential Modifications) (No. 1) Order 1999 (S.I. 1999/1042);
- (b) the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820); and
- (c) the Scotland Act 1998 (Consequential Modifications) Order 2000 (S.I. 2000/2040).

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The Scotland Act 1998 (Consequential Modifications) Order
2001

£1.75

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