



Transport (Scotland) Act 2001

2001 asp 2

PART 5

GENERAL

81 Regulations and orders

- (1) Any power of the Scottish Ministers under this Act to make regulations or orders shall be exercisable by statutory instrument.
- (2) Any power under this Act to make regulations or orders shall include power to make—
 - (a) different provision for different cases and for different classes of case; and
 - (b) such incidental, supplementary, consequential, saving or transitional provision as the Scottish Ministers consider necessary or expedient.
- (3) Subject to subsection (4) below, a statutory instrument containing regulations or an order made under this Act (other than an order made under section 84(2) of this Act) shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) A statutory instrument containing—
 - (a) an order under section ^{F1}... 68(1) or 69(1) of this Act;
 - (b) regulations under section [^{F2}3G(4), 3H(7), 13M(5), 13Q(4) 27A(5), 35A(1) or 41(1) or paragraph 26 of schedule A1][^{F3}or which consist of or include provision made by virtue of section 64(1C) of this Act]; or
 - [^{F4}(c) regulations under section 3M(2)(c) which make provision about what may constitute a facility or measure,]

shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.

Subordinate Legislation Made

- P1** S. 81(2); power fully exercised; 1.7.2002 appointed for specified provisions by [S.S.I. 2002/291](#), [art. 2](#) (with [art. 3](#))

Changes to legislation: Transport (Scotland) Act 2001, Section 81 is up to date with all changes known to be in force on or before 17 May 2024. 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

Textual Amendments

- F1** Words in s. 81(4)(a) repealed (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(8)(a)** (with s. 126); S.S.I. 2023/250, sch.
- F2** Words in s. 81(4)(b) substituted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(8)(b)** (with s. 126) (as amended (27.11.2023) by S.S.I. 2023/347, regs. 1(1), 2(7)(b)); S.S.I. 2023/250, sch.
- F3** Words in s. 81(4)(b) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 51(7), 54(2)**; S.S.I. 2005/454, art. 2, Sch. 2
- F4** S. 81(4)(c) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(8)(c)** (with s. 126) (as amended (27.11.2023) by S.S.I. 2023/347, regs. 1(1), 2(7)(c)); S.S.I. 2023/250, sch.

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Changes and effects yet to be applied to :

- s. 81(4)(b) word inserted by [2019 asp 17 s. 41\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 41(5) omitted before coming into force (27.11.2023) by S.S.I. 2023/347, regs. 1(1), 2(4))
- s. 81(4)(b) word substituted by [2019 asp 17 s. 40\(4\)](#) (This amendment not applied to legislation.gov.uk. S. 40(4) omitted before coming into force (27.11.2023) by S.S.I. 2023/347, regs. 1(1), 2(3))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 2 Ch. 3 applied in part by [2019 asp 17 s. 47\(1\)\(2\)](#)
- Pt. 2 Ch. 3 inserted by [2019 asp 17 s. 41\(2\)](#)
- Pt. 2 Ch. 4 heading inserted by [2019 asp 17 sch. para. 3\(2\)](#)
- s. 27B and cross-heading inserted by [2019 asp 17 s. 42\(2\)](#)
- s. 29(3A)-(3C) inserted by [2019 asp 17 s. 44\(2\)\(a\)](#)
- s. 29(7)(8) inserted by [2019 asp 17 s. 44\(2\)\(c\)](#)
- s. 30(3)(ca)-(cc) inserted by [2019 asp 17 s. 44\(3\)\(b\)](#)
- s. 31(1A) inserted by [2019 asp 17 s. 44\(4\)\(a\)](#)
- s. 31(3)(ca) inserted by [2019 asp 17 s. 44\(4\)\(b\)\(iii\)](#)
- s. 31(5)-(7) inserted by [2019 asp 17 s. 44\(4\)\(d\)](#)
- s. 32A inserted by [2019 asp 17 s. 45\(2\)](#)
- s. 32B and cross-heading inserted by [2019 asp 17 s. 46\(2\)](#)
- s. 35A inserted by [2019 asp 17 s. 40\(2\)](#)
- s. 39(1)(ca) inserted by [2019 asp 17 s. 40\(3\)](#)
- s. 79(1)(ca) inserted by [2019 asp 17 s. 48\(2\)\(b\)](#)