



Transport and Works (Scotland) Act 2007

2007 asp 8

PART 1

ORDERS AUTHORISING WORKS ETC.

Power to make orders

2 Subject-matter of orders under section 1

- (1) Without prejudice to the generality of section 1, the matters as to which provision may be made by an order under that section include those set out in schedule 1.
- (2) An order under section 1 may make provision in relation to more than one scheme, system or mode of transport.
- (3) An order under section 1 may—
 - (a) apply, modify or exclude any enactment which relates to any matter as to which an order could be made under that section,
 - (b) make such amendments, repeals and revocations of enactments of local application as appear to the Scottish Ministers to be necessary or expedient in consequence of any provision of the order or otherwise in connection with the order.
- (4) The provisions that may be made by an order under section 1 include any provision that appears to the Scottish Ministers to be necessary or expedient for giving full effect to—
 - (a) any other provision of the order,
 - (b) any provision of an earlier order under that section, or
 - (c) any provision which is contained in—
 - (i) an Act passed before the time when this Part of this Act is first wholly in force, or
 - (ii) an instrument made under an Act before that time,and which is of a kind which could be included in an order under that section.
- (5) An order under section 1 may make provision—

*Changes to legislation: There are currently no known outstanding effects for the
Transport and Works (Scotland) Act 2007, Section 2. (See end of Document for details)*

- (a) as to the issuing of a fixed penalty notice in respect of an offence created by the order,
 - (b) as to the enforcement of a fixed penalty under such a notice,
 - (c) authorising byelaws made by virtue of the order to include provision of the nature referred to in paragraph (a) or (b) in respect of an offence created by the byelaws.
- (6) In subsection (5)(a), “fixed penalty notice” means a notice offering the opportunity, by paying a fixed penalty, to discharge any liability to be convicted of the offence to which the notice relates.
- (7) An order under section 1 shall not extinguish any public right of way over land unless the Scottish Ministers are satisfied—
- (a) that an alternative right of way has been or will be provided, or
 - (b) that the provision of an alternative right of way is not required.

Modifications etc. (not altering text)

- C1** S. 2 applied (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\), ss. 52\(2\)-\(4\), 70\(1\)](#)
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Commencement Information

- I1** S. 2 in force at 28.12.2007 by [S.S.I. 2007/516, art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Transport and Works (Scotland) Act 2007, Section 2.