

## SCOTLAND ACT 2012

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### EXPLANATORY NOTES

#### COMMENTARY ON SECTIONS (AND SCHEDULES)

##### **Part 2: Ministers and Their Powers**

##### ***Section 21: Speed limits***

72. This section amends the Road Traffic Regulation Act 1984 ('RTRA') to give the Scottish Ministers the power to determine the level of the Scottish national speed limit and the power to make regulations to specify traffic signs to indicate that limit.
73. Scottish Ministers already have power to make regulations under section 17(2) and (5) of the RTRA, but only with respect to any particular special road (see the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 ([S.I. 1999/1750](#))).
74. In addition, Scottish Ministers have powers under section 88(1)(a) and (4) of the RTRA to make or continue an Order but only in relation to any road specified in the Order (see the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000 ([S.I. 2000/1563](#))). For the remaining functions in those subsections, the Secretary of State is required to consult Scottish Ministers (by virtue of [S.I. 1999/1750](#)).
75. *Subsections (2) to (5) and (12) to (18)* amend sections 17 and 88 of the RTRA to give Scottish Ministers powers to set the speed limits on Scottish roads, without the need to consult the Secretary of State.
76. *Subsections (9) to (11)* amend section 86 of the RTRA to give Scottish Ministers the power to vary, by regulations, the provisions of Schedule 6 of RTRA which sets out speed limits for particular classes of vehicles.
77. Additionally, *subsection (7)* inserts new subsection (2A) into section 64 of RTRA to enable the Scottish Ministers to make regulations to specify signs for a Scottish national speed limit. New subsection (2B) requires that Scottish Ministers have the agreement of the Secretary of State to make these regulations. The "Scottish national speed limit" is then defined in new subsection (2C).