

2002 No. 1629 (S. 5)

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Modifications of Schedule 5) Order
2002**

Made 26th June 2002

Coming into force 27th June 2002

At the Court at Windsor Castle, the 26th day of June 2002

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been—

- (a) laid before and approved by a resolution of each House of Parliament; and
- (b) laid before and approved by a resolution of the Scottish Parliament;

Now, therefore, Her Majesty in exercise of the powers conferred upon Her by section 30(2) of the Scotland Act 1998(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Scotland Act 1998 (Modifications of Schedule 5) Order 2002 and shall come into force on the day after the day on which it is made.

Rail transport: promotion and construction of railways

2. In Part II of Schedule 5 to the Scotland Act 1998 (specific reservations), in Section E2(b)—

- (a) after the exception relating to the transfer of functions of passenger transport executives etc. there is inserted—
“The promotion and construction of railways which start, end and remain in Scotland.”;
and

(a) 1998 c.46.

(b) Section E2 was amended by S.I. 2000/3252.

- (b) before the definition of “railway services” there is inserted—
““railway” has the meaning given by section 67(1) of the Transport and Works Act 1992(a).”.

A. K. Galloway
Clerk of the Privy Council

(a) 1992 c.42.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications to Schedule 5 to the Scotland Act 1998 (c.46). That Schedule is concerned with matters which are outwith the legislative competence of the Scottish Parliament.

The Order adds a further exception to the reservation at Section E2 (rail transport) of Part II of Schedule 5. The amendment will permit the Scottish Parliament to legislate in relation to the promotion and construction of railways, which start, end and remain in Scotland.

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