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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Restricted Roads (20 mph Speed Limit) (Scotland) Bill: Stage 1



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 23 October 2018, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Restricted Roads (20 mph Speed Limit) (Scotland) Bill.ⁱ A Delegated Powers Memorandum ("DPM") has been prepared for the Bill.ⁱⁱ
2. The Committee submits this report to the lead Committee for the Bill (Rural Economy and Connectivity) under Rule 9.6.2 of Standing Orders.
3. This Members' Bill was introduced by Mark Ruskell, MSP on 21 September 2018.

ⁱ The Bill as introduced is available [here](#).

ⁱⁱ The Delegated Powers Memorandum is available [here](#).

Overview of the Bill

4. The main purpose of the Bill is to reduce the general speed limit on restricted roads to 20 miles per hour.
5. The Bill consists of 6 sections.
6. Section 1 reduces the general speed limit on restricted roads from 30 miles per hour to 20 miles per hour. Generally speaking, restricted roads are local, street-lit roads within built-up areas.
7. Section 2 ensures that the Scottish Ministers can vary the speed limit on restricted roads in future.
8. Section 3 concerns the powers of local authorities to make traffic orders.
9. Sections 4, 5 and 6 contain the interpretation, commencement and short title provisions.

Delegated Powers Provisions

10. The Bill confers one power upon the Scottish Ministers to make subordinate legislation and updates an existing delegated power. The DPM sets out the reason for taking the power concerned and for the procedure chosen.
11. The Committee considered the delegated powers provisions in the Bill and determined that it did not need to draw the attention of the Parliament to the delegated powers:

Section 2 – power of Scottish Ministers to vary the general speed limit on restricted roads (new section 81(2) of the 1984 Act)

Section 5(1) – Commencement

Recommendation

12. **The Committee reports that it is content with the delegated powers provisions contained in the Bill.**

