



# Transport (Scotland) Act 2001

## 2001 asp 2

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 20th December 2000 and received Royal Assent on 25th January 2001**

An Act of the Scottish Parliament to make provision about transport; to make provision as respects certain bridges; to amend section 21 of the Chronically Sick and Disabled Persons Act 1970; to amend section 40 of the Road Traffic Act 1988; to amend sections 26, 28 and 63 of the Road Traffic Regulation Act 1984; and for connected purposes.

### PART 1

#### JOINT TRANSPORT STRATEGIES

#### **1 Joint transport strategies**

- (1) The Scottish Ministers may by order require such public bodies as may be specified in the order to prepare, and submit to them, jointly a strategy—
  - (a) dealing with such matters; and
  - (b) for such purposes,as may be so specified in relation to the discharge of the functions of those bodies relating to transport.
- (2) Before making an order under this section the Scottish Ministers shall consult—
  - (a) the public bodies in respect of which they propose to make the order; and
  - (b) such other persons as they consider appropriate.
- (3) An order under this section may include such provision as respects—
  - (a) the form of the strategy to which it relates;
  - (b) the environmental, social and economic impact of the strategy, and any other matters to which the public bodies are required to have regard in the preparation of the strategy;
  - (c) the procedures relating to the preparation and making of it; and
  - (d) the time within which it is to be submitted,as the Scottish Ministers consider necessary or expedient.
- (4) An order under this section shall include provision requiring the public bodies to which it relates to consult such persons as may be specified in the order.

*Status: Point in time view as at 04/12/2023.*

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- (5) Where an order is made under this section, the public bodies to which it relates may consult such other persons as those bodies consider appropriate about the proposed strategy.

## 2 Directions

- (1) Where an order is made under section 1 of this Act and—
- (a) no strategy is—
    - (i) prepared; or
    - (ii) submitted,
 as required by that order; or
  - (b) there are, in the opinion of the Scottish Ministers, other exceptional circumstances,
- the Scottish Ministers may give such directions to any public body specified in the order as they think fit.
- (2) Before giving directions to a public body under subsection (1)(b) above the Scottish Ministers shall consult—
- (a) that public body; and
  - (b) such other persons as they consider appropriate.
- (3) A direction under this section shall be given in writing and may be varied or revoked by the Scottish Ministers.
- (4) This section is without prejudice to section 211 of the Local Government (Scotland) Act 1973 (c.65) (powers of Scottish Ministers on complaint that local authority have failed to perform requirement imposed by or under enactment).

## PART 2

### BUS SERVICES

#### [<sup>F1</sup>CHAPTER A1

#### Textual Amendments

- F1** Pt. 2 Ch. A1 inserted (24.6.2022) by Transport (Scotland) Act 2019 (asp 17), ss. 34(1)(a), 130(2) (with s. 126); S.S.I. 2022/204, reg. 2(a)

#### *Provision of bus services etc. by local transport authorities*

#### 2A Provision of bus services etc. by local transport authorities

- (1) A local transport authority may provide a service for the carriage of passengers by road using vehicles that require a PSV operator's licence to do so.
- (2) The local transport authority must be satisfied that the provision of such a service will contribute to the implementation of their relevant general policies.

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## [<sup>F2</sup>CHAPTER 1]

### [<sup>F2</sup>BUS SERVICES IMPROVEMENT PARTNERSHIPS]

#### Textual Amendments

- F2** Pt. 2 Ch. 1 substituted for ss. 3-12 and cross-heading (4.12.2023) by [Transport \(Scotland\) Act 2019](#) (asp 17), **ss. 35(2), 130(2)** (with s. 126) (as amended (27.11.2023) by [S.S.I. 2023/347](#), regs. 1(1), 2(2)); [S.S.I. 2023/250](#), sch.

#### [<sup>F2</sup>Partnership plans and schemes]

### <sup>F2</sup>3 Quality partnership schemes

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#### [<sup>F2</sup>3A Bus services improvement partnership plans

- (1) A local transport authority may, if they consider it appropriate to do so, make a bus services improvement partnership plan (a “partnership plan”) in relation to the whole or part of their area.
- (2) A partnership plan is a plan that—
  - (a) specifies the area and the period to which the plan relates,
  - (b) sets out for the area—
    - (i) an analysis of the local services,
    - (ii) policies relating to the local services,
    - (iii) objectives to be met within the period as regards the quality and effectiveness of the local services provided,
  - (c) describes how the partnership scheme (or schemes) to be made at the same time as the partnership plan (see section 3B) is intended to assist in implementing the policies and meeting the objectives, and
  - (d) describes the intended effect of any such scheme (or schemes) on areas which are adjacent to the plan's area.
- (3) A partnership plan must also—
  - (a) describe the proposals for obtaining the views of users of local services in the area about how well the plan and the partnership scheme (or schemes) are working, and
  - (b) specify how the plan is to be reviewed and the dates by which reviews are to be completed.
- (4) To make a partnership plan a local transport authority must comply with Part 1 of schedule A1.

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### **3B Schemes to implement bus services partnership plans**

- (1) A local transport authority must, at the same time as making a partnership plan, make one or more bus services improvement partnership schemes (a “partnership scheme”) relating to the whole or part of the area to which the plan relates.
- (2) A local transport authority that have made a partnership plan may make such further partnership schemes relating to the whole or part of the area of the partnership plan as they consider appropriate.
- (3) A partnership scheme is a scheme that—
  - (a) specifies the area and the period to which the scheme relates,
  - (b) imposes one or more service standards in relation to the local services that have one or more stopping places in that area, and
  - (c) specifies one or more—
    - (i) facilities to be provided in the area as part of the scheme, or
    - (ii) measures to be taken under the scheme,
 by the local transport authority.
- (4) A partnership scheme may—
  - (a) provide for the exemption of such local services or such descriptions of local services as the scheme may specify, and
  - (b) specify conditions (if any) as to when such exemptions are to apply.
- (5) A partnership scheme may also include requirements for the taking of actions in order to facilitate the operation of the partnership scheme.
- (6) A partnership scheme may be made only if the local transport authority are satisfied that—
  - (a) the scheme will contribute to the implementation of—
    - (i) the policies set out in the partnership plan to which it relates, and
    - (ii) the authority's relevant general policies, and
  - (b) the scheme will—
    - (i) bring benefits to persons using local services in the whole or any part of the area to which the scheme relates by improving the quality or effectiveness of those services, or
    - (ii) reduce or limit traffic congestion, noise or air pollution.
- (7) Any specified facility must be provided at specific locations along routes served, or proposed to be served, by local services within the area of the partnership scheme.
- (8) Nothing that a local transport authority are required to provide or secure the provision of by virtue of section 33 or 34 is to be specified as a facility or measure for the purposes of a partnership scheme.
- (9) A partnership scheme must specify how its operation is to be reviewed and the dates by which reviews are to be completed.
- (10) A partnership scheme may provide for circumstances in which it may be varied or revoked in accordance with the provisions of the scheme (rather than under section 3H or, as the case may be, 3I).
- (11) To make a partnership scheme a local transport authority must comply with Part 1 of schedule A1.

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### **3C Partnership schemes: service standards**

- (1) The service standards that a partnership scheme may impose include requirements—
  - (a) in relation to the frequency or timing of particular local services or local services of particular descriptions (a “route service standard”), or
  - (b) in relation to any other matter relating to the standard of service that is to be provided (an “operational service standard”).
- (2) A route service standard may, in particular, determine the frequency or timing allowed in relation to a local service—
  - (a) by reference only to that service,
  - (b) by reference to that service and other local services, taken together.
- (3) An operational service standard may, in particular, impose requirements about—
  - (a) the vehicles which are used to provide services,
  - (b) the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions on services to which the scheme applies,
  - (c) ticketing and the manner in which entitlement to travel may be evidenced,
  - (d) the pricing of multi-operator travel cards,
  - (e) the provision of information to the public about local services,
  - (f) the dates on which the timing of local services may be changed.
- (4) A partnership scheme may not impose service standards in relation to the use of vehicles under permits granted under section 22 of the 1985 Act.
- (5) A service standard imposed by a partnership scheme has effect only in relation to so much of a local service as is provided in the area to which the scheme relates.
- (6) The Scottish Ministers may by regulations define the expression “multi-operator travel cards” for the purposes of this section.

### **3D Route service standards: modification for overprovision**

- (1) This section applies where—
  - (a) a partnership scheme is in operation,
  - (b) a route service standard imposed by the scheme applies to a service registered under section 6 of the 1985 Act, and
  - (c) the local transport authority who made the scheme are satisfied that, due to an increase (or an expected increase) in the number of operators registered in respect of the area of the scheme, the service cannot be provided in accordance with the route service standard.
- (2) The local transport authority must modify the route service standard in such manner as is necessary to take account of the number of registered operators (or expected number of such operators) to enable the service to be provided in accordance with the service standard.
- (3) A modification of a route service standard under this section is to be treated as a variation under section 3H of the partnership scheme which imposed the service standard and paragraph 18(3) of schedule A1 applies to the modification as it does to such a variation.

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- (4) Without limit to the generality of section 3M, the Scottish Ministers may by regulations make further provision about the modification of route service standards under this section, including, in particular, provision—
- (a) about the process that a local transport authority must comply with before making a modification under this section,
  - (b) about the circumstances in which a modification may be postponed and the process to be followed to postpone a modification,
  - (c) specifying circumstances in which this section is not to apply.

### **3E Partnership schemes: Scottish Ministers' traffic regulation orders**

- (1) This section applies if, in relation to a proposed partnership scheme or the proposed variation of an existing scheme, the provision of a facility or the taking of a measure requires the making of a traffic regulation order in respect of a road for which the Scottish Ministers are the traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984).
- (2) The partnership scheme may not be made, postponed, varied or revoked unless it is made, postponed, varied or revoked by the local transport authority and the Scottish Ministers acting jointly.

### **3F Effect of partnership plans and schemes**

- (1) If a partnership scheme imposes a service standard in relation to a local service, the operator of the service must comply with the service standard.
- (2) If a partnership scheme requires a local transport authority or, where section 3E applies, the Scottish Ministers, to provide a facility, they must—
  - (a) provide the facility not later than the date specified in the scheme for its provision (subject to the local transport authority postponing its coming into operation under section 3G(1) or 3H(4)),
  - (b) continue to provide the facility for the remainder of the period for which the scheme is in operation.
- (3) If a partnership scheme requires a local transport authority or (where section 3E applies) the Scottish Ministers to take a measure, they must—
  - (a) take the measure not later than the date specified in the scheme for taking it (subject to the local transport authority postponing its coming into operation under section 3G(1) or 3H(4)),
  - (b) continue to take the measure for the remainder of the period for which the scheme is in operation.
- (4) Subsections (2) and (3) do not apply in relation to any period during which the local transport authority are temporarily unable to provide the facility or, as the case may be, take the measure, due to circumstances beyond their control.
- (5) Subsections (2) and (3) do not apply in the case of the Scottish Ministers if they are unable to provide the facility or, as the case may be, take the measure, because of the variation or revocation of a traffic regulation order.
- (6) A local transport authority must secure that—

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- (a) each review of a partnership plan which is required by the plan is carried out in the manner specified in it,
- (b) each review of the operation of a partnership scheme which is required by the scheme is carried out in the manner specified in it, and
- (c) each review (whether of a plan or scheme) is completed by the date specified in the plan or scheme as the date for completing that review.

### **3G Postponement of partnership scheme coming into operation**

- (1) A local transport authority may, if they consider it appropriate, decide to postpone the coming into operation of a partnership scheme or any part of it (such as the date by which a service standard must be met or facility provided) by such period as they think fit.
- (2) But the coming into operation of a partnership scheme, or any part of it, must not be postponed by a period or periods which in total exceed 12 months.
- (3) To postpone the coming into operation of a partnership scheme or any part of such a scheme, a local transport authority must comply with paragraphs 9 and 10 of schedule A1.
- (4) The Scottish Ministers may by regulations amend subsection (2) to specify a different total period of postponement than the one for the time being specified there.

### **3H Variation of a partnership plan or scheme**

- (1) A local transport authority may vary—
  - (a) a partnership plan and any related scheme, or
  - (b) a partnership scheme.
- (2) In particular, a partnership plan or scheme may be varied by changing the area to which the plan or scheme relates so that it—
  - (a) includes the whole of the area of another local transport authority (a “prospective authority”), or
  - (b) ceases to include any part of the area of the local transport authority which made the plan or scheme.
- (3) A partnership scheme may be varied only if the local transport authority (and, if applicable, the prospective authority) are satisfied that—
  - (a) the scheme, as varied, will contribute to the implementation of—
    - (i) the policies set out in the partnership plan (or those policies in the plan as proposed to be varied) to which it relates, and
    - (ii) the local transport authority's (and, if applicable, the prospective authority's) relevant general policies, and
  - (b) the scheme, as varied, will—
    - (i) bring benefits to persons using local services in the whole or any part of the area of the scheme (as varied) by improving the quality or effectiveness of those services, or
    - (ii) reduce or limit traffic congestion, noise or air pollution.

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- (4) A local transport authority may, if they consider it appropriate, decide to postpone the coming into operation of the variation of a partnership scheme or any part of it by such period as they think fit.
- (5) But the coming into operation of the variation of a partnership scheme, or any part of it, must not be postponed by a period or periods which in total exceed 12 months.
- (6) To—
  - (a) vary a partnership plan or a partnership scheme (otherwise than in accordance with the scheme itself, under section 3D, or when making a franchising framework), a local transport authority (and any prospective authority) must comply with Part 2 of schedule A1, and
  - (b) postpone the coming into operation of such a variation, a local transport authority (and any prospective authority) must comply with paragraphs 19 and 20 of that Part.
- (7) The Scottish Ministers may by regulations amend subsection (5) to specify a different total period of postponement than the one for the time being specified there.

### **3I Revocation of a partnership plan or scheme**

- (1) A local transport authority may—
  - (a) revoke a partnership plan that relates to the whole or any part of their area,
  - (b) revoke a partnership scheme relating to such a plan.
- (2) A local transport authority may not—
  - (a) revoke a partnership plan without also revoking all the schemes relating to it, or
  - (b) revoke all schemes relating to a plan without also revoking the plan.
- (3) To revoke a partnership plan or a scheme (otherwise than in accordance with the scheme itself or when making a franchising framework), a local transport authority must comply with Part 3 of schedule A1.

### **3J Reports on partnership schemes**

- (1) A local transport authority must, in relation to each partnership scheme made by them, for each successive period of 12 months during which the scheme is in operation, prepare and publish a report on the effectiveness of the scheme.
- (2) For the purposes of subsection (1), the first period is to begin on the date on which the scheme, or any part of it, comes into operation.
- (3) In preparing a report under subsection (1), the local transport authority must—
  - (a) consult the traffic commissioner and such other persons as they consider appropriate for the purposes of assessing the effectiveness of the scheme, and
  - (b) consider any representations made to them (whether as part of the consultation or otherwise) in relation to the effectiveness of the scheme during the period under review.



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### **3K Provision of information: bus services improvement partnerships**

- (1) This section applies if a local transport authority are exercising any of the following functions—
  - (a) preparing and making a partnership plan or scheme,
  - (b) reviewing the effectiveness of a partnership plan or scheme, or
  - (c) determining whether and how to vary, or revoke, a partnership plan or scheme.
- (2) The local transport authority may require an operator of a local service in the relevant area to provide them with such relevant information relating to the function being exercised as they may specify.
- (3) The local transport authority must specify the function it is exercising when requiring the provision of relevant information.
- (4) The operator may be required to provide the information—
  - (a) in any form which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide, and
  - (b) before the end of such period as may be specified by the local transport authority.
- (5) A local transport authority that have obtained relevant information under this section may only—
  - (a) use the information for the purpose of exercising the function for which it was obtained, and
  - (b) supply the information to a person listed in subsection (6) for use in connection with that function.
- (6) The persons are—
  - (a) a local transport authority,
  - (b) persons providing services to the local transport authority in connection with the function being exercised,
  - (c) where section 3E applies, the Scottish Ministers.
- (7) A person who receives relevant information under subsection (5)(b) must not disclose it to any other person or use it in connection with a purpose other than the specified function.
- (8) A person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where an offence under subsection (8) committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.
- (11) In this section, “relevant information” means information of a description specified in regulations made by the Scottish Ministers.

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- (12) Regulations under subsection (11) may specify circumstances in which relevant information (or types of relevant information) may not be required by a local transport authority.

### **3L Multi-authority bus services improvement partnerships**

- (1) Two or more local transport authorities may act jointly to make a partnership plan and scheme (or schemes) under this chapter.
- (2) In those circumstances, unless the context otherwise requires, a reference in this chapter (other than this section) to—
- (a) a local transport authority, in relation to a partnership plan or a partnership scheme or to a proposed plan or scheme, is a reference to the authorities acting jointly,
  - (b) the area of a local transport authority is a reference to the combined areas of the authorities,
  - (c) the relevant general policies of a local transport authority is a reference to the relevant general policies of each local transport authority.
- (3) Where two or more local transport authorities act jointly to make a partnership plan or scheme, they must continue to act jointly in relation to the plan or scheme in all respects.

### **3M Further provision**

- (1) The Scottish Ministers may by regulations make further provision about—
- (a) partnership plans and schemes,
  - (b) the procedures to be followed to prepare and make, postpone, vary and revoke a plan or scheme (but see also Part 4 of schedule A1 which confers power on the Scottish Ministers in relation to certain expressions used in those procedures),
  - (c) reviewing and reporting on the operation of a plan and scheme.
- (2) Without limit to that generality, regulations under this section may make provision about—
- (a) the form and content of a partnership plan or scheme,
  - (b) descriptions of local services which may or must be exempted from a scheme,
  - (c) what may constitute a facility or measure,
  - (d) the conditions that may be specified in a scheme for its variation or revocation,
  - (e) the form and content of any notice to be given in connection with a plan or scheme,
  - (f) the standards and requirements that a scheme or plan may specify in respect of the accessibility of bus services for disabled persons and persons who have limited mobility.]

### **<sup>F2</sup>4 Regulations as respects specifying existing facilities in quality partnership schemes**

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**F<sup>2</sup>5 Consultation as to proposed quality partnership scheme**

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**F<sup>2</sup>6 Making of quality partnership scheme**

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**F<sup>2</sup>7 Postponement of quality partnership scheme**

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**F<sup>2</sup>8 Effect of quality partnership scheme**

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**F<sup>2</sup>9 Variation or revocation of quality partnership scheme**

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**F<sup>2</sup>10 Reports on quality partnership schemes**

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**F<sup>2</sup>11 Regulations as respects quality partnership schemes**

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**F<sup>2</sup>12 Eligibility for service subsidies**

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**[<sup>F3</sup>CHAPTER 2]**

**[<sup>F3</sup>LOCAL SERVICES FRANCHISES]**

**Textual Amendments**

**F3** Pt. 2 Ch. 2 substituted for ss. 13-27 and cross-heading (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 38(2), 130(2)** (with s. 126); S.S.I. 2023/250, sch.

*[<sup>F3</sup>Franchising frameworks and franchise agreements]*

**F<sup>3</sup>13 Quality contract schemes**

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### **[<sup>F3</sup>13A Franchising frameworks and franchise agreements**

- (1) A local transport authority may make a franchising framework covering the whole or any part of their area.
- (2) To make a franchising framework a local transport authority must comply with the process set out in section 13C (and the requirements of the sections listed in that section).
- (3) A franchising framework is a framework under which—
  - (a) local services (other than those exempted from the framework by virtue of section 13D(2)) may be provided in the area to which the framework relates only under a franchise agreement, and
  - (b) the local transport authority determine—
    - (i) what local services are to be provided in the area to which the framework relates,
    - (ii) the standards to which the services are to be provided, and
    - (iii) any additional facilities or services that are to be provided in the area to which the framework relates.
- (4) In this Part, “franchise agreement”, in relation to a franchising framework, means an agreement under which—
  - (a) the local transport authority grant to another person the exclusive right to operate the local services to which the agreement relates, and
  - (b) that person undertakes to provide those services on such terms (including in particular as to frequency, fares and standard of services) as may be specified in the agreement.
- (5) A franchise agreement may (but need not) include provision for—
  - (a) the making of payments by the local transport authority to the person undertaking to provide the local service, or
  - (b) the making of payments by the person undertaking to provide the service to the authority.
- (6) A franchise agreement may include provision requiring one or more of the parties to provide additional facilities or services.
- (7) Section 88(1) of the 1985 Act (application to subsidy agreements of section 89 to 92 of that Act) does not apply in relation to franchise agreements.

### **13B Effects of franchising framework**

- (1) During any period when a franchising framework is in operation in relation to any local service included in the framework—
  - (a) sections 6 to 9 of the 1985 Act (registration of local services) do not have effect in relation to the service, and
  - (b) no such service is to be provided other than under a franchise agreement.
- (2) Subsection (3) applies where, in relation to a franchising framework—
  - (a) a local service is not included in the framework, and
  - (b) the service is not excluded from the framework (see section 13D(2)(a)).

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- (3) The local service is not, during the period of operation of the franchising framework, to be provided in the area to which the framework relates.
- (4) Subsection (5) applies where, in relation to a franchising framework—
  - (a) a local service is excluded from the framework, and
  - (b) conditions are specified as to when the exclusion is to apply (see section 13D(2)(b)).
- (5) The specified conditions are to be treated, during the period of operation of the franchising framework, as if they were prescribed particulars of the service concerned registered under section 6 of the 1985 Act.]

### *[<sup>F3</sup>Process for making franchising frameworks]*

#### **[<sup>F3</sup>13C Overview of process**

- (1) Before making a franchising framework under section 13K, the local transport authority must—
  - (a) prepare a proposed franchising framework which meets the requirements of section 13D,
  - (b) prepare an assessment of the proposed framework in accordance with section 13E,
  - (c) obtain a report from an auditor in accordance with section 13F,
  - (d) carry out the consultation required under section 13G,
  - (e) make such modifications under section 13H (if any) as they consider appropriate in light of the consultation and, if they consider that it is required under subsection (3) of that section, repeat the steps in paragraphs (b) to (d) of this section,
  - (f) obtain approval to make the proposed framework (or the framework as modified) from a panel convened for that purpose by the traffic commissioner under section 13J,
  - (g) comply with such additional procedural requirements as may be prescribed.
- (2) Where the making of a proposed franchising framework has been approved under section 13J, it may be made by the local transport authority under section 13K.

#### **13D Proposed franchising frameworks**

- (1) A proposed franchising framework must specify—
  - (a) the area to which the framework relates,
  - (b) the local services which are to be provided under franchise agreements,
  - (c) that the framework is, in so far as relating to each local service included in it, to come into operation—
    - (i) on a date not earlier than 6 months after the day on which the local transport authority who made it enter into a franchise agreement in respect of that service, or
    - (ii) on such earlier date as the local transport authority may specify,
  - (d) the period during which it is to remain in operation,
  - (e) the standards to which services must be provided under franchise agreements.

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- (2) A proposed franchising framework may—
  - (a) provide for the exemption of such local services or such descriptions of local services as the framework may specify, and
  - (b) specify conditions (if any) as to when such exemptions are to apply.
- (3) A proposed franchising framework may provide for such other matters as the local transport authority think fit.
- (4) If a proposed franchising framework relates to an area to which a partnership scheme also relates, the proposed franchising framework—
  - (a) must include—
    - (i) in a case where the partnership scheme relates only to the area to which the proposed franchising framework relates or a part of that area, provision revoking the partnership scheme, or
    - (ii) in any other case, provision varying the partnership scheme so that it ceases to relate to any part of the area to which the proposed franchising framework relates, and
  - (b) may include provision varying the partnership plan or, if appropriate, revoking the plan.

### **13E Assessment of proposed franchising framework**

- (1) A local transport authority which propose to make a franchising framework covering the whole or any part of their area must prepare an assessment of the proposed framework.
- (2) The assessment must—
  - (a) set out how, and to what extent, the local transport authority consider the making of the proposed framework will contribute to the implementation of their relevant general policies,
  - (b) compare the making of the proposed framework to one or more other courses of action available to them to implement those policies,
  - (c) describe the expected effect of the proposed framework on any areas which are adjacent to the area of the framework,
  - (d) set out—
    - (i) how they intend to operate the proposed framework, and
    - (ii) the extent to which they consider that they will be able to secure that local services are operated under franchise agreements,
  - (e) set out their analysis of the financial implications for them of making the proposed framework,
  - (f) set out how they propose to review the effectiveness of the proposed framework once it is made.
- (3) The assessment may include such other matters as the local transport authority think fit.
- (4) In preparing an assessment under this section, a local transport authority must seek views about the proposed franchising framework from operators who, at the time of the assessment being prepared, are providing local services in the area to which the proposed framework relates.

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- (5) The Scottish Ministers must issue guidance in relation to the preparation of an assessment under this section, and that guidance may, in particular, include guidance about methods to be used when assessing a proposed framework.

### **13F Audit of proposed franchising framework**

- (1) This section applies if, after preparing an assessment of a proposed franchising framework under section 13E, a local transport authority wish to proceed with the proposed framework.
- (2) The local transport authority must obtain a report from an auditor on the analysis of the financial implications contained in the assessment.
- (3) The auditor's report must state whether, in the opinion of the auditor—
- (a) the information relied on by the local transport authority in conducting the analysis is of sufficient quality,
  - (b) the analysis of that information is of sufficient quality, and
  - (c) the local transport authority have had regard to the guidance issued under section 13E(5) in preparing the analysis.
- (4) An auditor must, when preparing a report under this section, have regard to any guidance issued by the Scottish Ministers in relation to the preparation of such reports.
- (5) In this section, “auditor” means a person who is eligible to be appointed as a statutory auditor under section 1211 of the Companies Act 2006.

### **13G Consultation on proposed franchising framework**

- (1) This section applies if, after obtaining an auditor's report under section 13F, a local transport authority wish to proceed with the proposed franchising framework.
- (2) The local transport authority must give notice of their intention to make the proposed franchising framework in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.
- (3) The notice referred to in subsection (2) must—
- (a) describe the proposed franchising framework, including, in particular, the area to which it would relate,
  - (b) include a statement that the local transport authority consider that the proposed framework will contribute to the implementation of their relevant general policies, and
  - (c) state where copies of the consultation documents listed in subsection (5) may be viewed.
- (4) After giving notice of the proposed franchising framework, the local transport authority must consult—
- (a) all operators of local services in the area to which the proposed framework relates,
  - (b) any other person holding a PSV operator's licence or community bus permit who, in the opinion of the authority, is likely to be affected by the proposed framework,
  - (c) such organisations appearing to the authority to be representative of employees of such operators as they think fit,

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- (d) such organisations appearing to the authority to be representative of users of local services as they think fit,
  - (e) each local transport authority and Transport Partnership whose area is, in the opinion of the authority, likely to be affected by the proposed framework,
  - (f) the traffic commissioner,
  - (g) the chief constable of the Police Service of Scotland,
  - (h) the Competition and Markets Authority,
  - (i) such other persons as the authority think fit.
- (5) The consultation documents are—
- (a) the proposed franchising framework,
  - (b) a report on the assessment prepared under section 13E, including, in particular, a description of how the local transport authority consider the proposed framework will contribute to the implementation of their relevant general policies,
  - (c) the report obtained from the auditor under section 13F,
  - (d) such other documents (if any) that the local transport authority think will assist the consultees in considering the proposed framework.

### **13H Modification of proposed franchising framework**

- (1) This section applies where, following consultation under section 13G, a local transport authority consider it appropriate to modify the proposed franchising framework.
- (2) The local transport authority may make such modifications to the proposed franchising framework as they consider appropriate.
- (3) If the local transport authority consider that the modifications materially affect any part of the assessment prepared under section 13E that relates to a matter set out in subsection (2) of that section, they must prepare a new assessment of the proposed framework as modified.
- (4) Sections 13E to 13G apply to any new assessment of the proposed framework as modified as they apply to the original proposed framework.
- (5) The Scottish Ministers must issue guidance in relation to the circumstances in which a local transport authority must prepare a new assessment of a proposed framework.

### **13I Application for approval of the proposed franchising framework**

- (1) This section applies where, following a consultation under section 13G, a local transport authority—
  - (a) either—
    - (i) do not make any modifications to the proposed franchising framework, or
    - (ii) make modifications to the proposed framework, but consider they are not required to prepare a new assessment of the proposed framework under section 13H(3), and
  - (b) decide to proceed with making the proposed framework (as originally proposed or as modified).
- (2) The local transport authority must—



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- (a) request that the traffic commissioner convene a panel under section 13J(2) for the purpose of considering whether to approve the making of the proposed franchising framework, and
  - (b) provide the traffic commissioner with the documents listed in subsection (3).
- (3) The documents are—
- (a) the consultation documents listed in paragraphs (a) to (c) of section 13G(5),
  - (b) the assessment (or the most recent assessment) prepared under section 13E,
  - (c) a summary of the responses received to the consultation carried out under section 13G and any action (other than a modification under section 13H) that was taken to address the responses,
  - (d) a description and explanation of any modifications made to the proposed franchising framework under section 13H.

### **13J Approval of proposed franchising frameworks**

- (1) This section applies where the traffic commissioner has received a request to convene a panel under section 13I(2)(a).
- (2) The traffic commissioner must—
  - (a) give notice of the local transport authority seeking approval for the proposed franchising framework in such manner as the commissioner considers appropriate for bringing the notice to the attention of persons in the area of the authority,
  - (b) appoint three persons to form a panel to decide whether or not to approve the making of the proposed framework,
  - (c) provide the panel with the documents listed in section 13I(3), and
  - (d) provide the panel with any representations made to the commissioner in connection with the approval of making the proposed framework.
- (3) A notice given under subsection (2)(a) must state—
  - (a) that representations may be made to the traffic commissioner in relation to the application for approval of the making of the proposed franchising framework, and
  - (b) the period within which such representations may be made.
- (4) The panel may decide—
  - (a) to approve the making of the proposed franchising framework,
  - (b) to approve the making of the proposed framework subject to the local transport authority making such modifications to the proposed framework as the panel may specify, or
  - (c) not to approve the making of the proposed framework.
- (5) In making its decision under subsection (4), the panel must consider whether the local transport authority have—
  - (a) complied with the process set out in section 13C(1),
  - (b) had regard to the guidance issued by Scottish Ministers under section 13E(5),
  - (c) given appropriate weight to any matter prescribed for the purposes of this section, and
  - (d) otherwise, reached a reasonable conclusion in deciding to make the proposed franchising framework.

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### **13K Making of franchising framework**

- (1) This section applies where a panel convened under section 13J has approved the making of a proposed franchising framework.
- (2) The local transport authority may, not later than 6 months after the date of the approval, make the franchising framework.
- (3) Not later than 14 days after the date on which a franchising framework is made, the local transport authority must—
  - (a) give notice of their having made the framework in such manner as they consider appropriate for bringing the notice to the attention of persons in their area, and
  - (b) send a copy of the framework to the traffic commissioner.
- (4) A notice under subsection (3)(a) must state where a copy of the franchising framework may be viewed.
- (5) A franchising framework is, in so far as relating to a local service included in it, to come into operation—
  - (a) in a case where the framework specifies the date on which it is to come into operation in respect of that service, on the date so specified, and
  - (b) subject to section 13M, in a case where no date is specified in the framework, on such date as is specified in or determined under the franchise agreement entered into in respect of the service.]

*[<sup>F3</sup>Entering into franchise agreements]*

### **[<sup>F3</sup>13L Entering into franchise agreements**

- (1) This section applies where—
  - (a) a local transport authority have made a franchising framework, and
  - (b) that framework has not expired under section 13Q or otherwise ceased to have effect.
- (2) The local transport authority may enter into franchise agreements in respect of local services to be provided under the framework.
- (3) A local transport authority may enter into a franchise agreement with a person only if that person holds—
  - (a) an unconditional PSV operator's licence, or
  - (b) a community bus permit.
- (4) Not later than 14 days after the date on which a local transport authority enter into a franchise agreement, the local transport authority must—
  - (a) give notice of their having made the agreement to—
    - (i) all operators of local services who are, in the opinion of the authority, likely to be affected by the agreement, and
    - (ii) the traffic commissioner, and
  - (b) publish the notice in such manner as the local transport authority consider appropriate for bringing the notice to the attention of persons in the area to which the franchising framework relates.

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- (5) A notice under subsection (4) must state—
  - (a) the local services to be provided under the franchise agreement,
  - (b) the date or dates on which the franchising framework is, in so far as it relates to the local services to be provided under the franchise agreement, to come into operation, and
  - (c) the duration of the franchise agreement.
- (6) For the purpose of subsection (3)(a), “unconditional”, in relation to a PSV operator's licence, means a licence which does not have attached to it a condition imposed under section 26 of the 1985 Act prohibiting or having the effect of prohibiting the holder from using vehicles under the licence to provide the service or services to which the franchising agreement in question relates.]

*[<sup>F3</sup>Postponement, variation and revocation of franchise frameworks]*

### **[<sup>F3</sup>13M Postponing commencement of franchising frameworks or variations**

- (1) A local transport authority may, if they consider it appropriate, decide to postpone the date on which—
  - (a) a franchising framework, or
  - (b) the variation of a franchising framework,would, in so far as relating to a local service in it, come into operation by virtue of section 13K(5)(b) by such period as they think fit.
- (2) But the date on which a framework or variation comes into operation under subsection (1) must not be postponed by a period or periods which in total exceed 12 months.
- (3) Before postponing the date on which a framework or variation comes into operation under subsection (1), a local transport authority must consult all operators of local services who are, in the opinion of the local transport authority, likely to be affected by the postponement.
- (4) Not later than 14 days after the date on which a local transport authority postpone the date on which a framework or variation comes into operation under subsection (1), the local transport authority must—
  - (a) give notice of the postponement to—
    - (i) all operators of local services who are, in the opinion of the authority, likely to be affected by the postponement, and
    - (ii) the traffic commissioner, and
  - (b) publish the notice in such manner as the local transport authority consider appropriate for bringing the notice to the attention of persons in the area to which the franchising framework relates.
- (5) The Scottish Ministers may by regulations make provision in relation to postponements under this section including, in particular, provision reducing or extending the maximum period of postponement in subsection (2).

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### **13N Applications for approval to vary or revoke franchising frameworks**

- (1) This section applies where a local transport authority wish to vary or revoke a franchising framework they have made.
- (2) The local transport authority must—
  - (a) request that the traffic commissioner convene a panel under section 13O(2) for the purpose of considering whether to approve the proposed variation or revocation of the franchising framework, and
  - (b) provide the traffic commissioner with an application for approval to vary or, as the case may be, revoke the framework.
- (3) An application under subsection (2)(b) must—
  - (a) state the local transport authority's reasons for wishing to vary or revoke the framework,
  - (b) set out how, and to what extent, the local transport authority consider the variation or revocation will contribute to the implementation of their relevant general policies,
  - (c) in the case of a proposal to vary the framework—
    - (i) set out how it is proposed to vary the framework,
    - (ii) describe the expected effect that varying the framework will have on the matters set out in the assessment (or, if more than one, the most recent assessment) of the framework prepared under section 13E, and
    - (iii) if a new assessment is not being prepared, state that the local transport authority do not consider it necessary to prepare a new assessment of the framework as it is proposed to be varied,
  - (d) include any other information that the local transport authority think will assist the panel convened under section 13O in deciding whether or not to approve the proposed variation or revocation.
- (4) If a local transport authority consider that the proposed variation will materially affect any part of the assessment (or, as the case may be, the most recent assessment) prepared under section 13E that relates to a matter set out in subsection (2) of that section, they must prepare a new assessment of the proposed framework as varied.
- (5) Where a local transport authority consider under subsection (4) that they are required to prepare a new assessment—
  - (a) sections 13E to 13H apply to the framework as it is proposed to be varied as they apply to a proposed franchising framework, and
  - (b) the local transport authority must, as part of the application under subsection (2)(b), provide to the traffic commissioner—
    - (i) the new assessment,
    - (ii) the report of the auditor on the new assessment,
    - (iii) a summary of the responses received to the consultation carried out under section 13G in respect of the new assessment and any action (other than a modification under section 13H) that was taken to address the responses, and
    - (iv) a description and explanation of any modifications made to the framework as it is proposed to be varied under section 13H.

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### **13O Approval to vary or revoke franchising frameworks**

- (1) This section applies where the traffic commissioner has received a request to convene a panel under section 13N(2)(a).
- (2) The traffic commissioner must—
  - (a) give notice of the local transport authority's application to vary or revoke the proposed framework in such manner as the commissioner considers appropriate for bringing the notice to the attention of persons in the area of the authority,
  - (b) appoint three persons to form a panel to decide whether or not to approve the proposed variation or revocation of the franchising framework,
  - (c) provide the panel with the application provided to it under section 13N(2)(b),
  - (d) provide the panel with any representations made to the commissioner in connection with the application.
- (3) A notice given under subsection (2)(a) must state—
  - (a) that representations may be made to the traffic commissioner in relation to the proposed variation or revocation, and
  - (b) the period within which such representations may be made.
- (4) Where the application is to vary the framework, the panel may decide—
  - (a) to approve the proposed variation,
  - (b) to approve the proposed variation of the framework subject to the local transport authority making such modifications to the framework as it is proposed to be varied as the panel may specify, or
  - (c) not to approve the proposed variation.
- (5) Where the application is to revoke the framework, the panel may decide—
  - (a) to approve the revocation,
  - (b) to approve the revocation subject to the local transport authority taking such further action before revoking the framework as the panel may specify in its decision, or
  - (c) not to approve the revocation.
- (6) In making its decision under subsection (4) or, as the case may be (5), the panel must consider whether the local transport authority have reached a reasonable conclusion in deciding to vary or revoke the framework.
- (7) Where the panel has approved the variation or revocation of a framework, section 13K applies to that variation or revocation as it applies to the making of a framework.

### **13P Reports on franchising frameworks**

- (1) A local transport authority must, in relation to each franchising framework made by them, for each successive period of 12 months during which the framework is in operation, prepare and publish a report on the effectiveness of the framework.
- (2) For the purposes of subsection (1), the first period is to begin on the date on which local services start to be provided under a franchise agreement entered into under the framework.
- (3) In preparing a report under subsection (1), the local transport authority must—

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- (a) consult such persons as they consider appropriate for the purpose of assessing the effectiveness of the framework, and
- (b) consider any representations made to them (whether as part of the consultation or otherwise) in relation to the effectiveness of the framework during the period under review.

### **13Q Non-implementation of franchising frameworks**

- (1) A franchising framework is to cease to have effect on the date which falls at the end of the period of 12 months beginning with the day on which the framework was made unless—
  - (a) the local transport authority which made the framework have entered into a franchise agreement in respect of each local service included in the framework, or
  - (b) subsection (3) applies.
- (2) Subsection (3) applies where—
  - (a) within the period specified in subsection (1), the local transport authority—
    - (i) have failed to enter into a franchise agreement in respect of each local service included in the framework, and
    - (ii) have provided the traffic commissioner with an application for approval to vary the framework, and
  - (b) after the end of that period—
    - (i) the panel convened under section 13O to consider that application refuses to approve the proposed variation, or
    - (ii) the panel so convened has approved the proposed variation but the local transport authority have not varied the framework within the period specified in section 13K(2) (as applied by section 13O(7)).
- (3) The franchising framework is to cease to have effect—
  - (a) on the date that the panel refuse to approve the variation, or
  - (b) as the case may be, on the date which falls at the end of the period of 6 months after the date of approval.
- (4) The Scottish Ministers may by regulations amend subsections (1) and (3) so as to provide for a different period from those for the time being specified in those subsections.

### **13R Provision of information: local services franchises**

- (1) This section applies if a local transport authority are exercising any of the following functions—
  - (a) preparing and making a franchising framework,
  - (b) reviewing the effectiveness of a franchising framework, or
  - (c) determining whether and how to vary, or revoke, a franchising framework.
- (2) The local transport authority may require an operator of a local service in the relevant area to provide them with such relevant information relating to the function being exercised as they may specify.
- (3) The local transport authority must specify the function it is exercising when requiring the provision of relevant information.

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- (4) The operator may be required to provide the information —
  - (a) in any form which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide, and
  - (b) before the end of such period as may be specified by the local transport authority.
- (5) A local transport authority that have obtained relevant information under this section may only—
  - (a) use the information for the purpose of exercising the function for which it was obtained, and
  - (b) supply the information to a person listed in subsection (6) for use in connection with that function.
- (6) The persons are—
  - (a) a local transport authority,
  - (b) an auditor appointed by the local transport authority under section 13F,
  - (c) any other person providing services to the local transport authority in connection with the function being exercised,
  - (d) a panel appointed under section 13J(2) or 13O(2).
- (7) A person who receives relevant information under subsection (5)(b) must not disclose it to any other person or use it in connection with a purpose other than the specified function.
- (8) A person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where an offence under subsection (8) committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.
- (11) In this section, “relevant information” means information of a description specified in regulations made by the Scottish Ministers.
- (12) Regulations under subsection (11) may specify circumstances in which relevant information (or types of relevant information) may not be required by a local transport authority.

### **13S Multi-authority franchising**

- (1) Two or more local transport authorities may act jointly to make a franchising framework and enter into a franchise agreement (or agreements) under this chapter.
- (2) In those circumstances, unless the context otherwise requires, a reference in this chapter (other than this section) to—
  - (a) a local transport authority, in relation to a franchising framework or a franchise agreement or to a proposed framework or agreement, is a reference to the authorities acting jointly,

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- (b) the area of a local transport authority is a reference to the combined areas of the authorities,
  - (c) the relevant general policies of a local transport authority is a reference to the relevant general policies of each local transport authority.
- (3) Where two or more local transport authorities act jointly to make a franchising framework or enter into a franchise agreement, they must continue to act jointly in relation to the framework or agreement in all respects.

### **13T Further provision about franchising arrangements**

- (1) The Scottish Ministers may by regulations make further provision for or in connection with the provisions of this chapter.
- (2) The regulations may, in particular, make provision with respect to—
- (a) the process to be followed when making, varying or revoking a franchising framework, including—
    - (i) the form and content of any notice, statement, report, document or application required in connection with the process,
    - (ii) prescribing time periods for carrying out aspects of the process,
    - (iii) the assessment and audit of proposed franchising frameworks,
    - (iv) the consultation processes to be followed,
    - (v) the holding of inquiries or hearings in connection with objections or representations,
    - (vi) the approval of making proposed franchising frameworks or proposals to vary or revoke franchising frameworks,
  - (b) the standards and requirements that a franchising framework may specify in respect of the accessibility of local services for disabled persons and persons with limited mobility,
  - (c) the local services, or descriptions of local services that must, or may, be exempted from franchising frameworks and the conditions that must, or may, be attached to such exclusions,
  - (d) the panels to be convened under section 13J(2) and 13O(2) and their functions, including provision about—
    - (i) the appointment, removal and replacement of members (including the criteria to be considered for appointment as a panel member),
    - (ii) the remuneration of panel members (including as to payment of panel members' expenses),
    - (iii) the process to be followed by the panel in making decisions.
- (3) The regulations may also make transitional provision in connection with—
- (a) the coming into operation of franchising frameworks,
  - (b) the variation of frameworks, and
  - (c) the ending of frameworks (whether or not as a result of their revocation).
- (4) In particular, regulations in pursuance of subsection (3) may provide for the application, disapplication or modification of the effect of any provision of section 6 to 9 of the 1985 Act in such circumstances as may be prescribed.
- (5) In this chapter, “prescribed” means prescribed by regulations made under this section.]



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- F<sup>3</sup>14 Proposed quality contract scheme**  
.....
- F<sup>3</sup>15 Consultation as to proposed quality contract scheme**  
.....
- F<sup>3</sup>16 Approval of proposed quality contract scheme**  
.....
- F<sup>3</sup>17 Making of quality contract scheme**  
.....
- F<sup>3</sup>18 Tendering for quality contracts**  
.....
- F<sup>3</sup>19 Exceptions from section 18(1)**  
.....
- F<sup>3</sup>20 Commencement of quality contract scheme**  
.....
- F<sup>3</sup>21 Postponement of quality contract scheme**  
.....
- F<sup>3</sup>22 Effect of quality contract scheme**  
.....
- F<sup>3</sup>23 Variation or revocation of quality contract scheme**  
.....
- F<sup>3</sup>24 Reports on quality contract schemes**  
.....
- F<sup>3</sup>25 Non-implementation of quality contract scheme**  
.....
- F<sup>3</sup>26 Regulations as respects quality contract schemes**  
.....

*Status: Point in time view as at 04/12/2023.*

*Changes to legislation: Transport (Scotland) Act 2001 is up to date with all changes known to be in force on or before 14 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)*

### **F<sup>3</sup>27 Transitional provision as respects quality contract schemes**

.....

### **[F<sup>4</sup>27C National Smart Ticketing Advisory Board**

- (1) The Scottish Ministers must establish an advisory committee to be known as the National Smart Ticketing Advisory Board (“the Board”).
- (2) The function of the Board is to advise the Scottish Ministers in relation to their functions insofar as they relate to—
  - (a) smart ticketing arrangements, and
  - (b) the national technological standard for smart ticketing.
- (3) The Board also has the function of issuing advice and recommendations to the Scottish Ministers in relation to the strategic development of smart ticketing in Scotland.
- (4) The Scottish Ministers may by regulations make provision about the Board, including provision about—
  - (a) the appointment, removal and replacement of members,
  - (b) the remuneration of members (including as to payment of a member's expenses),
  - (c) the process by which the Board makes decisions.
- (5) Before making regulations under subsection (4), the Scottish Ministers must consult—
  - (a) all local transport authorities,
  - (b) such organisations appearing to Scottish Ministers to be representative of users of local services and connecting rail or ferry services as they think fit,
  - (c) such organisations appearing to Scottish Ministers to be representative of operators of local services and connecting rail or ferry services as they think fit,
  - (d) such other persons as they think fit.]

#### **Textual Amendments**

- F4** S. 27C inserted (10.1.2022) by virtue of [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 43(2)**, 130(2) (with [s. 126](#)); [S.S.I. 2021/428](#), [reg. 2](#), [sch.](#)

### *Ticketing arrangements and ticketing schemes*

### **28 Ticketing arrangements**

- (1) Each local transport authority shall from time to time determine what ticketing arrangements should be made available for their area (in this section referred to as the “required ticketing arrangements”).
- (2) Before making such a determination, the authority shall consult such organisations appearing to the authority to be representative of users of local services as they think fit.
- (3) Each authority shall from time to time ascertain whether the required ticketing arrangements are being made available.

*Status: Point in time view as at 04/12/2023.*

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- (4) If an authority ascertain that the required ticketing arrangements are not being made available, that authority shall seek to make arrangements with the operator or operators of the local services concerned under which the operator or operators agree to make the required ticketing arrangements available.
- (5) In this section and in section 29 of this Act “ticketing arrangements” means arrangements under which persons may become entitled—
- (a) to make more than one journey on particular local services (whether or not operated by the same person);
  - (b) to make a particular journey on two or more local services (whether or not operated by the same person); or
  - (c) where a particular journey could be made on local services provided by either (or any) of two or more operators, to make the journey on whichever service the holder chooses,
- by entering into a single transaction of such description as the operator or operators of such services may require.

**Modifications etc. (not altering text)**

- C1** S. 28 modified (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), **s. 54(2)** (with s. 75)
- C2** S. 28 modified (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), **s. 54(2)** (with ss. 76, 84)
- C3** Ss. 28-31: transfer of functions (1.11.2006) by [Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), arts. 1, 3, **Sch. 1** (with art. 5)
- C4** Ss. 28-31: transfer of functions (7.11.2006) by [Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 1, **Sch. 1** (with art. 5)

## 29 Ticketing schemes

- (1) If a local transport authority are unable to make satisfactory arrangements in pursuance of section 28(4) of this Act they, or two or more such authorities acting jointly, may make a ticketing scheme covering the whole or any part of their area, or combined area, if they consider that the proposed scheme—
- (a) would be in the interests of the public; and
  - (b) would to any extent implement their relevant general policies.
- (2) In this section (other than subsection (1) above) and in sections 30 and 31 of this Act any reference to a local transport authority shall be construed, in any case where a ticketing scheme is made (or proposed to be made) by two or more such authorities acting jointly, as a reference to both (or, as the case may be, all) of those authorities.
- (3) A ticketing scheme is a scheme under which operators of local services of a class specified in the scheme are required to make and implement ticketing arrangements.
- (4) A ticketing scheme may not be made unless the authority have complied with the notice and consultation requirements imposed by section 30 of this Act.
- (5) A ticketing scheme may, for the purposes of making provision in relation to journeys such as are mentioned in paragraph (a) of section 28(5) of this Act, specify a class of local services.
- (6) A ticketing scheme may specify different arrangements in respect of different classes of local service.

*Status: Point in time view as at 04/12/2023.*

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**Modifications etc. (not altering text)**

- C3** Ss. 28-31: transfer of functions (1.11.2006) by [Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), arts. 1, 3, **Sch. 1** (with art. 5)
- C4** Ss. 28-31: transfer of functions (7.11.2006) by [Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 1, **Sch. 1** (with art. 5)
- C5** S. 29 modified (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), s. 54(2) (with s. 75)
- C6** S. 29 modified (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), s. 54(2) (with ss. 76, 84)

### 30 Consultation as to proposed ticketing scheme

- (1) If a local transport authority propose to make a ticketing scheme, they shall give notice of the proposed scheme in at least one local newspaper circulating in the area to which it relates.
- (2) The notice shall specify the date on which it is proposed that the proposed scheme will come into operation.
- (3) After giving notice of the proposed scheme, the authority shall consult—
  - (a) all operators of local services who are, in the opinion of the authority, likely to be affected by it;
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit;
  - (c) the traffic commissioner; and
  - (d) such other persons as the authority think fit.

**Modifications etc. (not altering text)**

- C3** Ss. 28-31: transfer of functions (1.11.2006) by [Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), arts. 1, 3, **Sch. 1** (with art. 5)
- C4** Ss. 28-31: transfer of functions (7.11.2006) by [Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 1, **Sch. 1** (with art. 5)

### 31 Making of ticketing scheme

- (1) If, having complied with section 30 of this Act, the authority decide that it is appropriate to make a ticketing scheme, they may make it—
  - (a) in the form proposed; or
  - (b) subject to such modifications as they may specify.
- (2) The scheme shall specify the date (being a date not earlier than 3 months after the date on which the scheme is made) on which it is to come into operation.
- (3) Not later than 14 days after the date on which a scheme is made, the authority shall give notice of it—
  - (a) in at least one local newspaper circulating in the area to which the scheme relates;
  - (b) to all operators of local services who are, in the opinion of the authority, likely to be affected by it;
  - (c) to the traffic commissioner; and

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- (d) in such other manner, or to such other persons or class of person (if any), as the Scottish Ministers may prescribe by regulations.
- (4) The notice shall—
- (a) set out the scheme and the date on which it is to come into operation; and
  - (b) identify the classes of local service which will be affected by it.

**Modifications etc. (not altering text)**

- C3** Ss. 28-31: transfer of functions (1.11.2006) by [Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), arts. 1, 3, **Sch. 1** (with art. 5)
- C4** Ss. 28-31: transfer of functions (7.11.2006) by [Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 1, **Sch. 1** (with art. 5)

**32 Effect of ticketing scheme**

- (1) During any period in which a ticketing scheme is in operation, operators of local services to which the scheme relates shall make and implement the arrangements required by the scheme.
- (2) The arrangements required by a ticketing scheme shall be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the 1985 Act (registration of local services) of the service concerned.

*Provision of information*

**33 Information about bus services**

- (1) Each local transport authority shall from time to time determine, having regard to their relevant general policies—
  - (a) what local bus information should be made available to the public (in this section referred to as the “required information”); and
  - (b) the way in which it should be made available (in this section and in section 34 of this Act referred to as the “appropriate way”).
- (2) Before making such a determination, the authority shall consult—
  - (a) the traffic commissioner;
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit; and
  - (c) such other persons as the authority think fit.
- (3) Each authority shall from time to time ascertain whether the required information is being made available to the public in the appropriate way.
- (4) If an authority ascertain that the required information is not being made available to the public in the appropriate way the authority shall seek to make arrangements with the operator or operators of the local services concerned under which the operator or operators agree to make the information available in that way.
- (5) In this section—
  - “local bus information”, in relation to a local transport authority, means—

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- (a) information about routes and timetabling of local services to, from and within the authority’s area;
  - (b) information about fares for journeys on such local services; and
  - (c) such other information about facilities for disabled persons, travel concessions, connections with other public passenger transport services (within the meaning of the 1985 Act) or other matters of value to the public as the authority consider appropriate in relation to their area; and
- “travel concession” has the meaning given by section 68(7) of this Act.
- (6) This section and sections 34 and 35 of this Act do not apply to any local authority to the extent that any part of the area of the authority is comprised in the passenger transport area of the Strathclyde Passenger Transport Authority.

**Modifications etc. (not altering text)**

- C7** Ss. 33-35: transfer of functions (1.11.2006) by [Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), arts. 1, 3, **Sch. 1** (with art. 5)
- C8** Ss. 33-35: transfer of functions (7.11.2006) by [Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 1, **Sch. 1** (with art. 5)

**34 Duty of authority to make information available**

- (1) If a local transport authority are unable to make satisfactory arrangements in pursuance of section 33(4) of this Act, they, or two or more such authorities acting jointly—
- (a) shall make available, or secure that there is made available, in such manner as they determine, such information as is not being made available in the appropriate way in their area, or each of their areas (whether by virtue of arrangements made under section 33(4) of this Act or otherwise); and
  - (b) may recover from the operator or operators of the local services concerned the reasonable costs incurred by them in doing so as a civil debt due to them.
- (2) In determining for the purposes of subsection (1)(b) above what is reasonable in relation to a particular operator, the authority, or as the case may be authorities, shall have regard to—
- (a) the amount of information which has to be made available; and
  - (b) the way in which that information has to be made available,
- in respect of the local services provided by that operator.
- (3) If the authority, or as the case may be authorities, require an operator to provide information to them or another person in order to perform their duty under subsection (1)(a) above, the operator shall provide the information at such times and in such manner as may be specified by the authority (or authorities).
- (4) The authority, or as the case may be authorities, shall give notice to the traffic commissioner of any requirement imposed under subsection (3) above.

**Modifications etc. (not altering text)**

- C7** Ss. 33-35: transfer of functions (1.11.2006) by [Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), arts. 1, 3, **Sch. 1** (with art. 5)

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- C8** Ss. 33-35: transfer of functions (7.11.2006) by [Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 1, **Sch. 1** (with art. 5)

### 35 **Bus information: supplementary**

In carrying out their functions under sections 33 and 34 of this Act, local transport authorities—

- (a) shall act in the manner which is, in the opinion of the authority, most economic, efficient and effective; and
- (b) shall not act in such a way as to discriminate (whether directly or indirectly) against any operator, or class of operator, of local services.

#### **Modifications etc. (not altering text)**

- C7** Ss. 33-35: transfer of functions (1.11.2006) by [Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), arts. 1, 3, **Sch. 1** (with art. 5)
- C8** Ss. 33-35: transfer of functions (7.11.2006) by [Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 1, **Sch. 1** (with art. 5)

### *Financial and competition provisions*

### 36 **Agreements providing for service subsidies**

- (1) Part V of the 1985 Act (expenditure on public passenger transport services) shall be amended as follows.
- (2) In section 89 (obligation to invite tenders for subsidised services)—
- (a) in subsection (7), after “section” there shall be inserted “ for the provision of services other than those mentioned in subsection (9) below ”; and
  - (b) after subsection (8) there shall be inserted—
    - “(9) An authority issuing an invitation to tender under this section for the provision of any service for the carriage of passengers by road which requires, for the purposes of Part IV of this Act, a PSV operator’s licence, shall, in determining whether to accept a tender submitted in response to the invitation or which (if any) of several such tenders to accept, have regard in particular to—
      - (a) a combination of economy, efficiency and effectiveness;
      - (b) the implementation of—
        - (i) their local transport strategy; and
        - (ii) the general policies formulated by them under section 63(2)(b) of this Act or section 9A(1) of the Transport Act 1968 (c.73), as the case may be; and
      - (c) the reduction or limitation of traffic congestion, noise or air pollution.
- (10) In subsection (9)(b)(i) above, “local transport strategy” has the meaning given by section 82(1) of the Transport (Scotland) Act 2001 (asp 2).”.

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- (3) In section 90(3) (duty of authority to publish reasons for considering that payment of subsidies to secure service in accordance with accepted tender is conducive to achieving most effective and economic application of funds), for the words from “is conducive” to the end there shall be substituted “ accords with section 89(7), or as the case may be (9), of this Act. ”.
- (4) In section 92(1) (authorities subsidising public passenger transport services not to inhibit competition between persons providing or seeking to provide such services in their area), for the words from “so” to “provide” there shall be substituted “ have regard to the interests of the public and of persons providing ”.

### 37 Competition test for exercise of bus functions

- (1) The functions to which this section applies are those of—
  - (a) making and varying [<sup>F5</sup>partnership schemes];
  - (b) making and varying ticketing schemes; and
  - (c) inviting and accepting tenders under section 89 or 91 of the 1985 Act (subsidised services).
- (2) For the purposes of this section an authority or authorities propose to exercise a function to which this section applies—
  - (a) in the case of the function of making or varying a [<sup>F6</sup>partnership scheme], once notice of a proposal to make or vary it has been given under [<sup>F7</sup>paragraph 6(2) or, as the case may be, 14(1) of schedule A1] of this Act;
  - (b) in the case of the function of making or varying a ticketing scheme, once notice of a proposal to make or vary it has been given under section 30(1) of this Act; and
  - (c) in the case of the function of inviting or accepting tenders under section 89 or 91 of the 1985 Act, once it is proposed to invite tenders under section 89(2) or 91(3) of that Act or to accept or not to accept a tender under section 89 of that Act.
- (3) For the purposes of this section the exercise or proposed exercise of a function to which this section applies meets the competition test unless it—
  - (a) has or is likely to have a significantly adverse effect on competition; and
  - (b) is not justified by subsection (4) below.
- (4) The exercise or proposed exercise of a function is justified if—
  - (a) it is with a view to achieving one or more of the purposes specified in subsection (5) below; and
  - (b) its effect on competition is or is likely to be proportionate to the achievement of that purpose or any of those purposes.
- (5) The purposes referred to in subsection (4) above are—
  - (a) securing improvements in the quality of vehicles or facilities used for or in connection with the provision of local services;
  - (b) securing other improvements in local services of substantial benefit to users of local services; and
  - (c) reducing or limiting traffic congestion, noise or air pollution.



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### Textual Amendments

- F5** Words in s. 37(1)(a) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\), s. 130\(2\), sch. para. 3\(3\)\(a\)](#) (with s. 126); S.S.I. 2023/250, sch.
- F6** Words in s. 37(2)(a) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\), s. 130\(2\), sch. para. 3\(3\)\(b\)\(i\)](#) (with s. 126); S.S.I. 2023/250, sch.
- F7** Words in s. 37(2)(a) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\), s. 130\(2\), sch. para. 3\(3\)\(b\)\(ii\)](#) (with s. 126); S.S.I. 2023/250, sch.

## 38 Grants to bus service operators

- (1) The Scottish Ministers may make grants to operators of eligible bus services towards their costs in operating those services.
- (2) The Scottish Ministers may make provision by regulations as to the method of calculation of grants.
- (3) Subject to any regulations under subsection (2) above, grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Scottish Ministers may determine.
- (4) A determination under subsection (3) above may be made either generally or in relation to particular cases or classes of case.
- (5) In this section “eligible bus services” means services of a class using public service vehicles (or such services using a class of public service vehicles) prescribed by regulations made by the Scottish Ministers.
- (6) Section 92 of the Finance Act 1965 (c.25) (grants towards duty charged on bus fuel) and section 111 of the 1985 Act (unregistered and unreliable local services: reduction of fuel duty grant) are repealed.

### Commencement Information

- I1** [S. 38](#) wholly in force; [s. 38](#) not in force at Royal Assent see. 84(2); [s. 38\(2\)](#) in force at 1.4.2001; S.S.I. 2001/132, [art. 2 Sch.](#); [s. 38](#) in force at 1.7.2002 insofar as not already in force by S.S.I. 2002/291 art. 2(a)

## 39 Penalties

- (1) Where the traffic commissioner is satisfied that the operator of a local service has, without reasonable excuse—
  - (a) failed to operate a local service registered under section 6 of the 1985 Act;
  - (b) operated a local service in contravention of that section or section [F83F(1) or 13B(1)(b) or (3)] of this Act; F9 ...
  - [F10(ba) failed to comply with a requirement under section 6ZA of the 1985 Act,]
  - [F11(bb) failed to comply with a requirement to provide information (including a requirement to provide it within a specified time or in a specified form) under section 3K(2) or 13R(2),]
  - (c) failed to comply with section 32(1) or 34(3) of this Act [F12; or ]

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- [<sup>F12</sup>(d) failed to comply with a requirement of regulations made under section 181A of the Equality Act 2010,]  
 the commissioner may impose a penalty on the operator.
- (2) Subject to subsection (3) below, a penalty imposed under subsection (1) above shall be of such amount as the traffic commissioner thinks fit in all the circumstances of the case.
- (3) The amount of a penalty mentioned in subsection (2) above shall not exceed—
- (a) £550; or
  - (b) such other amount as the Scottish Ministers may by order specify,
- multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator’s licences held by him.
- (4) Any penalty imposed under subsection (1) above shall be payable to the Scottish Ministers.
- (5) Where a penalty has been imposed on an operator under subsection (1) above, the traffic commissioner shall forthwith give notice in writing to—
- (a) the Scottish Ministers; and
  - (b) the operator.
- (6) Any operator on whom a penalty has been imposed under subsection (1) above may appeal to the Transport Tribunal against the imposition of the penalty.
- (7) Any amount due under this section shall be recoverable as a civil debt.

#### Textual Amendments

- F8** Words in s. 39(1)(b) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\), s. 130\(2\), sch. para. 3\(4\)\(a\)](#) (with s. 126); [S.S.I. 2023/250, sch.](#)
- F9** Word in s. 39(1) omitted (26.6.2018) by virtue of [Bus Services Act 2017 \(c. 21\), ss. 17\(6\)\(a\), 26\(2\); S.I. 2018/758, reg. 2](#)
- F10** S. 39(1)(ba) inserted (28.11.2022) by [Transport \(Scotland\) Act 2019 \(asp 17\), ss. 39\(2\), 130\(2\)](#) (with s. 126); [S.S.I. 2022/332, reg. 2, sch.](#)
- F11** S. 39(1)(bb) inserted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\), s. 130\(2\), sch. para. 3\(4\)\(b\)](#) (with s. 126) (as amended (27.11.2023) by [S.S.I. 2023/347, regs. 1\(1\), 2\(7\)\(a\)](#)); [S.S.I. 2023/250, sch.](#)
- F12** S. 39(1)(d) and word inserted (26.6.2018) by [Bus Services Act 2017 \(c. 21\), ss. 17\(6\)\(b\), 26\(2\); S.I. 2018/758, reg. 2](#)

#### 40 Repayment of grants towards bus fuel duty

- (1) Section 111 of the 1985 Act (unregistered and unreliable local services: requirement to repay twenty per cent. of bus fuel duty grants) shall be amended as follows (until the coming into force of section 38(6) of this Act).
- (2) For subsection (1) there shall be substituted—
- “(1) Where the traffic commissioner for the Scottish Traffic Area is satisfied that the operator of a local service has, without reasonable excuse—
- (a) failed to operate a local service registered under section 6 of this Act;

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- (b) operated a local service in contravention of that section or section 8(4) or 22(1)(b) or (2) of the Transport (Scotland) Act 2001 (asp 2); or
  - (c) failed to comply with section 32(1) or 34(3) of that Act,
- he may make a determination to that effect.”.
- (3) In subsection (3), for the words “twenty per cent.” there shall be substituted “ such percentage as the traffic commissioner thinks fit ”.
- (4) After subsection (3) there shall be inserted—
- “(3A) The percentage determined under subsection (3) above shall be at least one per cent. but not more than twenty per cent.”.

#### Commencement Information

- I2** S. 40 wholly in force at 1.7.2001; s. 40 not in force at Royal Assent see s. 84(2); s. 40(1)(3)(4) in force at 1.4.2001 and s. 40(2) in force at 1.7.2001 by S.S.I. 2001/132, art. 2 Sch.

#### Miscellaneous

### 41 Bus User Complaints Tribunal

- (1) The Scottish Ministers may by regulations establish a tribunal to be known as the Bus User Complaints Tribunal (referred to in this section as the “Tribunal”) for the purpose of determining any written complaint made by or on behalf of any individual—
- (a) about the manner in which a relevant complaint has been dealt with; or
  - (b) appealing against a decision made on a relevant complaint.
- (2) Any Tribunal established by virtue of subsection (1) above shall consist of—
- (a) a convener; and
  - (b) two other members,
- appointed by the Scottish Ministers.
- (3) Regulations under subsection (1) above may in particular make provision for or in connection with—
- (a) the form of written complaints and the time within which they may be submitted for determination by the Tribunal;
  - (b) the procedure to be followed by the Tribunal in determining complaints;
  - (c) the matters to which the Tribunal shall have regard in determining complaints;
  - (d) the powers of the Tribunal on making determinations (including, without prejudice to the generality of this paragraph, power requiring the payment of compensation);
  - (e) the tenure of office of members of the Tribunal;
  - (f) the payment of remuneration and allowances to members of the Tribunal;
  - (g) the making of reports to the Scottish Ministers on such matters, and at such times, as may be specified in the regulations;
  - (h) requiring the Scottish Ministers to lay before the Scottish Parliament copies of any reports made under paragraph (g) above;
  - (i) the making of reports to the traffic commissioner on such matters, and at such times, as may be specified in the regulations;

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- (j) appeals from determinations of the Tribunal;
  - (k) such other matters as the Scottish Ministers consider necessary or expedient for the purpose of enabling the Tribunal to perform its functions.
- (4) Where a Tribunal is established by virtue of subsection (1) above, the traffic commissioner shall—
- (a) provide, or make available, to the Tribunal such staff as the Scottish Ministers consider necessary;
  - (b) pay—
    - (i) any remuneration and allowances due to members of the Tribunal or staff of the Tribunal; and
    - (ii) any other expenses relating to the establishment or operation of the Tribunal; and
  - (c) provide the Tribunal with such other assistance as it may reasonably request for the purposes of performing its functions.
- (5) Any compensation payable by virtue of subsection (3)(d) above shall be recoverable as a civil debt.
- (6) The Scottish Ministers shall pay to the traffic commissioner such amount as is agreed between them to be appropriate to reimburse any expenditure incurred by the commissioner by virtue of subsection (4) above.
- (7) In subsection (1) above “relevant complaint” means any written complaint made by or on behalf of any individual to an operator of [<sup>F13</sup>bus] services which relates to the operation of any [<sup>F13</sup>bus] service operated by such operator.
- [<sup>F14</sup>(8) In subsection (7) above, “bus service” means—
- (a) a local bus service; or
  - (b) a service which—
    - (i) uses one or more public service vehicles for the carriage of passengers by road at separate fares;
    - (ii) operates between places at least one of which is in Scotland; and
    - (iii) is not a local service.]

#### **Textual Amendments**

- F13** Word in s. 41(7) substituted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. **50(a)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2
- F14** S. 41(8) inserted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. **50(b)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2

## **42 Traffic regulation conditions to reduce or limit noise or air pollution**

In subsection (4) of section 7 of the 1985 Act (reasons for which traffic regulation conditions may be determined)—

- (a) the word “or” immediately after paragraph (a) is repealed; and
- (b) after paragraph (b) there shall be inserted “; or
- (c) reduce or limit noise or air pollution.”.

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### **43 Power to obtain information about local services**

- (1) A local transport authority may, in connection with the formulation of their relevant general policies, require an operator of local services to provide them with any information relating to the matters mentioned in subsection (2) below which is in the possession or control of the operator; and the operator shall comply with any such requirement.
  - (2) The matters are—
    - (a) the total number of journeys undertaken by passengers on the local services operated by the operator in the authority’s area or any part of such area;
    - (b) the structure of fares for those journeys; and
    - (c) the total distance covered by vehicles used by the operator in operating those local services.
  - (3) An operator may be required to provide information under this section in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide it.
  - (4) Subject to subsection (5) below, no information which—
    - (a) has been provided to a local transport authority under this section, or provided together with information so provided; and
    - (b) relates to the affairs of an individual or to a particular business,shall be disclosed by such authority during the lifetime of the individual or while the business continues to be carried on.
  - (5) Subsection (4) above does not apply to a disclosure—
    - (a) made with the consent of the individual or the person for the time being carrying on the business;
    - (b) of information provided by virtue of section 10(3) or 24(3) of this Act;
    - (c) made in connection with the investigation of crime or for the purposes of criminal proceedings;
    - (d) made for the purposes of civil proceedings brought by virtue of this Act or the 1985 Act;
    - (e) made in order to comply with the order of a court or tribunal; or
    - (f) made in respect of a local service—
      - (i) if the operator of such service has given notice in writing to the local transport authority or the traffic commissioner of the operator’s intention to cease operating such service from a date specified in the notice; or
      - (ii) if, having failed to provide notice such as is mentioned in subparagraph (i) above, such operator has ceased to operate such service.
- [<sup>F15</sup>(5A) For the avoidance of doubt, subsection (5)(f) does not apply if (or to the extent that) the operator was also required to provide the information by the local transport authority as an affected authority under section 6ZA(2) of the 1985 Act (provision of service information when varying or cancelling registration).]
- (6) A local transport authority who, without reasonable excuse, disclose information in contravention of subsection (4) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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- (7) Where an offence under subsection (6) above committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.

#### Textual Amendments

**F15** S. 43(5A) inserted (28.11.2022) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 39(3)**, 130(2) (with s. 126); [S.S.I. 2022/332](#), [reg. 2](#), [sch.](#)

## 44 Civil penalties for bus lane contraventions

- (1) The Scottish Ministers may by regulations make provision for or in connection with—
- (a) the imposition by approved local authorities of charges in respect of bus lane contraventions; and
  - (b) the payment of such charges.
- (2) An authority is an approved local authority if—
- (a) an order designating the whole or any part of their area has been made under paragraph 1(1)(d) or 2(1)(c) of Schedule 3 to the Road Traffic Act 1991 (c.40) (permitted and special parking areas outside London); and
  - (b) the Scottish Ministers have made an order specifying them as an approved local authority for the purposes of this section.
- (3) A bus lane contravention is a contravention of any such provision of—
- (a) a traffic regulation order;
  - (b) an experimental traffic order; or
  - (c) a temporary traffic restriction order,
- as relates to the use of an area of road which is or forms part of a bus lane.
- (4) For the purposes of subsection (3) above, an area of road is or forms part of a bus lane if the order in question provides that it may be used—
- (a) only by buses; or
  - (b) only by buses and some other class or classes of traffic specified in the order.
- (5) Regulations under subsection (1) above shall include provision—
- (a) for the setting of the rates of charges (which may include provision for surcharges or discounts) by approved local authorities;
  - (b) that any rates set by virtue of paragraph (a) above shall be effective only if they have been approved by the Scottish Ministers;
  - (c) specifying that any charge shall be paid—
    - (i) by the registered keeper of the motor vehicle; or
    - (ii) in such circumstances as may be specified in the regulations, by such other person as may be so specified;
  - (d) permitting the imposition of a charge only on the basis of a record produced by an approved device;
  - (e) securing that a charge in respect of a bus lane contravention shall not require to be paid, or shall be refunded, where—

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- (i) the contravention is the subject of criminal proceedings; or
  - (ii) a fixed penalty notice has been given in respect of the contravention;and
- (f) that any sums paid by way of charges to an approved local authority shall be available only for application by such authority for the purpose of directly or indirectly facilitating the achievement of policies in such authority's local transport strategy.
- (6) Regulations under subsection (1) above may—
  - (a) specify exemptions from charges; and
  - (b) make provision about the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.
- (7) The Scottish Ministers may make regulations about the notification, adjudication and enforcement of charges.
- (8) Regulations under subsection (7) above may include—
  - (a) provision creating criminal offences to be triable summarily and punishable with a fine not exceeding level 5 on the standard scale or such lower amount as may be prescribed by the regulations; and
  - (b) provision for or in connection with permitting sufficient evidence of a fact to be given by the production of a record produced by an approved device with a certificate as to the circumstances in which the record was produced, but may not confer power to stop motor vehicles.
- (9) In this section—
  - “approved device” means a device of a description specified in an order made for the purposes of this section by the Scottish Ministers;
  - “experimental traffic order” means an order under section 9 of the Road Traffic Regulation Act 1984 (c.27);
  - “fixed penalty notice” has the same meaning as in Part III of the Road Traffic Offenders Act 1988 (c.53); and
  - “temporary traffic restriction order” means an order under section 14 or 16A of the Road Traffic Regulation Act 1984 (c.27).

## **45 Registered services: minimum period of operation**

In section 6 of the 1985 Act (registration of local services)—

- (a) in subsection (3), for the words “subsection (2) above” there shall be substituted “this section”; and
- (b) after subsection (8) there shall be inserted—
  - “(8A) Where a service is registered under this section or, as the case may be, a registration is varied under this section, the operator of the service which has been registered, or in respect of which the registration has been varied, shall provide that service for a period of at least 90 days (or, as the case may be, such other period as the traffic commissioner may specify) beginning with the day on which the period of notice expires or, as the case may be, the variation becomes effective.”.

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#### 46 Power to restrict dates on which scheduled timings of local services may be varied

In section 6 of the 1985 Act (registration of local services)—

(a) after paragraph (d) of subsection (9) there shall be inserted—

“(da) subject to subsection (10) below, specifying dates as the only dates on which the operator of a local service in the area (or areas) of such local authority (or authorities) as may be specified in the regulations may vary a registration in so far as it relates to the scheduled times of the local service in respect of which the registration is made;”;

and

(b) after subsection (9) there shall be inserted—

“(10) Regulations making provision such as is mentioned in subsection (9) (da) above may not—  
 (a) have effect for a period of more than three years;  
 (b) specify more than four dates in a calendar year as dates on which a registration may be varied.”.

#### 47 Co-operation

- (1) In considering whether to make a [<sup>F16</sup>partnership scheme][<sup>F17</sup>or franchising framework] or ticketing scheme a local transport authority shall have regard to the desirability, in appropriate cases, of making a [<sup>F18</sup>scheme or framework] jointly with another authority.
- (2) A local transport authority shall, in determining their opinion under paragraph (a) of section 35 of this Act, have regard to the desirability, in appropriate cases, of carrying out their functions under sections 33 and 34 of this Act jointly with another authority (whether as respects the whole or any part of their combined area).
- (3) Local transport authorities shall in carrying out their functions—
  - (a) under this Part of this Act in relation to [<sup>F19</sup>partnership schemes][<sup>F20</sup>and franchising frameworks] and ticketing schemes; and
  - (b) under sections 33 and 34 of this Act, co-operate with one another.

#### Textual Amendments

- F16** Words in s. 47(1) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), s. 130(2), [sch. para. 3\(5\)\(a\)\(i\)](#) (with s. 126); S.S.I. 2023/250, sch.
- F17** Words in s. 47(1) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), s. 130(2), [sch. para. 3\(5\)\(a\)\(ii\)](#) (with s. 126); S.S.I. 2023/250, sch.
- F18** Words in s. 47(1) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), s. 130(2), [sch. para. 3\(5\)\(a\)\(iii\)](#) (with s. 126); S.S.I. 2023/250, sch.
- F19** Words in s. 47(3)(a) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), s. 130(2), [sch. para. 3\(5\)\(b\)\(i\)](#) (with s. 126); S.S.I. 2023/250, sch.
- F20** Words in s. 47(3)(a) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), s. 130(2), [sch. para. 3\(5\)\(b\)\(ii\)](#) (with s. 126); S.S.I. 2023/250, sch.



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#### Modifications etc. (not altering text)

- C9** S. 47: transfer of functions (1.11.2006) by [Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), arts. 1, 3, **Sch. 1** (with art. 5)
- C10** S. 47: transfer of functions (7.11.2006) by [Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 1, **Sch. 1** (with art. 5)

### Interpretation of Part

#### 48 Interpretation of Part 2

- (1) <sup>F21</sup>Subject to subsection (1A)] in this Part of this Act—
- “community bus permit” means a permit under section 22 of the 1985 Act;
- “local service” has the meaning given by section 2 of the 1985 Act;
- <sup>F22</sup>  
...
- <sup>F23</sup>“operational service standard” is to be construed in accordance with section 3C(1)(b);
- <sup>F24</sup>  
...
- <sup>F25</sup>  
...
- “relevant general policies”, in relation to a local transport authority, means the authority’s local transport strategy and—
- (a) where the authority is a local authority,
- <sup>F26</sup>(i) the policies formulated by them from time to time under section 63(2)(b) of the 1985 Act; <sup>F27</sup> or
- (ii) any policies formulated by them from time to time in accordance with that strategy which, were the area to which those policies relate not in a passenger transport area, could have been formulated by them under that provision and which relate to <sup>F28</sup>providing services of the kind mentioned in section 2A(1) of this Act or] matters which may be the subject matter of <sup>F29</sup>a partnership scheme or a franchising framework];
- (b) where the authority is the Strathclyde Passenger Transport Authority, the policies formulated by them from time to time under section 9A(1) of the Transport Act 1968 (c.73);
- <sup>F30</sup>“route service standard” is to be construed in accordance with section 3C(1)(a);
- <sup>F31</sup>  
...
- <sup>F31</sup>  
...
- <sup>F32</sup>“Transport Partnership” means a Transport Partnership created by order under section 1 the Transport (Scotland) Act 2005];
- “traffic commissioner” means the person appointed from time to time to be the commissioner for Scotland under section 4 of the Public Passenger Vehicles Act 1981 (c.14); and
- “traffic regulation order” means an order under—
- (a) the Road Traffic Regulation Act 1984 (c.27); or
- (b) any other enactment (other than this Act),
- regulating the use of roads or other places by public service vehicles.

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[<sup>F33</sup>(1A) The definition of “traffic regulation order” in subsection (1) does not apply for the purposes of chapter 1 of this Part.]

(2) In this Part of this Act the following expressions have the same meaning as in the Public Passenger Vehicles Act 1981 (c.14)—

- “fares”;
- “modification”;
- “public service vehicle”; and
- “PSV operator’s licence”.

(3) References in this Part of this Act to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the 1985 Act.

#### Textual Amendments

- F21** Words in s. 48(1) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(a)(i)** (with s. 126); S.S.I. 2023/250, sch.
- F22** Words in s. 48(1) repealed (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(a)(ii)** (with s. 126); S.S.I. 2023/250, sch.
- F23** Words in s. 48(1) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(a)(iii)** (with s. 126); S.S.I. 2023/250, sch.
- F24** Words in s. 48(1) repealed (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 8 Pt. 1**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F25** Words in s. 48(1) repealed (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(a)(iv)** (with s. 126); S.S.I. 2023/250, sch.
- F26** Word in s. 48(a) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 51(2)(a)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2
- F27** S. 48(a)(ii) and preceding word inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 51(2)(b)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2
- F28** Words in s. 48(1) inserted (24.6.2022) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(a)(v)(A)** (with s. 126); S.S.I. 2022/204, reg. 2(b)
- F29** Words in s. 48(1) substituted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. paras. 3(6)(a)(v)(B)**, (with s. 126); S.S.I. 2023/250, sch.
- F30** Words in s. 48(1) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(a)(vi)** (with s. 126); S.S.I. 2023/250, sch.
- F31** Words in s. 48(1) repealed (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(a)(vii)** (with s. 126); S.S.I. 2023/250, sch.
- F32** Words in s. 48(1) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(a)(viii)** (with s. 126); S.S.I. 2023/250, sch.
- F33** S. 48(1A) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(6)(b)** (with s. 126); S.S.I. 2023/250, sch.

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## PART 3

### ROAD USER CHARGING

#### *Road user charging schemes*

#### 49 Charging schemes

- (1) [<sup>F34</sup>Subject to subsection (4A),] a charging scheme may be made by a local traffic authority or by two or more such authorities acting jointly.
- (2) A charging scheme may be made only in respect of roads for which the charging authority, or either (or any) of the charging authorities, are the local traffic authority.
- (3) A charging scheme may be made only if—
  - (a) the charging authority, or each of the charging authorities, proposing to make the scheme have a local transport strategy; and
  - (b) the scheme appears desirable to the authority, or each of them, for the purpose of directly or indirectly facilitating the achievement of policies in their strategy.
- (4) Charges imposed in respect of any motor vehicle by a charging scheme shall be paid—
  - (a) by the registered keeper of the motor vehicle; or
  - (b) in such circumstances as the Scottish Ministers may by regulations specify, by such other person as may be so specified.

- [<sup>F35</sup>(4A) No charging scheme may be made in relation to a road carried by a bridge by—
- (a) a joint board constituted by order under section 69 of this Act (whether acting solely or jointly); or
  - (b) a body—
    - (i) which is under any enactment responsible for the management and maintenance of a bridge constructed in pursuance of powers conferred by, or by an order made under or confirmed by, any enactment; and
    - (ii) the functions of which relate solely or mainly to such a bridge.]

- (5) In this Part of this Act—
- “charging authority”, in relation to a charging scheme made or proposed to be made by one authority, means the authority by which the charging scheme is or is proposed to be made;
- “charging authorities”, in relation to a charging scheme made or proposed to be made jointly by more than one authority, means the authorities by which the charging scheme is or is proposed to be made; and
- “charging scheme” means a scheme for imposing charges in respect of the use or keeping of motor vehicles on roads.

#### Textual Amendments

**F34** Words in s. 49(1) inserted (11.2.2008) by Abolition of Bridge Tolls (Scotland) Act 2008 (asp 1), s. 4(2), **Sch. 1 para. 2(a)**; S.S.I. 2008/22, art. 2

**F35** S. 49(4A) inserted (11.2.2008) by Abolition of Bridge Tolls (Scotland) Act 2008 (asp 1), s. 4(2), **Sch. 1 para. 2(b)**; S.S.I. 2008/22, art. 2

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## **50 Charging schemes to be made, varied and revoked by order**

- (1) A charging scheme shall be contained in an order made by the charging authority or the charging authorities (acting jointly).
- (2) Any charging scheme may be varied or revoked by order made by the charging authority or authorities (acting jointly) who made the scheme.
- (3) The Scottish Ministers may by regulations make provision as respects orders made under this section, including (in particular)—
  - (a) provision specifying the form of orders;
  - (b) provision about consultation on proposals for orders (including the publication of such proposals and the making and consideration of objections to proposals); and
  - (c) provision about the publication of notice of orders and of their effect.

## **51 Confirmation of orders**

- (1) A charging scheme shall not come into force unless the order making it has been submitted to and confirmed by the Scottish Ministers; and a variation or revocation of such a charging scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.
- (2) Subsection (1) above shall not apply in such circumstances as may be specified in, or determined in accordance with, regulations made by the Scottish Ministers.
- (3) Where confirmation of an order is required by this section, the order may be confirmed by the Scottish Ministers—
  - (a) in the form in which it is submitted; or
  - (b) subject to such modifications as they may specify.

## **52 Charging schemes: consultation and inquiries**

- (1) Before an order making, varying or revoking a charging scheme is made, the charging authority or charging authorities (acting jointly)—
  - (a) shall consult such persons as may be specified in regulations made under section 50(3) of this Act; and
  - (b) may consult such other persons as they think fit, about the scheme or, as the case may be, the variation or revocation.
- (2) Where an order making, varying or revoking a charging scheme is submitted to the Scottish Ministers under section 51 of this Act they may at any time before the order is confirmed—
  - (a) consult; or
  - (b) require the charging authority or authorities to consult, other persons about the charging scheme or, as the case may be, the variation or revocation.
- (3) The Scottish Ministers—
  - (a) may cause an inquiry to be held in relation to a charging scheme, or the variation or revocation of such a scheme; and
  - (b) may appoint the person or persons by whom such an inquiry is to be held.

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- (4) The charging authority or charging authorities (acting jointly)—
  - (a) may cause an inquiry to be held in relation to a charging scheme proposed to be made by them, or the proposed variation or proposed revocation of a charging scheme made by them; and
  - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (5) Without prejudice to the generality of subsection (3) above, the Scottish Ministers may by regulations specify circumstances in which a charging authority or charging authorities (acting jointly) shall cause an inquiry to be held in relation to a charging scheme proposed to be made by them, or the proposed variation or proposed revocation of a charging scheme made by them.
- (6) Subsections (3) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c.65) (witnesses and costs at inquiries) shall apply in relation to any inquiry held by virtue of this section.

### **53 Matters to be dealt with in charging schemes**

- (1) A charging scheme shall—
  - (a) designate the roads in respect of which charges are imposed;
  - (b) specify or describe the events by reference to the happening of which a charge is imposed in respect of a motor vehicle being used or kept on a road;
  - (c) specify the classes of motor vehicles in respect of which charges are imposed;
  - (d) specify the classes of motor vehicles which are exempt from charges or in respect of which reduced rates of charges are imposed;
  - (e) specify the charges imposed;
  - (f) specify the period during which it is to remain in force; and
  - (g) make provision for or in connection with the collection, payment and recording of charges.
- (2) Subject to section 49(2), and to any modifications made by virtue of section 51(3)(b), of this Act, the designation of the roads in respect of which charges are imposed by a charging scheme shall be such as the charging authority or authorities may determine.
- (3) No charge may be imposed by a charging scheme in respect of the keeping of a motor vehicle on a road unless such charge also has effect in respect of the use of the motor vehicle on that road.
- (4) The charges that may be imposed by a charging scheme include different charges (which may be no charge) for different cases, including (in particular)—
  - (a) different days;
  - (b) different times of day;
  - (c) different roads;
  - (d) different distances travelled;
  - (e) different purposes for which motor vehicles are being used;
  - (f) different numbers of occupants; and
  - (g) different classes of motor vehicles.
- (5) A charging scheme may specify that the charges specified in the scheme shall be increased, on such dates as may be so specified, by reference to such percentage increases in the retail prices index as may be so specified.

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- (6) In setting the charges imposed by a charging scheme, the charging authority or authorities (acting jointly) shall have regard to the purposes for which the authority or authorities are, in accordance with schedule 1 to this Act, to apply the net proceeds of the charging scheme.
- (7) A charging scheme may contain provision requiring—
- (a) such documents as may be specified in the scheme to be displayed on a motor vehicle while it is on a road in respect of which charges are imposed; or
  - (b) such equipment as may be so specified to be carried in or fitted to a motor vehicle while it is on such a road.
- (8) In this section “the retail prices index” means—
- (a) the general index of retail prices (for all items) published by the [<sup>F36</sup>Statistics Board]; or
  - (b) where that index is not published for a month, any substituted index or figures published by [<sup>F37</sup>the Board].

#### Textual Amendments

- F36** Words in s. 53(8)(a) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), [Sch. 3 para. 12\(a\)](#); S.I. 2008/839, art. 2
- F37** Words in s. 53(8)(b) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), [Sch. 3 para. 12\(b\)](#); S.I. 2008/839, art. 2

## 54 Charging schemes: exemptions etc.

- (1) The Scottish Ministers may make regulations requiring charging schemes to contain provision for or in connection with—
- (a) exemptions from charges; or
  - (b) the application of reduced rates of charges.
- (2) [<sup>F38</sup>No part of a road shall] be subject to charges imposed by more than one charging scheme at the same time.

#### Textual Amendments

- F38** Words in s. 54(2) substituted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), [ss. 51\(3\)](#), [54\(2\)](#); S.S.I. 2005/454, art. 2, [Sch. 2](#)

## 55 Penalties and liability for charges

- (1) The Scottish Ministers may by regulations make provision for or in connection with the imposition, notification, payment, adjudication and enforcement of charges (in this section such charges being referred to as “charging scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with charging schemes.
- (2) Regulations under this section may include provision for or in connection with setting the rates of charging scheme penalty charges (which may include provision for surcharges or discounts).

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- (3) Charging scheme penalty charges in respect of any motor vehicle shall be paid—
  - (a) by the registered keeper of the motor vehicle; or
  - (b) in such circumstances as may be specified in regulations under this section, by such other person as may be so specified.
- (4) A person commits an offence if with intent to avoid payment of, or with intent to avoid being identified as having failed to pay, a charge imposed by a charging scheme the person—
  - (a) interferes with any equipment used for or in connection with charging under the charging scheme; or
  - (b) causes or permits the registration plate of a motor vehicle to be obscured.
- (5) A person commits an offence if with intent to avoid payment of, or with intent to avoid being identified as having failed to pay, charges imposed by a charging scheme or charging scheme penalty charges the person makes or uses any false document.
- (6) A person commits an offence if the person removes a notice of a charging scheme penalty charge which has been fixed to a motor vehicle in accordance with regulations under this section unless—
  - (a) the person is the registered keeper of the vehicle or a person using the vehicle with the registered keeper's authority; or
  - (b) the person does so under the authority of the registered keeper or such a person or of the charging authority or any of the charging authorities.
- (7) A person guilty of an offence under subsection (4) or (5) above shall be liable on summary conviction to—
  - (a) a fine not exceeding level 5 on the standard scale; or
  - (b) imprisonment for a term not exceeding 6 months,or to both.
- (8) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## **56 Examination, immobilisation and removal of vehicles etc.**

- (1) The Scottish Ministers may by regulations make provision enabling or requiring charging schemes to confer powers on persons specified in, or determined in accordance with, the regulations for or in connection with examining a motor vehicle for the purpose of ascertaining—
  - (a) whether any document required by a charging scheme to be displayed on a motor vehicle while it is on a road in respect of which charges are imposed is so displayed;
  - (b) whether any equipment required by a charging scheme to be carried in or fitted to the motor vehicle while it is on such a road is carried or fitted, is in proper working order or has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge; or
  - (c) whether any conditions relating to the use of any such equipment are satisfied.
- (2) Regulations under subsection (1) above may include provision for or in connection with—
  - (a) conferring on a person duly authorised in writing by the charging authority, or any of the charging authorities, power to enter a motor vehicle for the purpose

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- of exercising any of the powers conferred on that person by virtue of that subsection;
- (b) conferring on a person on whom power to enter a motor vehicle has been conferred by virtue of paragraph (a) above power to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under section 55(4) or (5) of this Act.
- (3) Any person who intentionally obstructs a person acting in the exercise of any power conferred by virtue of subsection (2) above shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.
- (4) The Scottish Ministers may by regulations make provision enabling or requiring charging schemes to make provision for or in connection with—
- (a) the fitting of immobilisation devices to motor vehicles;
- (b) the fixing of notices to motor vehicles to which an immobilisation device has been fitted;
- (c) the removal and storage of motor vehicles;
- (d) the release of motor vehicles from immobilisation devices or from storage;
- (e) the satisfaction of conditions before the release of a motor vehicle; and
- (f) the sale or destruction of motor vehicles not released.
- (5) Any person who removes or interferes with a notice fixed to a motor vehicle in accordance with provision included in a charging scheme by virtue of subsection (4) above in contravention of such provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) Any person who removes or attempts to remove an immobilisation device fitted to a motor vehicle in accordance with provision included in a charging scheme by virtue of subsection (4) above in contravention of such provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Any person who intentionally obstructs a person exercising any power conferred by provision included in a charging scheme by virtue of subsection (4) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) A charging scheme may authorise or require—
- (a) the examination of a motor vehicle;
- (b) the fitting of an immobilisation device to a motor vehicle; or
- (c) the removal of a motor vehicle,
- only if the vehicle is on a road.
- (9) In this section “immobilisation device” has the same meaning as in section 104 of the Road Traffic Regulation Act 1984 (c.27).

## 57 **Equipment etc.**

- (1) The charging authority, or any of the charging authorities, may—
- (a) install and maintain, or authorise the installation and maintenance of, any equipment; or



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- (b) construct and maintain, or authorise the construction and maintenance of, any buildings or other structures,  
used or to be used for or in connection with the operation of a charging scheme.
- (2) The Scottish Ministers may by regulations approve standards for equipment installed, or authorised to be installed, by charging authorities for or in connection with the operation of charging schemes.
- (3) No equipment may be installed for or in connection with the operation of a charging scheme if it is incompatible with a standard approved under subsection (2) above.

## **58 Traffic signs**

- (1) The Scottish Ministers may direct the charging authority, or any of the charging authorities, in relation to a charging scheme to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with the scheme.
- (2) A charging authority which is or could be given a direction under this section may enter any land, and exercise any other powers which may be necessary, for placing and maintaining traffic signs, or causing traffic signs to be placed and maintained, in connection with any charging scheme in respect of which a direction is or could be given.
- (3) A direction under this section shall be given in writing and may be varied or revoked by the Scottish Ministers.
- (4) In this section “traffic signs” has the same meaning as in section 64 of the Road Traffic Regulation Act 1984 (c.27).

## **59 Non-domestic rating exemption**

After section 8AA of the Valuation and Rating (Scotland) Act 1956 (c.60) there shall be inserted—

### **“8B Property used for road user charging scheme to be excluded from valuation roll**

- (1) There shall not be entered in the valuation roll any lands and heritages—
  - (a) that consist of a road in respect of which charges are imposed by a charging scheme made under Part 3 of the Transport (Scotland) Act 2001 (asp 2); or
  - (b) subject to subsection (2) below, that are used solely for or in connection with the operation of such a scheme.
- (2) Lands and heritages such as are mentioned in subsection (1)(b) above do not include office buildings.”.

### *Supplementary*

## **60 Financial provisions about charging schemes**

Schedule 1 to this Act (which contains financial provisions about charging schemes) shall have effect.

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## **61 Powers of charging authorities**

The charging authority, or any of the charging authorities, in relation to a charging scheme (or any proposal for a charging scheme) may—

- (a) incur expenditure in or in connection with the making, establishment or operation of the charging scheme; or
- (b) enter into arrangements (including arrangements for forming or participating in companies) with any person in respect of the making, establishment or operation of the charging scheme or relating to the installation or operation of any equipment used for or in connection with the operation of the charging scheme.

## **62 Grants to charging authorities**

- (1) The Scottish Ministers may make grants to charging authorities who are proposing to make charging schemes towards their costs in determining whether to make such proposed schemes.
- (2) Grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Scottish Ministers may determine.
- (3) A determination under subsection (2) above may be made either generally or in relation to particular cases or classes of case.

## **63 Information**

- (1) Information obtained by—
  - (a) any Minister of the Crown or government department;
  - (b) the Scottish Administration; or
  - (c) any local authority or other statutory body,may be disclosed to the charging authority, or any of the charging authorities, in relation to a charging scheme for or in connection with the exercise of any of their functions with respect to the charging scheme.
- (2) Information obtained by the charging authority, or any of the charging authorities, in relation to a charging scheme for or in connection with any of their functions other than their functions with respect to the charging scheme may be used by them for or in connection with the exercise of any of their functions with respect to the charging scheme.
- (3) Any information which has been or could be—
  - (a) disclosed to an authority under subsection (1) above for or in connection with the exercise of any of their functions with respect to the charging scheme; or
  - (b) used by an authority by virtue of subsection (2) above for or in connection with the exercise of any of those functions,may be disclosed to any person with whom the authority has entered into arrangements under section 61(b) of this Act.
- (4) Information disclosed to a person under subsection (3) above—
  - (a) may be disclosed to any other person for or in connection with the charging scheme; but

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- (b) may not be used (by the person or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the charging scheme.

## 64 Determination of disputes, appeals and evidence

- (1) The Scottish Ministers may by regulations make provision for or in connection with—
  - (a) the determination of disputes [<sup>F39</sup> arising under this Part of this Act]; and
  - (b) appeals against such determinations or any failure to make any such determination.

[<sup>F40</sup>(1A) Provision may be made under subsection (1) above for the appointment of—

- (a) persons to determine the disputes; and
- (b) persons to hear and determine the appeals,

referred to in that subsection.

(1B) Provision made by virtue of subsection (1A) above may include provision for the payment by charging authorities of expenditure incurred in and in consequence of the making of appointments by virtue of that subsection.

(1C) Provision made by virtue of subsection (1A) above may—

- (a) include provision conferring the functions referred to in paragraphs (a) and (b) of that subsection on persons appointed to carry out functions similar to those functions; and
- (b) where it does so, may, so as to give the provision full effect, apply and modify any enactment.]

(2) The Scottish Ministers may by regulations make provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Part of this Act, or proceedings in respect of a failure to comply with the provisions of a charging scheme, to be given by the production of—

- (a) a record produced by a device specified in, or determined in accordance with, the regulations; and
- (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced signed by a person so specified or determined.

### Textual Amendments

**F39** Words in s. 64(1)(a) substituted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 51(4)(a), 54(2); S.S.I. 2005/454, art. 2, Sch. 2

**F40** S. 64(1A)-(1C) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 51(4)(b), 54(2); S.S.I. 2005/454, art. 2, Sch. 2

## 65 Offences by bodies corporate and partnerships

- (1) Where an offence under this Part of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a relevant person, the relevant person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

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- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above applies in relation to the acts and defaults of a member in connection with his functions of management as if the member were a relevant person.
- (3) Where an offence under this Part of this Act committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) In subsection (1) above “relevant person”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

## 66 Crown application

- (1) Sections 49 to 59 of this Act shall apply in relation to Crown roads (as defined in section 131(7)(b) of the Road Traffic Regulation Act 1984 (c.27)) as those sections apply in relation to other roads.
- (2) The provisions of this Part of this Act and of regulations and orders made under it shall bind the Crown.
- (3) No contravention by the Crown of any provision of this Act or of any regulations or orders made under it shall make the Crown criminally liable; but the Court of Session may, on the application of a charging authority, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (4) Notwithstanding anything in [<sup>F41</sup>subsection (3)] above, the provisions of this Act and of regulations and orders made under it shall, subject to subsection (5) below, apply to motor vehicles, or persons, in the public service of the Crown as they apply to other motor vehicles or persons.
- (5) No power of entry or seizure conferred by regulations made under section 56(2) of this Act shall be exercisable in relation to any motor vehicle in the public service of the Crown.
- (6) Nothing in this section affects Her Majesty in Her private capacity.

### Textual Amendments

**F41** Words in s. 66(4) substituted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. [51\(5\)](#), [54\(2\)](#); S.S.I. 2005/454, art. 2, Sch. 2

## *Interpretation of Part*

## 67 Interpretation of Part 3

- (1) In this Part of this Act—
  - “charging authority” and “charging authorities” have the meanings given by section 49(5) of this Act; and
  - “operation” includes enforcement (related expressions being construed accordingly).

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- (2) Any reference in this Part of this Act to a class of motor vehicles is a reference to a class defined or described, by reference to any characteristics of the motor vehicles or to any other circumstances whatsoever, in regulations made by the Scottish Ministers.

## PART 4

### MISCELLANEOUS

#### *Travel concession schemes*

#### **68 Travel concession schemes**

- (1) The Scottish Ministers may by order require such local transport authority as may be specified in the order, or two or more such authorities acting jointly, to make a scheme covering such area as may be specified in the order for the provision of travel concessions to eligible persons travelling on eligible services on eligible journeys (any such scheme being referred to in this section as a “travelconcession scheme”).
- (2) Any area specified in an order under subsection (1) above shall be the whole or any part of the area, or combined area, of the authority, or authorities, so specified.
- (3) An order imposing a requirement on an authority, or two or more authorities, under subsection (1) above may include such provision as respects any scheme established by that authority, or those authorities, under section 93 of the 1985 Act, which covers the whole or part of the area specified in such order as the Scottish Ministers consider necessary or expedient in consequence of such order.
- (4) A travel concession scheme made by virtue of subsection (1) above shall include such provision—
- (a) as respects the rate of travel concession;
  - (b) as respects the days and times during which travel concessions shall be provided;
  - (c) requiring the authority, or authorities, to reimburse operators of eligible services for providing travel concessions under the scheme;
  - (d) as respects the enforcement of the scheme; and
  - (e) as respects such other matters relating to the content and operation of the scheme,
- as may be specified in the order under that subsection.
- (5) A requirement such as is mentioned in paragraph (c) of subsection (4) above may, in particular, make provision—
- (a) with respect to the determination by the authority, or authorities, of the amounts to be paid by them to individual operators, or to any class of operators, by way of reimbursement;
  - (b) as to the manner of making any payments due to operators by way of reimbursement;
  - (c) about the terms on which, and the extent to which, the authority, or authorities, may employ any person as their agent for the purpose of making payments due to operators by way of reimbursement and the descriptions of persons who may be so employed; and

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- (d) as to the publication and notification by authorities of proposed arrangements, or proposed variations of arrangements, in respect of reimbursement.
- (6) An operator of eligible services who systematically fails to comply with an obligation imposed by a travel concession scheme on the operator for the provision of travel concessions under the scheme shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section—
- “eligible journey”, in relation to a travel concession scheme, means a journey—
- (a) between places in the area covered by the scheme;
  - (b) between such places and places outwith, but in the vicinity of, that area;
- or
- (c) between places outwith, but in the vicinity of, that area;
- “eligible person”, in relation to a travel concession scheme, means a person who resides in the area covered by the scheme and—
- (a) <sup>F42</sup>has attained the age of 60 years;
  - (b) suffers from a disability, or injury, of such description as the Scottish Ministers may by order specify; or
  - (c) is of such other description as the Scottish Ministers may by order specify;
- “eligible service” means—
- (a) a service, of a class specified in an order made by the Scottish Ministers, using a public service vehicle (within the meaning of the Public Passenger Vehicles Act 1981 (c.14));
  - (b) a transport service by water which carries passengers and operates regularly between two or more points both or all of which are in Scotland; and
  - (c) a service of such other description as the Scottish Ministers may by order specify; and
- “travel concession”, in relation to a journey, means—
- (a) reduction of the fare (within the meaning of that Act of 1981) for the journey below the amount applicable to an adult who is not entitled to any reduction; or
  - (b) waiver of such fare.

#### **Textual Amendments**

**F42** Words in s. 68(7) substituted (1.4.2003) by [Local Government in Scotland Act 2003 \(asp 1\)](#), **ss. 44(2), 62(2)**; S.S.I. 2003/134, art. 2(1), Sch.

### *Bridges*

#### **69 Joint boards for management, maintenance etc. of certain bridges**

- (1) Where—
- (a) a body other than a roads authority is under any enactment responsible for the management and maintenance of a bridge constructed in pursuance of powers

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- conferred by, or by an order made under or confirmed by, any enactment (any such body being referred to in this section as a “relevant body”); and
- (b) the functions of the relevant body relate solely to such a bridge,
- the Scottish Ministers may by order dissolve the relevant body.
- (2) An order under this section may—
- (a) transfer to a joint board comprised of such local authorities as may be specified in the order (such authorities being referred to in this section as the “constituent authorities”) such property, rights and liabilities of the relevant body to which the order relates as may be so specified;
- (b) confer on such a joint board such functions in connection with the bridge as may be specified in the order;
- (c) delegate to such a joint board such functions, relating to transport across the river spanned by the bridge, of the constituent authorities as may be specified in the order;
- (d) make provision in connection with the transfer of staff employed by or for the purposes of such body;
- (e) without prejudice to the generality of paragraph (d) above, make provision regarding liability for the payment of any pensions, allowances or gratuities which would otherwise have been the responsibility of such body; and
- (f) make such provision amending, repealing or revoking enactments as appears to the Scottish Ministers to be necessary or expedient.
- (3) A joint board constituted by order under this section—
- (a) shall be deemed for all purposes to be a joint board within the meaning of the Local Government (Scotland) Act 1973 (c.65) constituted under that Act;<sup>F43</sup> ...
- <sup>F43</sup>(b) .....
- (4) For the purposes of this section—
- “enactment” includes a local and personal or private Act;
- “river” includes estuary; and
- “roads authority” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984 (c.54).

#### Textual Amendments

**F43** S. 69(3)(b) and preceding word repealed (11.2.2008) by [Abolition of Bridge Tolls \(Scotland\) Act 2008](#) (asp 1), s. 4(2), [Sch. 2](#); S.S.I. 2008/22, art. 2

### *Grants for transport-related purposes*

## **70 Grants for transport-related purposes**

- (1) The Scottish Ministers may make grants<sup>F44</sup> or loans] to any persons for any purposes relating to transport.

<sup>F45</sup>(1A) Without prejudice to the generality of subsection (1) above, the purposes mentioned in that subsection include the purpose of acquiring a qualifying interest in land where the use and enjoyment of that land are, or may be, seriously affected in consequence of—

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- (a) any provision contained in an order under section 1 of the Transport and Works (Scotland) Act 2007 (asp 8) (orders as to transport systems and inland waterways) made on an application to the Scottish Ministers in accordance with rules made under section 4 of that Act; or
  - (b) any provision contained in—
    - (i) an Act passed before the time when Part 1 of that Act of 2007 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 section 1 of that Act of 2007.
- (1B) An interest in land is a qualifying interest for the purposes of subsection (1A) if it is an interest such as is mentioned in subsection (2) of section 100 of the Town and Country Planning (Scotland) Act 1997 (c. 8) (interests qualifying for protection under blight provisions), references in that section to the date of service of a notice under section 101 of that Act being taken, for those purposes, to be references to the date on which the agreement for the acquisition is made.]
- (2) Grants<sup>[F46]</sup> and loans] under this section shall be of such [<sup>F47</sup> amounts] and subject to such conditions (including<sup>[F48]</sup>, in the case of grants,] conditions requiring their repayment in specified circumstances) as the Scottish Ministers may determine.
- (3) A determination under subsection (2) above may be made either generally or in relation to particular cases or classes of case.
- (4) If in any financial year the power conferred by subsection (1) above is exercised, the Scottish Ministers shall, not later than three months after the end of the financial year, lay before the Scottish Parliament a report on grants<sup>[F49]</sup> and loans] made under that subsection during that financial year; and any such report shall, in relation to each grant<sup>[F50]</sup> or loan], include details of—
- (a) the amount of the grant<sup>[F50]</sup> or loan];
  - (b) the person to whom it has been paid; and
  - (c) the purpose for which it has been paid.

#### Textual Amendments

- F44** Words in s. 70(1) inserted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 45(4)**, 54(2); [S.S.I. 2005/454](#), art. 2, Sch. 2
- F45** [S. 70\(1A\)\(1B\)](#) inserted (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 27**, 30(3)
- F46** Words in s. 70(2) inserted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 45(5)(a)**, 54(2); [S.S.I. 2005/454](#), art. 2, Sch. 2
- F47** Word in s. 70(2) substituted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 45(5)(b)**, 54(2); [S.S.I. 2005/454](#), art. 2, Sch. 2
- F48** Words in s. 70(2) inserted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 45(5)(c)**, 54(2); [S.S.I. 2005/454](#), art. 2, Sch. 2
- F49** Words in s. 70(4) inserted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 45(6)(a)**, 54(2); [S.S.I. 2005/454](#), art. 2, Sch. 2
- F50** Words in s. 70(4) inserted (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), **ss. 45(6)(b)**, 54(2); [S.S.I. 2005/454](#), art. 2, Sch. 2



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*Financial assistance: inland waterway and sea freight*

**71 Financial assistance for inland waterway and sea freight**

- (1) The Scottish Ministers may, if they are satisfied that it is in the public interest to do so, make grants or other payments for the purpose of securing or encouraging the carriage of goods by inland waterway or by sea rather than by road.
- (2) Grants or payments under this section may in particular be made in respect of facilities for or in connection with the carriage of goods by inland waterway or by sea (including facilities for loading or unloading goods).
- (3) Grants or payments under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Scottish Ministers may determine.
- (4) A determination under subsection (3) above may be made either generally or in relation to particular cases or classes of case.
- (5) In this section “inland waterway” includes both a natural and an artificial inland waterway.
- (6) Section 140 of the Railways Act 1993 (c.43) (grants to assist the provision of facilities for freight haulage by inland waterway) is repealed.

*Disabled persons’ transport needs: power to establish committee*

**72 Disabled persons’ transport needs: power to establish committee**

- (1) The Scottish Ministers may by regulations establish a committee for the purposes of—
  - (a) considering such matters relating to the needs of disabled persons in connection with transport as the committee think appropriate; and
  - (b) giving such advice to the Scottish Ministers in relation to such matters as the committee think appropriate.
- (2) Regulations under subsection (1) above may in particular make provision for or in connection with—
  - (a) the membership of the committee;
  - (b) the appointment and tenure of office of members of the committee;
  - (c) the payment of remuneration and allowances to members of the committee; and
  - (d) such other matters as the Scottish Ministers consider necessary or expedient for the purpose of enabling the committee to perform their functions.

*Motor vehicles used by disabled persons*

**73 Badges for display on motor vehicles used by disabled persons: enforcement**

- In section 21 of the Chronically Sick and Disabled Persons Act 1970 (c.44) (badges for display on motor vehicles used by disabled persons)—
- (a) after subsection (4B) there shall be inserted—

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“(4BA) Where there is displayed on any motor vehicle a badge which appears to a constable to be, or to purport to be, of a form prescribed under subsection (1) above, he may require—

- (a) any person who appears to the constable to be, or to have been, using the vehicle; or
- (b) any person in the vehicle (other than a person such as is mentioned in paragraph (a) above),

to produce the badge for examination

(4BB) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (4BA) above shall be guilty of an offence.”;

- (b) in subsection (4C), after “(4B)” there shall be inserted “ or (4BB) ”;
- (c) after subsection (7C) there shall be inserted—

“(7CA) The Scottish Ministers may by regulations make provision for or in connection with appeals from decisions of the Scottish Ministers under subsection (7C) above.”;

- (d) after subsection (7E) there shall be inserted—

“(7F) The Scottish Ministers may by regulations make such provision for or in connection with enabling badges—

- (a) issued under such provision of the law of Northern Ireland as corresponds to this section; or
- (b) issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under this section are issued,

to be treated for such purposes as may be specified in the regulations as if they were badges issued under this section.

(7G) Any regulations under subsections (7CA) and (7F) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.”;

and

- (e) after subsection (8) there shall be inserted—

“(8A) In subsection (4BA) above, “constable” has the same meaning as in the Police (Scotland) Act 1967 (c.77); but includes a traffic warden and a parking attendant.”.

#### **Commencement Information**

**I3** S. 73(a)(b)(e) in force at 1.1.2004 by S.S.I. 2003/588, [art. 2](#)

**I4** S. 73 partly in force; s. 73 not in force at Royal Assent see s. 84(2); s. 73(c)(d) in force at 1.4.2001 by S.S.I. 2001/132, [art. 2 Sch.](#)

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## Home zones

### 74 Home zones

- (1) A local traffic authority may, with a view to implementing measures for securing any of the purposes mentioned in subsection (2) below, designate as a home zone any road for which they are the traffic authority.
- (2) The purposes mentioned in subsection (1) above are—
  - (a) to improve the safety of persons using the road or any area in the vicinity of the road;
  - (b) to improve or preserve the environment through which the road runs;
  - (c) to improve the facilities provided on, or in the vicinity of, the road in such a way as to bring benefits to any persons using the road (not being persons using motor vehicles); and
  - (d) to any extent to implement their transport policies.
- (3) Where a local traffic authority have, by virtue of subsection (1) above, designated a road they shall prepare and publish a report on the measures (if any) they have implemented for securing the purpose or purposes for which the designation was made.
- (4) The Scottish Ministers may by regulations make provision for or in connection with—
  - (a) specifying the roads, or classes of road, that may be designated;
  - (b) the procedure to be followed when making, varying or revoking designations (including provision as to consultation);
  - (c) the confirmation of designations by them;
  - (d) the preparation of reports under subsection (3) above; and
  - (e) the times at which and manner in which such reports are to be published.
- (5) In this section “transport policies”, in relation to a local traffic authority, means the policies formulated from time to time under section 63(2)(b) of the 1985 Act by the local authority who are the local traffic authority.

#### Commencement Information

**I5** S. 74 wholly in force 1.4.2002; s. 74 not in force at Royal Assent see s. 84(2); s. 74(4) in force at 1.4.2001 and s. 74(1)(2)(3)(5) in force at 1.4.2002 by S.S.I. 2001/132, art. 2 Sch.

### Public rights of passage: redetermination orders

### 75 Amendment of Roads (Scotland) Act 1984

In section 152 of the Roads (Scotland) Act 1984 (c.54) (further provision as to interpretation and certain ancillary powers)—

- (a) after subsection (3) there shall be inserted—

“(3A) Where an order under subsection (2) above states that it has effect only for such period not exceeding 18 months as is specified in the order, the order shall have effect during that period notwithstanding any failure to comply with—

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*Status: Point in time view as at 04/12/2023.*

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- (a) any regulations made under subsection (1) of section 71 of this Act; or
  - (b) subsection (2) of that section.
- (3B) Subject to subsection (3C) below, an order which—
- (a) has effect by virtue of subsection (3A) above; and
  - (b) makes the same provision in relation to the same right of public passage as was made in an order which has ceased to have effect,
- may not have effect for a period which, when taken together with the period for which any order such as is mentioned in paragraph (b) above had effect, amounts to more than 18 months.
- (3C) An order may have effect for a period which, when taken together with the period for which any order such as is mentioned in subsection (3B) (b) above had effect, amounts to more than 18 months only for the purpose of enabling the authority who made the order to take any steps necessary to seek to comply with—
- (a) any regulations made under subsection (1) of section 71 of this Act; or
  - (b) subsection (2) of that section.”;
- and
- (b) after subsection (4) there shall be added—
- “(5) Where—
- (a) during the period when an order under subsection (2) above has effect by virtue of subsection (3A) above, the authority carry out any works necessary for giving effect to the order (including any works carried out by virtue of subsection (4) above); and
  - (b) on the order ceasing to have effect, no further order under subsection (2) above making the same provision in relation to the same right of public passage has effect,
- the authority who made the order shall carry out any works necessary to reinstate the conditions pertaining before such works were carried out.”.

*Road safety information and training: subsidies*

**76 Amendment of Road Traffic Act 1988**

In section 40 of the Road Traffic Act 1988 (c.52) (power to subsidise certain authorities and bodies for giving road safety information and training)—

- (a) the words “authorities or bodies other than” are repealed; and
- (b) at the end there shall be inserted “ or by other authorities or bodies ”.

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### *School crossing patrols*

#### **77 Patrolling school crossings**

- (1) The Road Traffic Regulation Act 1984 (c.27) shall be amended as follows.
- (2) In section 26(1) (arrangements for patrolling places where children cross roads during certain periods) the words “during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way,” are repealed.
- (3) After section 26(1) there shall be inserted—
  - “(1A) Arrangements under subsection (1) above may be made for patrolling places at such times as the appropriate authority think fit.”.
- (4) In section 28(1) (power to stop vehicles at school crossings)—
  - (a) the words “between the hours of eight in the morning and half-past five in the afternoon” are repealed; and
  - (b) for the words “children on their way to or from school, or from one part of a school to another, are” there shall be substituted “ a person is ”.
- (5) In section 28(2)(a) (duty to stop vehicle before reaching place where children are crossing) for the words—
  - (a) “children are” there shall be substituted “ person is ”; and
  - (b) “their” there shall be substituted “ his ”.
- (6) In section 28(5)—
  - (a) paragraph (c) (presumption that children were on their way to school etc.); and
  - (b) the word “and” immediately preceding it,are repealed.

### *Bicycle and motor cycle stands*

#### **78 Stands etc. for bicycles and motor cycles**

- (1) The Road Traffic Regulation Act 1984 (c.27) shall be amended as follows.
- (2) In section 63 (power of authorities to provide stands for racks for bicycles) for “and racks for bicycles” there shall be substituted “ or racks for, or devices for securing, bicycles or motor cycles ”.
- (3) In section 136(4) (meaning of “motor cycle”) for the words “section 57” there shall be substituted “ sections 57 and 63 ”.

## **PART 5**

### **GENERAL**

#### **79 Guidance**

- (1) The Scottish Ministers may issue guidance to—
  - (a) local traffic authorities in relation to charging schemes;

*Status: Point in time view as at 04/12/2023.*

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- (b) local traffic authorities in relation to the designation of roads as home zones by virtue of section 74(1) of this Act;
  - [<sup>F51</sup>(ba) local transport authorities in relation to the exercise of their functions under section 2A of this Act,]
  - (c) local transport authorities in relation to [<sup>F52</sup>partnership schemes], [<sup>F53</sup>franchising frameworks], ticketing schemes and the provision of information under section 34 of this Act; and
  - (d) local transport authorities [<sup>F54</sup>and local traffic authorities (or any one or more local traffic authorities)] in relation to the preparation of local transport strategies;
- and such authorities shall have regard to any such guidance.
- (2) Guidance issued under this section [<sup>F55</sup>or any other section] shall be published in such manner as the Scottish Ministers consider appropriate; and the Scottish Ministers may at any time vary or revoke guidance issued by them under this section.

#### Textual Amendments

- F51** S. 79(1)(ba) inserted (24.6.2022) by Transport (Scotland) Act 2019 (asp 17), **ss. 34(1)(b)**, 130(2) (with s. 126); S.S.I. 2022/204, reg. 2(a)
- F52** Words in s. 79(1)(c) substituted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(7)(a)(i)** (with s. 126); S.S.I. 2023/250, sch.
- F53** Words in s. 79(1)(c) substituted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(7)(a)(ii)** (with s. 126); S.S.I. 2023/250, sch.
- F54** Words in s. 79(1)(d) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 51(6)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2
- F55** Words in s. 79(2) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(7)(b)** (with s. 126); S.S.I. 2023/250, sch.

## 80 Civil penalties: bodies corporate and partnerships

- (1) Where—
- (a) apart from this subsection, a penalty under, or by virtue of, any provision of this Act is recoverable from a body corporate or Scottish partnership by reason of any act or omission of the body or partnership; and
  - (b) the act or omission was done with the consent or connivance of, or is attributable to any neglect on the part of, any of the persons mentioned in subsection (2) below,
- those provisions shall apply to each of those persons who consented to or connived in the act or omission or to whose neglect the act or omission was attributable.
- (2) The persons referred to in subsection (1)(b) above—
- (a) in relation to a body corporate, are—
    - (i) any director, manager, secretary, or other similar officer of the body, or a person purporting to act in any such capacity; and
    - (ii) where the affairs of a body corporate are managed by its members, any member in connection with that member’s functions of management; and
  - (b) in relation to a Scottish partnership, are the partners.

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- (3) Where any person pays a penalty by virtue of subsection (1) above, the body corporate, or Scottish partnership, in question shall not also be required to pay a penalty in respect of the same act or omission.

## 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—
- different provision for different cases and for different classes of case; and
  - 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—
- an order under section <sup>F56</sup>... 68(1) or 69(1) of this Act;
  - regulations under section [<sup>F57</sup>3G(4), 3H(7), 13M(5), 13Q(4) 27A(5), 35A(1) or 41(1) or paragraph 26 of schedule A1][<sup>F58</sup>or which consist of or include provision made by virtue of section 64(1C) of this Act]; or
  - <sup>F59</sup>(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](#))

### Textual Amendments

- F56** 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.
- F57** 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.
- F58** 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](#)
- F59** 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.

## 82 Interpretation

- (1) In this Act—
- “charging scheme” has the meaning given by section 49(5) of this Act;

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[<sup>F60</sup>“franchising framework” is to be construed in accordance with section 13A of this Act];

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39);

“local transport authority” means—

(a) a local authority; or

(b) the Strathclyde Passenger Transport Authority;

“local traffic authority” has the same meaning as in section 121A of the Road Traffic Regulation Act 1984 (c.27);

“local transport strategy” means any strategy prepared, <sup>F61</sup>... by

[<sup>F62</sup>(a)] a local transport authority ; relating to transport in their area; [<sup>F63</sup>or

(b) a local traffic authority,]

“motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988 (c.52), except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) shall apply as it applies for the purposes of the Road Traffic Acts;

<sup>F64</sup>...

[<sup>F65</sup>“partnership scheme” is to be construed in accordance with section 3B of this Act];

“registered keeper”, in relation to a charge imposed in respect of a motor vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994 (c.22) at the time of the contravention, act, omission, event or circumstances in respect of which the charge is imposed;

“road” has the same meaning as in section 151 of the Roads (Scotland) Act 1984 (c.54);

[<sup>F66</sup>“stopping place” has the same meaning as in the 1985 Act];

“the 1985 Act” means the Transport Act 1985 (c.67); and

“ticketing scheme” shall be construed in accordance with section 29(3) of this Act.

- (2) Where a reference to a local transport authority in any of the following provisions is to the Strathclyde Passenger Transport Authority, that reference shall be construed as a reference to the Strathclyde Passenger Transport Executive—

<sup>F67</sup>...

<sup>F67</sup>...

<sup>F67</sup>...

<sup>F67</sup>...

<sup>F67</sup>...

<sup>F67</sup>...

<sup>F67</sup>...

<sup>F67</sup>...

section 33(4);

section 34;

section 43; and

section 68.



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### Textual Amendments

- F60** Words in s. 82(1) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(9)(a)(i)** (with s. 126); S.S.I. 2023/250, sch.
- F61** Words in s. 82(1) repealed (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 51(8)(a)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2
- F62** Word in s. 82(1) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 51(8)(b)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2
- F63** Words in s. 82(1) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 51(8)(c)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2
- F64** Words in s. 82(1) repealed (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(9)(a)(ii)** (with s. 126); S.S.I. 2023/250, sch.
- F65** Words in s. 82(1) substituted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(9)(a)(iii)** (with s. 126); S.S.I. 2023/250, sch.
- F66** Words in s. 82(1) inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(9)(a)(iv)** (with s. 126); S.S.I. 2023/250, sch.
- F67** Words in s. 82(2) repealed (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 3(9)(b)** (with s. 126); S.S.I. 2023/250, sch.

## 83 Minor and consequential amendments and repeals

Schedule 2 to this Act (which contains minor amendments, amendments consequential upon the provisions of this Act and repeals) shall have effect.

### Commencement Information

- I6** S. 83 partly in force; s. 83 not in force at Royal Assent see s. 84(2); s. 83 in force for specified purposes at 1.4.2001 and for further specified purposes at 1.7.2001 by S.S.I. 2001/132, art. 2 Sch.

## 84 Short title and commencement

- (1) This Act may be cited as the Transport (Scotland) Act 2001.
- (2) The provisions of this Act, other than this section, shall come into force on such day as the Scottish Ministers may by order appoint.
- (3) Different days may be so appointed for different purposes.

### Subordinate Legislation Made

- P2** S. 84(3): power partly exercised; different dates appointed for specified provisions by S.S.I. 2001/132, art. 2, Sch. (with art. 3) (as amended by S.S.I. 2001/167 art. 2)
- S. 84(2): power fully exercised; 1.7.2002 appointed for specified provisions by S.S.I. 2002/291, art. 2 (with art. 3)

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[<sup>F68</sup>SCHEDULE A1  
(introduced by section 3A)

BUS SERVICES IMPROVEMENT PARTNERSHIP PLANS AND SCHEMES: PROCEDURES

**Textual Amendments**

**F68** Sch. A1 inserted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), ss. **36(2)**, 130(2) (with s. 126); [S.S.I. 2023/250](#), sch.

**PART 1**

MAKING

*Meaning of partnership proposal*

- 1 For the purposes of this Part—
- (a) a reference to a partnership proposal is a reference to a proposal by a local transport authority to make—
    - (i) a partnership plan and scheme (or schemes), or
    - (ii) a partnership scheme (or schemes) in relation to an existing partnership plan,
  - (b) a reference to the area of a partnership proposal is—
    - (i) in a case where the proposal is to make a partnership plan and scheme, a reference to the area to which the proposed plan relates,
    - (ii) in a case where the proposal is to make a new scheme in relation to an existing plan, a reference to the area to which that plan relates.

*Preliminary notice*

- 2 Where a local transport authority intend to prepare a partnership proposal, they must give notice of their intention in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.

*Preparation*

- 3 After giving notice under paragraph 2, the local transport authority must—
- (a) invite every person who is an operator of a qualifying local service in the area to which the partnership proposal relates (including those who, for whatever reason, become such an operator during the period when the proposal is being prepared) to participate in the preparation of the partnership proposal, and
  - (b) in collaboration with such invited persons as wish to participate, prepare the partnership proposal for consultation.

*Notice of proposal and period for objections*

- 4 (1) The local transport authority must give notice of the partnership proposal prepared under paragraph 3 to persons who, on the relevant day, are operators of qualifying local services in the area of the partnership proposal.

*Status: Point in time view as at 04/12/2023.*

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- (2) A notice under this paragraph must—
- (a) contain full details of the partnership proposal,
  - (b) contain a statement advising of the effect of paragraph 5,
  - (c) state the period within which objections may be made (which may not be less than 28 days).
- (3) In this paragraph, “the relevant day”, in relation to a partnership proposal, means the day before the day on which the local transport authority send out notices in accordance with sub-paragraph (1).

#### *Effect of objections*

- 5 (1) The local transport authority may not progress the partnership proposal and, in particular, may not consult under paragraph 6 if, within the period for objections—
- (a) in a case where the partnership proposal is a proposal to make a partnership plan and scheme (or schemes)—
    - (i) a sufficient number of the persons who are operators of qualifying local services in the area of the partnership proposal object to it being made, or
    - (ii) a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made, or
  - (b) in a case where the partnership proposal is a proposal to make a scheme (or schemes) in relation to an existing plan, a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made.
- (2) If the partnership proposal is a proposal to make two or more schemes at the same time, paragraphs (a)(ii) and (b) of sub-paragraph (1) have effect as if references to the scheme were references to the scheme in question.

#### *Notice of, and consultation on, partnership proposal*

- 6 (1) This paragraph applies where, following the period for objections under paragraph 5, a local transport authority are not prevented from consulting.
- (2) The local transport authority must give notice of the partnership proposal in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.
- (3) A notice under sub-paragraph (2) must—
- (a) contain full details of the partnership proposal, or
  - (b) state where such details may be inspected.
- (4) After giving the notice, the local transport authority must consult—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the partnership proposal,
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
  - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the partnership proposal,
  - (d) the traffic commissioner,

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- (e) the chief constable of the Police Service of Scotland,
- (f) the Competition and Markets Authority, and
- (g) such other persons as the authority think fit.

*Modifications of partnership proposal*

- 7
- (1) This section applies where, following consultation under paragraph 6, a local transport authority consider it appropriate to modify the partnership proposal.
  - (2) The local transport authority must give notice of the partnership proposal as modified to persons who, on the relevant day, are operators of qualifying local services in the area to which the partnership proposal as modified relates.
  - (3) The notice under sub-paragraph (2) must—
    - (a) contain full details of the partnership proposal as modified,
    - (b) contain a statement advising of the effect of sub-paragraph (4),
    - (c) state the period within which objections may be made (which may not be less than 28 days).
  - (4) The local transport authority may not make the partnership proposal (as modified) if, within the period for making objections—
    - (a) in a case where the partnership proposal is a proposal to make a partnership plan and scheme (or schemes)—
      - (i) a sufficient number of the persons who are operators of qualifying local services in the area of the partnership proposal object to it being made,
      - (ii) a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made, or
    - (b) in a case where the partnership proposal is a proposal to make a scheme (or schemes) in relation to an existing plan, a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made.
  - (5) If the partnership proposal (as modified) relates to the making of two or more schemes at the same time, paragraphs (a)(ii) and (b) of sub-paragraph (4) have effect as if the references to the scheme were references to the scheme in question.
  - (6) In this paragraph, “the relevant day”, in relation to a partnership proposal which has been modified, means the day before the day on which the local transport authority send out notices relating to the proposal in accordance with sub-paragraph (2).

*Making of partnership plan or scheme and giving notice to that effect*

- 8
- (1) This paragraph applies where a local transport authority—
    - (a) have consulted on a partnership proposal,
    - (b) if applicable, are not prevented from making the partnership proposal as modified under paragraph 7, and
    - (c) decide to make the partnership proposal (or the proposal as modified).
  - (2) The local transport authority may proceed to make the partnership plan and schemes (or schemes) or, as the case may be, scheme (or schemes) relating to an existing plan contained in the partnership proposal.

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- (3) But the making of the scheme does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority made the partnership plan and scheme (or schemes) or, as the case may be, scheme (or schemes) relating to an existing plan, the authority give notice of the partnership proposal having been made to—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by it having been made,
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
  - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the partnership proposal being made,
  - (d) the traffic commissioner,
  - (e) the chief constable of the Police Service of Scotland,
  - (f) the Competition and Markets Authority, and
  - (g) such other persons as the authority think fit.
- (4) The notice must—
- (a) contain full details of the partnership plan and scheme or, as the case may be, the scheme, that has been made, or
  - (b) state where such details may be inspected.

*Consulting on postponing the coming into operation of partnership scheme*

- 9 Where a local transport authority propose to postpone the coming into operation of a partnership scheme (or any part of it), before making a decision on whether or not to do so, they must consult all operators of local services who are, in their opinion, likely to be affected by the postponement.

*Postponing the coming into operation of partnership scheme and giving notice*

- 10 (1) This paragraph applies where a local transport authority—
- (a) have consulted on postponing the coming into operation of a partnership scheme (or any part of it), and
  - (b) have decided to postpone the scheme (or any part of it).
- (2) The local transport authority may proceed to postpone the coming into operation of the partnership scheme (or any part of it).
- (3) But the postponement does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority decide to postpone the coming into operation of the partnership scheme (or any part of it), the authority—
- (a) publicise their decision in a manner they consider likely to bring the postponement to the attention of persons likely to be affected by the postponement, and
  - (b) give notice of their decision to—
    - (i) any operator of a local service who is, in the opinion of the authority, likely to be affected by the postponement, and
    - (ii) the traffic commissioner.

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- (4) The notice must include a statement of the local transport authority's reasons for deciding to postpone the coming into operation of the partnership scheme (or any part of it).

## PART 2

### VARIATION

#### *Meaning of local transport authority for the purposes of this Part*

- 11 For the purposes of this Part, unless the context otherwise requires, a reference to a local transport authority includes a reference to a prospective authority (within the meaning of section 3H(2)(a)); and a reference to the area of the local transport authority is to be construed as including that of the prospective authority.

#### *Preliminary notice*

- 12 Where a local transport authority propose to vary a partnership plan or scheme under section 3H they must give notice of their proposal in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.

#### *Preparation*

- 13 After giving notice under paragraph 12, the local transport authority must—
- (a) invite every person who, at the qualifying time, is (or was) an operator of a qualifying local service in the area of the partnership plan (including those who, for whatever reason, become such an operator during the period when the changes are being prepared) to participate in the preparation of the changes, and
  - (b) in collaboration with such invited persons as wish to participate, prepare the changes for consultation.

#### *Notice of draft changes and period for objections*

- 14 (1) The local transport authority must give notice of the changes prepared under paragraph 13 to persons who, at the qualifying time, are (or were) operators of qualifying local services in the area of the partnership plan and, if the changes involve adjusting the area of the plan, the proposed area.
- (2) A notice under this paragraph must—
- (a) contain full details of the changes prepared,
  - (b) contain a statement advising of the effect of paragraph 15,
  - (c) state the period within which objections may be made (which may not be less than 28 days).

#### *Effect of objections*

- 15 (1) The local transport authority may not progress the proposed variation and, in particular, may not consult under paragraph 16 if, within the period for objections—

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- (a) in a case where the changes prepared under paragraph 13 relate to the proposed variation of a partnership plan, a sufficient number of the persons who are (or were) operators of qualifying local services in the area of the plan at the qualifying time object to it being varied, or
  - (b) in a case where the changes prepared under paragraph 13 relate to the proposed variation of a partnership scheme, a sufficient number of persons who are (or were) operators of qualifying local services in the area of the scheme at the qualifying time object to it being varied.
- (2) If the changes prepared under paragraph 13 relate to the variation of two or more partnership schemes at the same time, sub-paragraph (1)(b) has effect as if references to the scheme were references to the scheme in question.

#### *Notice and consultation on changes*

- 16 (1) This paragraph applies where, following the period for objections under paragraph 15, a local transport authority are not prevented from consulting.
- (2) The local transport authority must give notice of the changes prepared under paragraph 13 in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.
- (3) A notice under sub-paragraph (2) must—
- (a) contain full details of the changes, or
  - (b) state where such details may be inspected.
- (4) After giving the notice, the local transport authority must consult—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the proposed variation,
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
  - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the proposed variation,
  - (d) the traffic commissioner,
  - (e) the chief constable of the Police Service of Scotland,
  - (f) the Competition and Markets Authority, and
  - (g) such other persons as the authority think fit.

#### *Modifications of changes*

- 17 (1) This section applies where, following consultation under paragraph 16, a local transport authority consider it appropriate to modify the changes prepared under paragraph 13.
- (2) The local transport authority must give notice of the changes as modified to persons who are (or were) operators of qualifying local services in the area to which the changes as modified relate at the qualifying time.
- (3) The notice under sub-paragraph (2) must—
- (a) contain full details of the changes as modified,
  - (b) contain a statement advising of the effect of sub-paragraph (4),

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- (c) state the period within which objections may be made (which may not be less than 28 days).
- (4) The local transport authority may not proceed to vary the partnership plan or scheme in line with the modified changes if, within the period for making objections—
  - (a) in a case where the proposed variation relates to a plan, a sufficient number of the persons who are (or were) operators of qualifying local services in the area of the plan at the qualifying time object to the variation, or
  - (b) in a case where the proposed variation relates to a scheme, a sufficient number of the persons who are (or were) operators of qualifying local services in the area of the scheme at the qualifying time object to the variation.
- (5) If the changes (as modified) relate to the variation of two or more partnership schemes at the same time, sub-paragraph (4)(b) has effect as if the references to the scheme were references to the scheme in question.

*Making the variation and giving notice to that effect*

- 18 (1) This paragraph applies where a local transport authority—
- (a) have consulted on changes prepared under paragraph 13,
  - (b) if applicable, are not prevented from making the changes (as modified) under paragraph 17, and
  - (c) decide to vary the partnership plan or scheme by making the changes (or the changes as modified).
- (2) The local transport authority may proceed to vary the partnership plan or scheme (or schemes) by making the changes.
- (3) But the variation does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority vary a partnership plan or scheme (or schemes), the authority give notice of the variation to—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the plan or scheme having been varied,
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
  - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the plan or scheme having been varied,
  - (d) the traffic commissioner,
  - (e) the chief constable of the Police Service of Scotland,
  - (f) the Competition and Markets Authority, and
  - (g) such other persons as the authority think fit.
- (4) The notice must—
- (a) contain full details of the partnership plan or scheme as varied, or
  - (b) state where such details may be inspected.

*Consulting on postponing the coming into operation of variation*

- 19 Where a local transport authority propose to postpone the coming into operation of the variation of a partnership scheme (or any part of it), before making a decision



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on whether or not to do so, they must consult all operators of local services who are, in their opinion, likely to be affected by the postponement.

*Postponing the coming into operation of variation and giving notice to that effect*

- 20 (1) This paragraph applies where a local transport authority—
- (a) have consulted on postponing the coming into operation of a variation of a partnership scheme (or any part of it), and
  - (b) have decided to postpone the variation.
- (2) The local transport authority may proceed to postpone the coming into operation of a variation of a partnership scheme (or any part of it).
- (3) But the postponement does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority decide to postpone the coming into operation of the variation of a partnership scheme (or any part of it), the authority—
- (a) publicise their decision in a manner they consider likely to bring the postponement to the attention of persons likely to be affected by the postponement, and
  - (b) give notice of their decision to—
    - (i) any operator of a local service who is, in the opinion of the authority, likely to be affected by the postponement, and
    - (ii) the traffic commissioner.
- (4) The notice must include a statement of the local transport authority's reasons for deciding to postpone the coming into operation of the variation of a partnership scheme (or any part of it).

### PART 3

#### REVOCATION

*Notice of proposal to revoke*

- 21 Where a local transport authority propose to revoke a partnership plan or a partnership scheme under section 3I, they must give notice of the proposal in such manner as they consider appropriate to bring the proposal to the attention of persons in their area.

*Consultation on proposal*

- 22 After giving notice under paragraph 21, the local transport authority must consult—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the proposed revocation,
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
  - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the proposed revocation,
  - (d) the traffic commissioner,
  - (e) the chief constable of the Police Service of Scotland,

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- (f) the Competition and Markets Authority, and
- (g) such other persons as the authority think fit.

*Notice of intention to revoke and period for objections*

- 23 (1) If, following consultation under paragraph 22, the local transport authority consider it appropriate to revoke the partnership plan or scheme, they must give notice of their intention to any persons who are (or were) operators of qualifying local services at the qualifying time.
- (2) The notice under sub-paragraph (1) must—
- (a) state the date on which the partnership plan or scheme is to be revoked,
  - (b) state the local transport authority's reasons for revoking the plan or scheme,
  - (c) contain a statement advising of the effect of paragraph 24,
  - (d) state the period within which objections may be made (which may not be less than 28 days).

*Effect of objections*

- 24 The local transport authority may not revoke the partnership plan or scheme if a sufficient number of the persons who are (or were) operators of qualifying local services at the qualifying time object to the revocation of the plan or, as the case may be, the scheme.

*Revoking the plan or scheme and giving notice to that effect*

- 25 (1) This paragraph applies where a local transport authority—
- (a) have given notice of their intention to revoke a partnership plan or scheme under paragraph 23,
  - (b) are not prevented from revoking the scheme under paragraph 24, and
  - (c) decide to proceed with the revocation.
- (2) The local transport authority may proceed to revoke the partnership plan or scheme (or schemes).
- (3) But the revocation does not have effect unless, within the period of 14 days beginning with the day after the day on which the partnership plan or scheme is revoked, the local transport authority give notice of the revocation to—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the plan or scheme having been revoked,
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
  - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the plan or scheme having been revoked,
  - (d) the traffic commissioner,
  - (e) the chief constable of the Police Service of Scotland,
  - (f) the Competition and Markets Authority, and
  - (g) such other persons as the authority think fit.

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## PART 4

### POWERS OF SCOTTISH MINISTERS IN RELATION TO CERTAIN EXPRESSIONS USED IN THIS SCHEDULE

- 26 (1) Without limit to the generality of section 3M, the Scottish Ministers may by regulations specify—
- (a) the descriptions of local services that are qualifying local services for the purposes of this schedule,
  - (b) what constitutes a sufficient number of persons for the purposes of paragraphs 5(1), 7(4), 15(1), 17(4) and 24,
  - (c) how the qualifying time is to be determined for the purposes of paragraphs 13(a), 14(1), 15(1), 17(2) and (4), 23(1) and 24.
- (2) Regulations made in pursuance of sub-paragraph (1)(b) may, in particular—
- (a) require that a sufficient number of persons is—
    - (i) all persons providing qualifying local services in the area in question, or
    - (ii) such number of persons as, together, provide at least such proportion of the qualifying local services in the area in question as is specified in the regulations, in addition to being at least such proportion of all persons providing those services as is specified in the regulations,
  - (b) make provision about determining the proportion of qualifying local services provided by an operator, including provision about the time by reference to which the proportion is to be determined.]

## SCHEDULE 1

*(introduced by section 60)*

### ROAD USER CHARGING: FINANCIAL PROVISIONS

#### *Interpretation*

- 1 In this schedule—
- “financial year” means a period of 12 months ending with 31st March;
  - “net proceeds” means the amount (if any) by which the gross amount received under a charging scheme for a financial year exceeds the relevant expenses for the financial year; and
  - “relevant expenses” means such of the expenses of making or operating a charging scheme as may be determined in accordance with regulations made by the Scottish Ministers.

#### *Apportionment*

- 2 A charging scheme which is made by two or more authorities jointly shall provide for the net proceeds of the scheme to be apportioned between (or among) those authorities.
- 3 References in this schedule to an authority’s share of the net proceeds of a charging scheme are—

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- (a) where the net proceeds of the scheme are apportioned as provided by paragraph 2 above, to so much of the net proceeds of the scheme as are apportioned to the authority; and
- (b) otherwise, to the net proceeds of the scheme.

#### *Accounts and funds*

- 4 (1) An account, in the prescribed form, of the income and expenditure in respect of each charging scheme shall be kept for each financial year by the charging authority or jointly by the charging authorities.
- (2) A statement of account prepared from an account kept by virtue of sub-paragraph (1) above for any financial year by a charging authority (whether or not jointly with another charging authority) shall be published, in the prescribed manner, in the annual accounts of the authority for the financial year.
- (3) In this paragraph “prescribed” means prescribed by regulations made by the Scottish Ministers.

#### *Application of proceeds by charging authorities*

- 5 (1) A charging authority’s share of the net proceeds of any charging scheme is available only for application by—
- (a) the authority for the purpose of directly or indirectly facilitating the achievement of policies in the authority’s local transport strategy; or
  - <sup>F69</sup>(b) .....
- [<sup>F70</sup>(1A) A charging authority may, for the purposes of sub-paragraph (1) above, pay money to any local traffic authority, local transport authority or other person.]
- (2) A charging authority shall endeavour to apply their share of the net proceeds of a charging scheme only in ways which are economic, efficient and effective.

#### **Textual Amendments**

**F69** Sch. 1 para. 5(1)(b) repealed (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 51(9)(a), 54(2); S.S.I. 2005/454, art. 2, Sch. 2

**F70** Sch. 1 para. 5(1A) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), ss. 51(9)(b), 54(2); S.S.I. 2005/454, art. 2, Sch. 2

## SCHEDULE 2

*(introduced by section 83)*

### MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

- 1 In section 92(8) of the Finance Act 1965 (grants towards duty charged on bus fuel), in the definition of “bus service”—
- (a) in paragraph (a), after “Act” there shall be inserted “or provided under a quality contract (within the meaning of Part 2 of the Transport (Scotland) Act 2001 (asp 2)”; and

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- (b) in paragraph (b), for “II of that Act” there shall be substituted “ II of the Transport Act 1985 ”.

*Local Government (Scotland) Act 1973 (c.65)*

- 2 In section 211 of the Local Government (Scotland) Act 1973 (provision for default of local authority), after subsection (5) there shall be inserted—

“(6) In this section any reference to an enactment includes a reference to the Transport (Scotland) Act 2001 (asp 2).”.

*Road Traffic Regulation Act 1984 (c.27)*

- 3 (1) The Road Traffic Regulation Act 1984 shall be amended in accordance with this paragraph.

- (2) In section 1 (traffic regulation orders)—

- (a) in subsection (3)—

(i) after “State” there shall be inserted “ or, as the case may be, the Scottish Ministers ”; and

(ii) after “is” there shall be inserted “ or they are ”; and

- (b) after subsection (3) there shall be inserted—

“(3A) A local traffic authority may make a traffic regulation order in respect of a road in relation to which the Secretary of State is or, as the case may be, the Scottish Ministers are the traffic authority if—

(a) the order is required for the provision of facilities pursuant to a quality partnership scheme under Part 2 of the Transport (Scotland) Act 2001 (asp 2); and

(b) the consent of the Secretary of State or, as the case may be, the Scottish Ministers is obtained.”.

- (3) In paragraph 27 of Schedule 9 (variation and revocation of orders)—

- (a) in sub-paragraph (1), for the words “sub-paragraph (2)” there shall be substituted “ sub-paragraphs (2) and (3) ”; and

- (b) after sub-paragraph (2) there shall be inserted—

“(3) Where an order is required for the provision of facilities pursuant to a quality partnership scheme made under Part 2 of the Transport (Scotland) Act 2001 (asp 2) by more than one authority—

(a) it may not be varied or revoked by virtue of this paragraph by the Secretary of State or the Scottish Ministers unless he has, or they have, consulted the other authority or authorities who made the scheme; and

(b) it may not be varied or revoked by virtue of this paragraph by any other authority without the consent of the other authority or authorities who made the scheme.”.

*Transport Act 1985 (c.67)*

- 4 (1) The 1985 Act shall be amended in accordance with this paragraph.

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- (2) In section 6(9) (registration of local services: matters in relation to which regulations may make provision)—
- (a) in paragraph (d), after “for”, where it first occurs, there shall be inserted “ or in connection with ”; and
  - (b) in paragraph (e), after “commissioner”, where it second occurs, there shall be inserted “ , in such form as he may require, ”.
- (3) In section 63 (functions of local councils with respect to passenger transport in areas other than passenger transport areas), subsection (3) is repealed.
- (4) In section 82 (bus stations: restrictions on discriminatory practices), after subsection (4) there shall be inserted—
- “(4A) Nothing done pursuant to a quality partnership scheme under Part 2 of the Transport (Scotland) Act 2001 (asp 2) by—
- (a) the Strathclyde Passenger Transport Executive;
  - (b) a local authority; or
  - (c) a person to whom subsection (3) above applies,
- shall be taken to be discrimination prohibited by subsection (1) or (3) above.”.
- (5) In section 94(4) (definition of eligible service), for the words from “a service is” to the end there shall be substituted
- ““eligible service” means—
- (a) until the repeal of section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel) is effected by the coming into force of section 38(6) of the Transport (Scotland) Act 2001 (asp 2), a service qualifying for fuel duty grant; and
  - (b) on and after the repeal of that section, a service using public service vehicles of a class specified in an order made by the Scottish Ministers.”.
- (6) In section 103(3) (no subsidies for concessions available under a scheme), at the end there shall be added “ or under a scheme made under section 68(1) of the Transport (Scotland) Act 2001 (asp 2). ”.
- (7) In section 104 (travel concessions on services provided by Passenger Transport Executives)—
- (a) in subsection (1), for the words from “other than” to “that section” there shall be substituted “ otherwise than in accordance with a scheme established under section 93 of this Act or made under section 68(1) of the Transport (Scotland) Act 2001 (asp 2) ”; and
  - (b) in subsection (2), after paragraph (a) there shall be inserted—
    - “(aa) in accordance with any scheme made under section 68(1) of the Transport (Scotland) Act 2001 (asp 2); or”.
- (8) In section 105(1) (travel concessions on services provided by local authorities), for the words from “of any description” to the end there shall be substituted “ in accordance with a scheme established under section 93 of this Act or made under section 68(1) of the Transport (Scotland) Act 2001 (asp 2). ”.

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*Status: Point in time view as at 04/12/2023.*

*Changes to legislation: Transport (Scotland) Act 2001 is up to date with all changes known to be in force on or before 14 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)*

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**Commencement Information**

- I7** Sch. 2 para. 4 partly in force; Sch. 2 para. 4 not in force at Royal Assent see s. 84(2); Sch. 2 para. 4(1)(2)(3)(5) in force at 1.4.2001 and Sch. 2 para. 4(4) in force at 1.7.2001 by S.S.I. 2001/132, **art. 2 Sch.**

**Status:**

Point in time view as at 04/12/2023.

**Changes to legislation:**

Transport (Scotland) Act 2001 is up to date with all changes known to be in force on or before 14 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.