



Transport (Scotland) Act 2001

2001 asp 2

PART 3

ROAD USER CHARGING

Supplementary

60 Financial provisions about charging schemes

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

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.

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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
- (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 [^{F1}arising under this Part of this Act]; and
- (b) appeals against such determinations or any failure to make any such determination.

[^{F2}(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

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- (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

- F1** 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](#)
- F2** [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.
- (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

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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 [^{F3}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

- F3** 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

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 2 Ch. 3 applied in part by [2019 asp 17 s. 47\(1\)\(2\)](#)
- Pt. 2 Ch. 3 inserted by [2019 asp 17 s. 41\(2\)](#)
- Pt. 2 Ch. 4 heading inserted by [2019 asp 17 sch. para. 3\(2\)](#)
- s. 27B and cross-heading inserted by [2019 asp 17 s. 42\(2\)](#)
- s. 29(3A)-(3C) inserted by [2019 asp 17 s. 44\(2\)\(a\)](#)
- s. 29(7)(8) inserted by [2019 asp 17 s. 44\(2\)\(c\)](#)
- s. 30(3)(ca)-(cc) inserted by [2019 asp 17 s. 44\(3\)\(b\)](#)
- s. 31(1A) inserted by [2019 asp 17 s. 44\(4\)\(a\)](#)
- s. 31(3)(ca) inserted by [2019 asp 17 s. 44\(4\)\(b\)\(iii\)](#)
- s. 31(5)-(7) inserted by [2019 asp 17 s. 44\(4\)\(d\)](#)
- s. 32A inserted by [2019 asp 17 s. 45\(2\)](#)
- s. 32B and cross-heading inserted by [2019 asp 17 s. 46\(2\)](#)
- s. 35A inserted by [2019 asp 17 s. 40\(2\)](#)
- s. 39(1)(ca) inserted by [2019 asp 17 s. 40\(3\)](#)
- s. 79(1)(ca) inserted by [2019 asp 17 s. 48\(2\)\(b\)](#)