



Transport (Scotland) Act 2001

2001 asp 2

PART 5

GENERAL

79 Guidance

- (1) The Scottish Ministers may issue guidance to—
- (a) local traffic authorities in relation to charging schemes;
 - (b) local traffic authorities in relation to the designation of roads as home zones by virtue of section 74(1) of this Act;
 - [^{F1}(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 [^{F2}partnership schemes], [^{F3}franchising frameworks], ticketing schemes and the provision of information under section 34 of this Act; and
 - (d) local transport authorities [^{F4}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 [^{F5}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

- F1** 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)
- F2** 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.
- F3** 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.
- F4** 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

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F5 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.

(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—

- (a) different provision for different cases and for different classes of case; and
- (b) 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—

- (a) an order under section ^{F6}... 68(1) or 69(1) of this Act;
- (b) regulations under section [^{F7}3G(4), 3H(7), 13M(5), 13Q(4) 27A(5), 35A(1) or 41(1) or paragraph 26 of schedule A1][^{F8}or which consist of or include provision made by virtue of section 64(1C) of this Act]; or

[^{F9}(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.

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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

- F6** 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.](#)
- F7** 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.](#)
- F8** 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](#)
- F9** 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;
- [^{F10}“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, ^{F11}... by
- [^{F12}(a)] a local transport authority ; relating to transport in their area; [^{F13} 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;
- ^{F14}...
- [^{F15}“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);
- [^{F16}“stopping place” has the same meaning as in the 1985 Act];
- “the 1985 Act” means the Transport Act 1985 (c.67); and

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“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—

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section 33(4);

section 34;

section 43; and

section 68.

Textual Amendments

- F10** 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.
- F11** 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
- F12** 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
- F13** 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
- F14** 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.
- F15** 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.
- F16** 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.
- F17** 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

- II** 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.**

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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](#))

Changes to legislation:

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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\(2\)\(b\)](#)