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**Changes to legislation:** Transport (Scotland) Act 2001, SCHEDULE 2 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

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## 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
  - (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

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- (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.
- (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—

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“(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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**Commencement Information**

**II** [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.](#)

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