

## SCHEDULE 1

(introduced by section 4)

### FURTHER PROVISION ABOUT REGIONAL TRANSPORT PARTNERSHIPS

#### *Staff*

- 1 A Transport Partnership shall appoint such employees as it considers necessary for the carrying out of its functions.
- 2 If—
- (a) proceedings are brought against an employee of a Transport Partnership in respect of—
    - (i) anything done by the employee in accordance or purportedly in accordance with an enactment; or
    - (ii) anything not done by the employee which it is alleged should have been done by the employee in accordance with an enactment; and
  - (b) the Transport Partnership is satisfied that the employee honestly believed—
    - (i) that the act or omission was within the scope of the employee's employment; and
    - (ii) that the employee was, under the enactment, required or entitled to do what was done or omit to do what should have been done,
- then the Transport Partnership may indemnify all or any part of any damages or expenses which the employee might have been ordered to pay or might have or has incurred.
- 3 A Transport Partnership—
- (a) shall obtain an appropriate guarantee for the accounting for all money and property which is or is likely to be in the custody or under the control of its employees;
  - (b) may obtain such a guarantee for all money and property which is or is likely to be in the custody or under the control of any person other than one of its employees.
- 4 If it comes to the knowledge of a person who is an employee of a Transport Partnership that a contract in which the person has a direct or indirect pecuniary interest (not being a contract to which that person is a party) has been or is proposed to be entered into by the Transport Partnership, that person shall, as soon as practicable, give written notice of that fact to the Transport Partnership.
- 5 (1) An employee of a Transport Partnership who, under colour of the employment, accepts any fee or reward other than remuneration and expenses commits an offence.
- (2) A person who commits such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

#### *Land*

- 6 (1) For the purposes of its functions, a Transport Partnership may—
- (a) acquire by agreement; or
  - (b) if authorised by the Scottish Ministers, purchase compulsorily, any land.
- (2) Sub-paragraph (1)(b) above—

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- (a) does not apply in relation to Crown land (within the meaning of section 242 of the Town and Country Planning (Scotland) Act 1997 (c. 8)); and
  - (b) is subject to any other enactment conferring on the Transport Partnership power to acquire land compulsorily.
- (3) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42) applies in relation to the compulsory purchase of land under sub-paragraph (1)(b) above as if—
- (a) that provision were contained in an Act in force immediately before the commencement of that Act; and
  - (b) the Transport Partnership were a local authority.
- (4) The power to acquire or purchase land under sub-paragraph (1) above includes power to acquire a servitude or other right in or over land by the creation of a new right.
- (5) A Transport Partnership may develop its land for the purposes of its functions in such manner as it thinks fit.
- 7 (1) A Transport Partnership may—
- (a) develop, for use by other persons, any of its land no longer required for the purposes of its functions; or
  - (b) develop for use wholly or partly by other persons any of its land the use of which for the purposes of its functions (not including those conferred by this paragraph) can be combined with that other use,
- with a view to selling or otherwise disposing of the land (or any right or interest in or over it) after the development is carried out.
- (2) A Transport Partnership may acquire land adjacent to its own for the purposes of developing it under sub-paragraph (1) above together with its own.
- 8 In paragraphs 6 and 7 above, references to the functions of a Transport Partnership do not include those conferred by paragraph 7 above.
- 9 (1) A Transport Partnership may dispose of land; and section 74(2) to (2H) of the Local Government (Scotland) Act 1973 (c. 65) (disposal for best consideration) applies in relation to a Transport Partnership as it applies in relation to a local authority.
- (2) The power to dispose of land under sub-paragraph (1) above includes power to dispose of a servitude or other right in or over the land by the creation of a new right.

#### *Private legislation*

- 10 (1) A Transport Partnership may, if it thinks fit, promote or oppose private legislation in the Scottish Parliament.
- (2) The power conferred by sub-paragraph (1) above on a Transport Partnership includes power to continue the promotion or opposition of private legislation in the circumstances set out in sub-paragraph (3) below.
- (3) Those circumstances are—
- (a) where the function in pursuance of which the legislation was first promoted or opposed was transferred to the Transport Partnership under section 10 above after the introduction of the Bill for the legislation;
  - (b) in a case where that function was transferred to the Scottish Ministers under section 13 above after the introduction of that Bill, where the Scottish

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- Ministers have directed that the Transport Partnership specified in the direction is to continue the promotion or opposition of that legislation; or
- (c) a combination of the circumstances set out in sub-sub-paragraphs (a) and (b) above.

#### *Participation in community planning*

- 11 In the Local Government in Scotland Act 2003 (asp 1)—
- (a) in section 16 (participation of public bodies in community planning)—
- (i) in subsection (1), after paragraph (h) there is inserted—
- “(i) a Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12);  
and
- (ii) in subsection (2), for “(h)” there is substituted “(i)”; and
- (b) in section 17 (reports etc. on implementation of community planning), in subsection (3), for “(h)” there is inserted “(i)”.

#### *Forming companies*

- 12 A Transport Partnership may (whether alone or with others, who need not be Transport Partnerships) form or promote companies within the meaning of the Companies Act 1985 (c. 6).

#### *Legal proceedings, notices etc.*

- 13 (1) Sections 189 to 193, 195 and 197 to 199 (legal proceedings, notices etc.) of the Local Government (Scotland) Act 1973 (c. 65) apply in relation to a Transport Partnership as they apply in relation to a council.
- (2) A Transport Partnership shall appoint one of its employees as its proper officer for the purposes of sections 190, 191 and 193 of the Local Government (Scotland) Act 1973.

#### *Reporting and information*

- 14 A Transport Partnership shall—
- (a) as soon as practicable after the end of each financial year, give the Scottish Ministers and publish a report on the performance of its functions during that year;
- (b) provide the Scottish Ministers with such information about the performance of those functions as they may require.

#### *Finance etc.*

- 15 (1) The Local Government (Scotland) Act 1973 (c. 65) is amended in accordance with sub-paragraphs (2) and (3) below.
- (2) In section 106(1) (application of Part VII (finance) to bodies other than local authorities) after paragraph (b) there is inserted—
- “(ba) a Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12);”.

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- (3) In section 118(5) (authorities required to make local financial returns), after “authorities” there is inserted “or any Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12)”.
- (4) A Transport Partnership shall appoint one of its employees as its proper officer for the purposes of Part VII of the 1973 Act.
- (5) In section 61(c) of the Local Government in Scotland Act 2003 (asp 1) (meaning of “local authority” for purposes of Act), in sub-paragraph (iv), after “board”, where secondly occurring, there is inserted “, a Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12)”.

*Contracts etc.*

- 16 (1) The following enactments apply in relation to a Transport Partnership as they apply in relation to a council—
- (a) the Local Authority (Goods and Services) Act 1970 (c. 39);
  - (b) the Local Government Contracts Act 1997 (c. 65); and
  - (c) sections 78 to 81 (building, contracts etc.) of the Local Government (Scotland) Act 1973 (c. 65).
- (2) The Local Government Act 1988 (c. 9) is amended in accordance with sub-paragraphs (3) and (4) below.
- (3) In section 1(1) (defined bodies) after paragraph (g) there is inserted—
- “(ga) a Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12),”.
- (4) In Schedule 2 (bodies to which Part 2 of the Act applies), after the entry for a National Park Authority in Scotland there is inserted the following entry—
- “A Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12)”.
- (5) In section 61(c) of the Local Government in Scotland Act 2003 (asp 1) (meaning of “local authority” for purposes of Act)—
- (a) in sub-paragraph (iii), the words “and sections 51 and 52 above” are repealed; and
  - (b) after paragraph (iv) there is inserted—
    - “(iva) in sections 51 and 52 above, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39), a joint fire board, a joint police board and a Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12);”.

*Standards of members' conduct*

- 17 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7) (devolved public bodies for the members of which there are to be codes of conduct under the Act), after the entry for the State Hospitals Board for Scotland there is inserted the following entry—

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“A Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12)”.

*Expenses of observers*

- 18 A Transport Partnership may pay to persons appointed, as respects the Partnership, as observers under section 1(2)(i) above such expenses as the Partnership determines.

*Investigation*

- 19 In Part 1 of schedule 2 to the Scottish Public Services Ombudsman Act 2002 (asp 11) (authorities liable to investigation and not subject to removal from that liability), after the entry numbered 11 there is inserted the following entry—
- “11A Any Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12)”.

*Freedom of information*

- 20 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (asp 13) (public authorities subject to duty to disclose information), after the entry numbered 24 there is inserted the following entry—
- “24A A Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12).”.