

SCOTTISH STATUTORY INSTRUMENTS

2023 No. 250 (C. 20)

TRANSPORT

The Transport (Scotland) Act 2019
(Commencement No. 7) Regulations 2023

<i>Made</i>	- - - -	<i>6th September 2023</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th September 2023</i>
		<i>22nd September</i>
<i>Coming into force</i>	- -	<i>2023</i>

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 130(2) and (3) of the Transport (Scotland) Act 2019⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Transport (Scotland) Act 2019 (Commencement No. 7) Regulations 2023 and come into force on 22 September 2023.

Commencement Information

I1 Reg. 1 in force at 22.9.2023, see [reg. 1](#)

Appointed day

2.—(1) The day appointed for the coming into force of the provisions of the Transport (Scotland) Act 2019 specified in column 1 of the schedule (the subject matter of which is described in column 2 of the schedule) is the day specified in column 3 of the schedule.

(2) Where a purpose is specified in column 4 of the schedule, a provision mentioned in column 1 of the schedule comes into force in accordance with paragraph (1) only for that purpose.

Commencement Information

I2 Reg. 2 in force at 22.9.2023, see [reg. 1](#)

⁽¹⁾ 2019 asp 17.

Changes to legislation: There are currently no known outstanding effects for the The Transport (Scotland) Act 2019 (Commencement No. 7) Regulations 2023. (See end of Document for details)

St Andrew's House,
Edinburgh
6th September 2023

FIONA HYSLOP
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 2

Provisions of the Transport (Scotland) Act 2019 coming into force

Commencement Information**I3** Sch. in force at 22.9.2023, see [reg. 1](#)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Provision of the Transport (Scotland) Act 2019</i>	<i>Subject matter</i>	<i>Appointed day</i>	<i>Purpose</i>
Section 35	Bus services improvement partnerships	4 December 2023	
Section 36	Procedures for partnership plans and schemes	4 December 2023	
Section 37	Registration of local services and functions of traffic commissioner	4 December 2023	For the purpose of enabling the Scottish Ministers to make regulations under inserted section 6M of the Transport Act 1985
Section 38	Franchising arrangements for local services	4 December 2023	
Section 50	Pavement parking prohibition	11 December 2023	
Section 54	Double parking prohibition	11 December 2023	
Section 55	Exceptions to pavement parking prohibition and double parking prohibition	11 December 2023	
Section 56	Dropped footway parking prohibition	11 December 2023	
Section 57	Exceptions to dropped footway parking prohibition	11 December 2023	
Section 58	Imposition of penalty charges	22 September 2023	For the purpose of enabling the Scottish Ministers to make regulations under section 58(4)(b) and (5)

Changes to legislation: There are currently no known outstanding effects for the The Transport (Scotland) Act 2019 (Commencement No. 7) Regulations 2023. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Provision of the Transport (Scotland) Act 2019</i>	<i>Subject matter</i>	<i>Appointed day</i>	<i>Purpose</i>
Section 58	Imposition of penalty charges	11 December 2023	For all other purposes
Section 59	Enforcement of parking prohibitions	22 September 2023	
Section 60	Power to install approved devices	11 December 2023	
Section 61	Removal of motor vehicles parked contrary to parking prohibitions	11 December 2023	
Section 62	Moving motor vehicles parked contrary to parking prohibitions	11 December 2023	
Section 63	Disposal of removed motor vehicles	11 December 2023	
Section 64	Arrangements in connection with enforcement	11 December 2023	
Section 65	Power to share information	11 December 2023	
Section 66	Accounts	22 September 2023	
Section 69	Interpretation of Part 6	[^{F1} 11 December 2023]	
Section 110	Inspection functions	1 April 2024	
Section 111	Compliance notices	1 April 2024	
Section 119	Information about apparatus	1 April 2024	
Section 120	Health boards: duty to have regard to community benefit in non-emergency patient transport contracts	1 October 2023	
Section 121	Health boards: duty to work with community transport bodies	1 October 2023	
Section 125	Individual culpability where offending by an organisation	22 September 2023	
Section 126	Crown application	22 September 2023	

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Provision of the Transport (Scotland) Act 2019</i>	<i>Subject matter</i>	<i>Appointed day</i>	<i>Purpose</i>
Schedule, paragraphs 1, 2(2), 3(3), (4), (5), (7), (8) and (9) and 4(2)(b) and (c)	Minor consequential amendments repeals	and 4 December 2023	
Schedule, paragraph 3(6)	Minor consequential amendments repeals	and 4 December 2023	For all remaining purposes
Schedule, paragraphs 6(4), (5), (9) and (10) and 7(4)	Minor consequential amendments repeals	and 1 April 2024	
Schedule, paragraph 7(2)	Minor consequential amendments repeals	and 22 September 2023	

Textual Amendments

F1 Words in [sch. table](#) substituted (30.11.2023) by [The Transport \(Scotland\) Act 2019 \(Commencement No. 7\) Amendment Regulations 2023 \(S.S.I. 2023/342\)](#), regs. 1, **2(2)**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations appoint dates for the coming into force of certain provisions of the Transport (Scotland) Act 2019 (“the 2019 Act”).

Regulation 2 and the schedule bring into force the following provisions of the 2019 Act on 22 September 2023: section 58 but only for the purpose of making regulations under section 58(4)(b) and (5), section 59, section 66, section 125, section 126 and paragraph 7(2) of the schedule. Sections 120 and 121 of the 2019 Act are brought into force on 1 October 2023. These Regulations bring sections 35 and 36, 37 (but only for the purpose of making regulations under inserted section 6M of the Transport Act 1985), 38 and paragraphs 1, 2(2), 3(3), (4), (5), (6) (in so far as not already in force), (7), (8) and (9), 4(2)(b) and (c) of the schedule of the 2019 Act into force on 4 December 2023. Regulation 2 and the schedule also bring sections 50, 54 to 66 and 69 of the 2019 Act into force on 11 December 2023 for all remaining purposes. Section 110, section 111, section 119 and

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paragraphs 6(4), (5), (9) and (10), and paragraph 7(4) of the schedule of the 2019 Act are brought into force on 1 April 2024.

Sections 35 and 36 introduce a number of new provisions on Bus Services Improvement Partnerships (“BSIPs”) into the Transport (Scotland) Act 2001 (“the 2001 Act”) (inserted sections 3A to 3M and a new schedule A1). Section 37 is brought into force to provide the Scottish Ministers with the power to make regulations under inserted section 6M of the Transport Act 1985. Section 38 introduces a number of new provisions into the 2001 Act (section 13A to section 13T) to enable a local transport authority to create and operate local bus services under a franchising framework.

Section 50, sections 54 to 66 and section 69 set out the parking prohibitions and exceptions, and enforcement of parking prohibitions provided for in Part 6 of the 2019 Act.

Section 110 inserts new provisions into the Transport (Scotland) 2005 Act which enable the Scottish Road Works Commissioner (“SRWC”) to carry out a number of inspection functions in relation to compliance with road works obligations and makes further provision with respect to the exercise of any such function. Section 111 enables the SRWC to issue compliance notices and makes provision about the content and form of such notices, appeals against them and the processes for withdrawal and variation of notices. Section 119 replaces section 138 of the New Roads and Street Works Act 1991 with a new section 138A. Section 138A requires undertakers and other people who are carrying out works in a road to enter in the Scottish Road Works Register details of the apparatus.

Sections 120 and 121 set out duties of Health Boards in respect of the provision of non-emergency patient transport.

Section 125 makes provision in relation to corporate offending. Section 126 deals with the Crown application.

Provisions of the schedule of the 2019 Act make minor and consequential amendments and repeals which relate to the changes made in Part 3 (bus services) and Part 9 (road works) of the 2019 Act.

The Bill for the Act received Royal Assent on 15 November 2019. Sections 128 to 131 came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Transport (Scotland) Act 2019 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Part 1	15 January 2020	S.S.I. 2019/428
Section 25	15 January 2020	S.S.I. 2019/428
Part 2 (except section 25)	14 January 2021	S.S.I. 2020/429
Section 34	24 June 2022	S.S.I. 2022/204
Section 39	28 November 2022	S.S.I. 2022/332
Section 43	10 January 2022	S.S.I. 2021/428
Section 49	14 January 2021	S.S.I. 2020/429
Section 51	10 January 2022	S.S.I. 2021/428
Section 52	14 January 2021	S.S.I. 2020/429
Section 53	10 January 2022	S.S.I. 2021/428

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 67	14 January 2021	S.S.I. 2020/429
Section 68	14 January 2021	S.S.I. 2020/429
Part 7	10 January 2022	S.S.I. 2021/428
Section 109	14 January 2021	S.S.I. 2020/429
Section 113	10 January 2022	S.S.I. 2021/428
Section 114	10 January 2022	S.S.I. 2021/428
Section 115	10 January 2022	S.S.I. 2021/428
Section 116	25 January 2023	S.S.I. 2022/332
Section 117	25 January 2023	S.S.I. 2022/332
Section 118 (for the purpose of enabling the Scottish Ministers to make regulations under section 130C(2) of the New Roads and Street Works Act 1991)	25 January 2023	S.S.I. 2022/332
Section 118 (for all other purposes)	1 April 2023	S.S.I. 2022/332
Section 122(1)(a), (2) and (3)	19 March 2020	S.S.I. 2020/68
Section 122(1)(b)	1 April 2020	S.S.I. 2020/68
Section 123	10 January 2022	S.S.I. 2021/428
Section 127	10 January 2022	S.S.I. 2021/428
Schedule, paragraph 2(1) and (3)	28 November 2022	S.S.I. 2022/332
Schedule, paragraphs 3(1) and (6)(a)(v)(A) and 4(1) and (2)(a)	24 June 2022	S.S.I. 2022/204
Schedule, paragraphs 5, 6(1), (2), (6), (7) and (8) and 7(1) and (3)	10 January 2022	S.S.I. 2021/428
Schedule, paragraph 6(3)	25 January 2023	S.S.I. 2022/332

Changes to legislation:

There are currently no known outstanding effects for the The Transport (Scotland) Act 2019 (Commencement No. 7) Regulations 2023.