Transport (Scotland) Bill
[AS INTRODUCED]

CONTENTS

Section

PART 1

JOINT TRANSPORT STRATEGIES

1 Joint transport strategies
2 Directions

PART 2

BUS SERVICES

Quality partnership schemes

3 Quality partnership schemes
4 Consultation as to proposed quality partnership scheme
5 Making of quality partnership scheme
6 Postponement of quality partnership scheme
7 Effect of quality partnership scheme
8 Variation or revocation of quality partnership scheme
9 Reports on quality partnership schemes
10 Regulations as respects quality partnership schemes
11 Eligibility for service subsidies

Quality contract schemes

12 Quality contract schemes
13 Consultation as to proposed quality contract scheme
14 Approval of proposed quality contract scheme
15 Making of quality contract scheme
16 Postponement of quality contract scheme
17 Effect of quality contract scheme
18 Tendering for quality contracts
19 Exceptions from section 18(1)
20 Variation or revocation of quality contract scheme
21 Reports on quality contract schemes
22 Non-implementation of quality contract scheme
23 Regulations as respects quality contract schemes
24 Transitional provision as respects quality contract schemes

Ticketing arrangements and ticketing schemes

25 Ticketing arrangements
26 Ticketing schemes
27 Consultation as to proposed ticketing scheme
28 Making of ticketing scheme
29 Effect of ticketing scheme

**Provision of information**
30 Information about bus services
31 Duty of authority to make information available
32 Bus information: supplementary

**Financial provisions**
33 Agreements providing for service subsidies
34 Grants to bus service operators
35 Penalties
36 Repayment of grants towards bus fuel duty

**Environmental protection**
37 Traffic regulation conditions to reduce or limit noise or air pollution

**Co-operation**
38 Co-operation

**Interpretation of Part**
39 Interpretation of Part 2

**PART 3**

**ROAD USER CHARGING AND WORKPLACE PARKING LEVY**

**Road user charging schemes**
40 Charging schemes
41 Charging schemes to be made, varied and revoked by order
42 Confirmation of orders
43 Charging schemes: consultation and inquiries
44 Matters to be dealt with in charging schemes
45 Charging schemes: exemptions etc.
46 Penalties and liability for charges
47 Examination and removal of vehicles etc.
48 Equipment etc.
49 Traffic signs
50 Non-domestic rating exemption

**Workplace parking licensing schemes**
51 Licensing schemes
52 Workplace parking places
53 Licensing schemes to be made, varied and revoked by order
54 Confirmation of orders
55 Licensing schemes: consultation and inquiries
56 Matters to be dealt with in licensing schemes
57 Licensing schemes: exemptions etc.
58 Licences
59 Penalties and liability for charges payable on a licence
60 Rights of entry
General and supplementary

61 Financial provisions about schemes
62 Powers of authorities
63 Information
64 Determination of disputes, appeals and evidence
65 Offences by bodies corporate and partnerships
66 Crown application
67 Interpretation of Part 3

PART 4

MISCELLANEOUS

Travel concession schemes

68 Travel concession schemes

Bridges

69 Joint boards for management, maintenance etc. of certain bridges

Motor vehicles used by disabled persons

70 Badges for display on motor vehicles used by disabled persons: enforcement

School crossing patrols

71 Patrolling school crossings

Bicycle and motor cycle stands

72 Stands etc. for bicycles and motor cycles

PART 5

GENERAL

73 Guidance
74 Civil penalties: bodies corporate and partnerships
75 Regulations and orders
76 Interpretation
77 Minor and consequential amendments and repeals
78 Short title and commencement

Schedule 1 —Road user charging and workplace parking levy: financial provisions
Schedule 2 —Minor and consequential amendments and repeals
TRANSPORT (SCOTLAND) BILL

PART 1—JOINT TRANSPORT STRATEGIES

1 Joint transport strategies

(1) The Scottish Ministers may by order require such public bodies as may be specified in the order to prepare, and submit to them, jointly a strategy—

(a) dealing with such matters; and

(b) for such purposes,

as may be so specified in relation to the discharge of the functions of those bodies relating to transport.

(2) An order under this section may include such provision as respects—

(a) the form of the strategy to which it relates;

(b) any matters to which the public bodies are required to have regard in the preparation of the strategy;

(c) the procedures relating to the preparation and making of it; and

(d) the time within which it is to be submitted,

as the Scottish Ministers consider necessary or expedient.

(3) Where an order is made under this section, the public bodies to which it relates may consult such other persons as those bodies consider appropriate about the proposed strategy.

2 Directions

(1) Where an order is made under section 1 of this Act and—

(a) no strategy is—
(i) prepared; or
(ii) submitted,
as required by that order; or
(b) there are, in the opinion of the Scottish Ministers, other exceptional circumstances,

the Scottish Ministers may give such directions to any public body specified in the order as they think fit.

(2) A direction under this section shall be given in writing and may be varied or revoked by the Scottish Ministers.

(3) This section is without prejudice to section 211 of the Local Government (Scotland) Act 1973 (c.65) (powers of Scottish Ministers on complaint that local authority have failed to perform requirement imposed by or under enactment).

PART 2
BUS SERVICES

Quality partnership schemes

3 Quality partnership schemes

(1) A local transport authority, or two or more such authorities acting jointly, may make a quality partnership scheme covering the whole or any part of their area, or combined area, if they are satisfied that the scheme will—

(a) to any extent implement their relevant general policies in the area to which the proposed scheme relates; and
(b) either—

(i) improve the quality of local services and facilities provided in the area to which the proposed scheme relates in such a way as to bring material benefits to persons using those services and facilities; or

(ii) reduce or limit traffic congestion, noise or air pollution.

(2) In this section (other than subsection (1) above) and in sections 4 to 9 of this Act any reference to a local transport authority shall be construed, in any case where a quality partnership scheme is made (or proposed to be made) by two or more such authorities acting jointly, as a reference to both (or, as the case may be, all) of those authorities.

(3) A quality partnership scheme may not be made unless the authority have complied with the notice and consultation requirements imposed by section 4 of this Act.

(4) A quality partnership scheme is a scheme under which—

(a) the authority provide, during such periods as may be specified in the scheme, such facilities as may be so specified (in this Part of this Act facilities so specified being referred to as “specified facilities”) in the area to which the scheme relates; and
(b) operators of local services who wish to use the specified facilities are required to undertake to provide, during such periods as may be specified in the scheme, local services of such standard as may be specified in the scheme (in this Part of this Act any standard so specified being referred to as the “specified standard”) when using them.

(5) Any specified facilities—

(a) shall be provided at such locations within the area to which the scheme relates as may be specified in the scheme along routes served, or proposed to be served, by local services; or

(b) shall be facilities which are ancillary to facilities so provided.

(6) Anything which the authority are required to provide, or secure the provision of, by virtue of section 30 or 31 of this Act may not be a specified facility.

(7) Any specified standard—

(a) may include requirements which the vehicles being used to provide the services shall meet; but

(b) may not include requirements as to the frequency or timing of services.

4 Consultation as to proposed quality partnership scheme

(1) If a local transport authority propose to make a quality partnership scheme, they shall give notice of the proposed scheme in at least one local newspaper circulating in the area to which it relates.

(2) The notice shall—

(a) set out the authority’s proposals for specified facilities and specified standards; or

(b) state where, and at what times, such proposals may be inspected.

(3) If any of the proposed specified facilities would affect a road for which the Secretary of State is, or the Scottish Ministers are, the traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984 (c.27)) the authority shall consult the Secretary of State or, as the case may be, them before giving notice of the proposed scheme.

(4) After giving notice of the proposed scheme, the authority shall consult—

(a) all operators of local services who are, in the opinion of the authority, likely to be affected by it;

(b) such organisations appearing to the authority to be representative of users of local services as they think fit;

(c) every other local transport authority, and any county council or metropolitan district council in England, any part of whose area is, in the opinion of the authority, likely to be affected by it;

(d) the traffic commissioner;

(e) the chief officer of police for each police area which is to any extent comprised in the area to which the scheme relates; and

(f) such other persons as the authority think fit.
5 Making of quality partnership scheme

(1) If, having complied with section 4 of this Act, a local transport authority decide that it is appropriate to make a quality partnership scheme, they may make it—

(a) in the form proposed; or
(b) subject to such modifications as they may specify.

(2) A scheme shall set out—

(a) the specified facilities to be provided by the authority;
(b) the specified standard of local services which operators are required to undertake to provide;
(c) the date on which it shall come into operation;
(d) the period (being a period of not less than five years) for which it shall remain in operation; and
(e) procedures for determining any dispute arising in relation to the scheme between the authority and any operator of local services who has undertaken to provide such services under the scheme.

(3) A scheme may provide that—

(a) local services specified in it; or
(b) local services of a class specified in it,
are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.

(4) Any date specified by virtue of subsection (2)(c) above shall not be earlier than the date by which, in the opinion of the authority, it will be reasonably practicable—

(a) for the authority to provide the specified facilities in accordance with the scheme; and
(b) for operators of local services to provide the specified standard of services in accordance with the scheme,
and, in any event, shall not be earlier than whichever is the later of the dates mentioned in subsection (5) below.

(5) The dates referred to in subsection (4) above are—

(a) the date 3 months after that on which the scheme is made; and
(b) the date 3 months after that on which any traffic regulation order required for the provision of any of the specified facilities is made (or, if more than one such order is required for that purpose, the date on which the last of them is made).

(6) Not later than 14 days after the date on which a scheme is made, the authority shall give notice—

(a) in at least one local newspaper circulating in the area to which the scheme relates;
(b) to all operators of local services who are, in the opinion of the authority, likely to be affected by the scheme; and
(c) to the traffic commissioner.

(7) The notice shall—
Part 2—Bus services

6  Postponement of quality partnership scheme

(1) If it appears to the local transport authority who made a quality partnership scheme reasonable to do so, they may postpone the date on which the scheme would otherwise come into operation by such period, not exceeding 12 months, as they think fit.

(2) Before postponing a date under subsection (1) above, an authority shall consult all operators of local services who are, in the opinion of the authority, likely to be affected by the scheme.

(3) Not later than 14 days after the date on which an authority postpone a date under subsection (1) above the authority shall give notice of the postponement—
   (a) in at least one local newspaper circulating in the area to which the scheme relates;
   (b) to all operators of local services who are, in the opinion of the authority, likely to be affected by the scheme; and
   (c) to the traffic commissioner.

7  Effect of quality partnership scheme

(1) A local transport authority shall provide the specified facilities during such periods as may be specified in the quality partnership scheme.

(2) Subsection (1) above shall not apply in relation to any period during which the authority are temporarily unable to provide the facilities owing to circumstances beyond their control.

(3) If a traffic regulation order is required for the provision of any of the specified facilities and the consent of the Secretary of State or, as the case may be, the Scottish Ministers is required to the making of the order, the authority shall use their best endeavours to obtain that consent.

(4) The operator of a local service may not use the specified facilities unless the operator—
   (a) has given a written undertaking to the traffic commissioner that the operator will, as far as practicable, provide, during such periods as may be specified in the scheme, the local service to the specified standard when using the facilities; and
   (b) provides the service to that standard when using the facilities.

(5) Any undertaking given under subsection (4)(a) above shall be treated, during any period when the relevant scheme is in operation, as if it were prescribed particulars registered under section 6 of the 1985 Act (registration of local services) of the service concerned.

(6) Subsection (4) above shall not apply in relation to services which are excluded from the scheme by virtue of section 5(3) of this Act.

(7) Where conditions are specified by virtue of section 5(3) of this Act, those conditions shall be treated, during any period when the scheme is in operation, as if they were prescribed particulars registered under section 6 of the 1985 Act of the service concerned.
8 Variation or revocation of quality partnership scheme

(1) Subject to subsections (3) and (4) below, a local transport authority who made a quality partnership scheme may vary the scheme if they decide that it is appropriate to do so.

(2) Subject to subsection (4) below, the authority who made a scheme may revoke it if all operators of local services who have given an undertaking such as is mentioned in section 7(4)(a) of this Act consent to the revocation; and such consent shall not be unreasonably withheld.

(3) If the variation of a scheme under subsection (1) above would require the making of a traffic regulation order, sections 4 and 5 of this Act shall apply to the variation of the scheme as those sections apply to the making of a scheme.

(4) Sections 4 and 5 of this Act shall apply to any variation under subsection (1) above, or revocation under subsection (2) above except to the extent that the procedure is modified by regulations made under section 10 of this Act.

9 Reports on quality partnership schemes

(1) In relation to each quality partnership scheme made by them, a local transport authority shall, for each successive period of 12 months during which the scheme is in operation (the first period being taken to begin on the date on which the scheme comes into operation), prepare and submit to the Scottish Ministers a report on the effectiveness of the scheme.

(2) In preparing a report under subsection (1) above an authority shall have regard to any representations relating to—

   (a) local services in their area; and
   (b) specified facilities,

made to them during the period to which the report relates.

(3) An authority may require any operator of a local service to provide such information as the authority may specify for or in connection with the preparation of a report under subsection (1) above; and in so far as the provision of such information would be reasonable, the operator shall comply with any such requirement.

(4) Any report under this section shall be submitted not later than 6 months after the end of the period to which it relates.

(5) Before submitting a report under this section the authority shall consult the traffic commissioner in relation to the proposed content of the report.

10 Regulations as respects quality partnership schemes

(1) The Scottish Ministers may by regulations make further provision with respect to—

   (a) the procedure to be followed when making, varying or revoking quality partnership schemes;
   (b) specifying any case where no procedure requires to be followed when making, varying or revoking quality partnership schemes;
   (c) the local services or classes of local services which shall, or may, be excluded from schemes;
   (d) the conditions which shall, or may, be attached to such exclusions;
(e) the form and manner in which undertakings are to be given to the traffic commissioner in connection with schemes;

(f) the making of traffic regulation orders in connection with schemes; and

(g) such other incidental matters in connection with quality partnership schemes as the Scottish Ministers think fit.

5 (2) The regulations may in particular make provision with respect to—

(a) giving notice of proposed schemes or proposed variations or revocations of schemes;

(b) objections to such proposals;

(c) the holding of inquiries or hearings into objections;

(d) modifications of such proposals;

(e) the form of schemes or variations; and

(f) giving notice of schemes which have been made or of variations, or revocations, of schemes.

11 Eligibility for service subsidies

In section 63(5) of the 1985 Act (power of local authority to enter into agreement for service subsidies), in paragraph (a)—

(a) after “question” there shall be inserted “—

(i)”; and

(b) after “provided” there shall be inserted “; or

(ii) would not be provided to the standard specified in a quality partnership scheme made under section 5 of the Transport (Scotland) Act 2000 (asp 00),”.

Quality contract schemes

12 Quality contract schemes

(1) A local transport authority, or two or more such authorities acting jointly, may make a quality contract scheme covering the whole or any part of their area, or combined area, if they are satisfied that—

(a) the only way in which they will be able to implement their relevant general policies in the area to which the proposed scheme relates is by making a quality contract scheme; and

(b) the scheme proposed will implement those policies in a way which is economic, efficient and effective.

(2) In this section (other than subsection (1) above) and, subject to subsection (3) below, in sections 13 to 22 of this Act any reference to a local transport authority shall be construed, in any case where a quality contract scheme is made (or proposed to be made) by two or more such authorities acting jointly, as a reference to both (or, as the case may be, all) of those authorities; and in such a case any reference to the area of an authority shall be construed as a reference to the combined area of those authorities.
Subsection (2) above shall not apply to sections 15(7), 18(4)(b) and (5) and 20(4) of this Act.

A quality contract scheme may not be made unless the authority have—

(a) complied with the notice and consultation requirements imposed by section 13 of this Act; and

(b) obtained the approval of the Scottish Ministers in accordance with section 14 of this Act.

A quality contract scheme is a scheme under which—

(a) the authority determine—

(i) what local services should be provided in the area to which the scheme relates;

(ii) the standards to which they should be provided; and

(iii) any additional facilities or services which should be provided in that area; and

(b) subject to section 15(4) of this Act, local services may be provided in the area to which the scheme relates only under a quality contract.

In this Part of this Act “quality contract”, in relation to a quality contract scheme, means an agreement entered into under section 18 or 19 of this Act under which—

(a) the authority grant to another person the exclusive right to operate the local services to which the contract relates; and

(b) that person undertakes to provide those services on such terms (including in particular as to frequency, fares (within the meaning of the Public Passenger Vehicles Act 1981 (c.14)) and standard of service) as may be specified in the agreement.

A quality contract may—

(a) include provision for—

(i) the making of payments by the authority to the person undertaking to provide the local service; or

(ii) the making of payments by the person undertaking to provide the local service to the authority; or

(b) make no such provision as is mentioned in paragraph (a) above.

A quality contract may include provision requiring one or more of the parties to provide additional facilities or services.

Section 88(1) of the 1985 Act (application to subsidy agreements of sections 89 to 92 of that Act) shall not apply in relation to quality contracts.

13 Consultation as to proposed quality contract scheme

(1) If a local transport authority propose to make a quality contract scheme, they shall give notice of the proposed scheme in at least one local newspaper circulating in the area to which it relates.

(2) The notice shall—
(a) set out the proposed scheme or state where, and at what times, a copy of it may be inspected; and
(b) state the authority’s reasons for wishing to make the scheme.

(3) After giving notice of the proposed scheme, the authority shall consult—

(a) all operators of local services in the area to which the proposed scheme relates;
(b) all persons (other than those falling within paragraph (a) above) holding a PSV operator's licence or a community bus permit who are, in the opinion of the authority, likely to be affected by it;
(c) such organisations appearing to the authority to be representative of users of local services as they think fit;
(d) every other local transport authority, and any county council or metropolitan district council in England, any part of whose area is, in the opinion of the authority, likely to be affected by it;
(e) the traffic commissioner;
(f) the chief officer of police for each police area which is to any extent comprised in the area to which the scheme relates; and
(g) such other persons as the authority think fit.

(4) The authority may modify the proposed scheme following those consultations.

14 Approval of proposed quality contract scheme

(1) If, having complied with section 13 of this Act, a local transport authority wish to proceed with a proposed scheme, they shall apply to the Scottish Ministers for their approval of the proposed scheme.

(2) The application shall include—

(a) the authority’s reasons for wishing to make the scheme; and
(b) such other information as the Scottish Ministers may reasonably require, having regard to the conditions set out in paragraphs (a) and (b) of section 12(1) of this Act.

(3) Any person consulted under section 13(3) of this Act may make written representations to the Scottish Ministers about the scheme.

(4) If the Scottish Ministers are satisfied that it is in the interests of the public that a proposed scheme be made, they may approve it—

(a) in the form in which it is submitted; or
(b) subject to subsection (6) below, subject to such modifications as they may specify.

(5) In determining what is in the interests of the public for the purpose of subsection (4) above the Scottish Ministers shall have particular regard to the conditions set out in paragraphs (a) and (b) of section 12(1) of this Act.

(6) If the Scottish Ministers propose to approve a scheme subject to modifications, they shall first inform the authority and that authority shall—

(a) consult such of the persons consulted by them under section 13(3) of this Act as are, in the opinion of the authority, likely to be affected by those modifications; and
(b) inform the Scottish Ministers of the outcome of that consultation.

### 15 Making of quality contract scheme

(1) Where under section 14(4) of this Act, the Scottish Ministers approve a proposed quality contract scheme, the local transport authority who proposed it may, not later than 6 months after the date of the approval, make it as approved.

(2) A scheme shall specify—
- the area to which it relates;
- the date (being a date not earlier than 21 months after the date on which it is made) on which it is to come into operation; and
- the period (being a period of more than three, but not more than seven, years) during which it is to remain in operation.

(3) A scheme shall outline—
- the local services which are to be provided under quality contracts; and
- the features of the proposed invitations to tender for quality contracts.

(4) A scheme may provide that—
- local services specified in it; or
- local services of a class specified in it,
are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.

(5) A scheme may contain such ancillary provisions as the authority think fit.

(6) If a quality contract scheme relates to any extent to the same area as a quality partnership scheme, the quality contract scheme may include provision—
- varying or revoking any such quality partnership scheme which relates only to the area of the authority by which the quality contract scheme is made; or
- varying any other such quality partnership scheme to the extent that it so relates.

(7) If provision is made under subsection (6)(b) above varying a quality partnership scheme which was made by two or more authorities so that it no longer so relates, such of those authorities as did not make the quality contract scheme may—
- subject to the provision so made, if they decide that it is appropriate to do so, vary that quality partnership scheme; or
- if all operators of local services who have given an undertaking such as is mentioned in section 7(4)(a) of this Act consent to the revocation of the scheme (which consent shall not be unreasonably withheld), revoke that quality partnership scheme;

and subsections (3) and (4) of section 8 of this Act shall apply to a variation or revocation under this section as those subsections apply to a variation or revocation under that section.

(8) Not later than 14 days after the date on which a scheme is made, the authority shall—
- give notice in at least one local newspaper circulating in the area to which the scheme relates; and
(b) send a copy of the scheme to the traffic commissioner.

(9) The notice shall state—

(a) that the scheme has been made;
(b) where, and at what times, a copy of the scheme may be inspected; and
(c) the date on which the scheme is to come into operation.

(10) The Scottish Ministers may by order vary—

(a) the number of months mentioned in paragraph (b) of subsection (2) above;
(b) the number of years mentioned in paragraph (c) of that subsection.

16 Postponement of quality contract scheme

(1) Subject to any regulations made under subsection (4) below, if it appears to the local transport authority who made a quality contract scheme reasonable to do so, they may postpone the date on which the scheme would otherwise come into operation by such period, not exceeding 12 months, as they think fit.

(2) Before postponing a date under subsection (1) above, an authority shall consult all operators of local services who are, in the opinion of the authority, likely to be affected by the scheme.

(3) Not later than 14 days after the date on which an authority postpone a date under subsection (1) above the authority shall give notice of the postponement—

(a) in at least one local newspaper circulating in the area to which the scheme relates;
(b) to all operators of local services who are, in the opinion of the authority, likely to be affected by the scheme; and
(c) to the traffic commissioner.

(4) The Scottish Ministers may by regulations make provision with respect to postponements under subsection (1) above.

(5) The regulations may in particular make provision—

(a) as to the maximum period of postponements; and
(b) requiring authorities to reissue invitations to tender in accordance with section 18 of this Act.

17 Effect of quality contract scheme

(1) Subject to subsection (2) below, during any period when a quality contract scheme is in operation—

(a) sections 6 to 9 of the 1985 Act (registration of local services) shall not have effect in relation to the area to which the scheme relates; and
(b) no local service shall be provided in that area other than under a quality contract.

(2) Subsection (1) above shall not apply in relation to services which are excluded from the scheme by virtue of section 15(4) of this Act.
(3) Where conditions are specified by virtue of section 15(4) of this Act, those conditions shall be treated, during any period when the scheme is in operation, as if they were prescribed particulars registered under section 6 of the 1985 Act (registration of local services) of the service concerned.

18 Tendering for quality contracts

(1) Subject to any regulations under subsection (1), and to subsections (2) and (5), of section 19 of this Act, a local transport authority who have made a quality contract scheme shall not enter into a quality contract otherwise than by accepting a tender invited in pursuance of this section.

(2) An authority shall, not later than—

(a) 3 months; or

(b) such other period as the Scottish Ministers may by order specify,

after a scheme has been made by them, invite tenders for the provision of local services to which the scheme relates for such period and on such basis as may be specified in the invitation to tender.

(3) The period specified in the invitation to tender shall not exceed seven years beginning with the date on which the scheme to which the invitation relates comes into operation.

(4) An invitation to tender shall—

(a) be issued generally, in such manner as the authority consider appropriate for bringing it to the attention of persons who may be interested; and

(b) be issued individually to all persons who have given to the authority, or any of the authorities, a written notice—

(i) indicating that they wish to receive invitations to tender for the provision of local services of a description to which the invitation relates; and

(ii) specifying the address to which such an invitation is to be directed.

(5) It shall be sufficient for the purposes of subsection (4)(b) above if the authority send the invitation to the person giving such a notice at the address specified in the notice.

(6) The authority may accept a tender only if it is submitted by a person who is the holder of either—

(a) a PSV operator's licence, not being a licence to which a condition is attached under section 26 of the 1985 Act (power of traffic commissioner to attach conditions to licences) prohibiting the holder from using vehicles under the licence to provide local services of all descriptions or of any description to which the invitation relates; or

(b) a community bus permit.

(7) The authority shall, not later than 14 days after the day on which they enter into a quality contract, give notice to the traffic commissioner of—

(a) the local services to be provided in accordance with the quality contract; and

(b) the duration of the quality contract.

(8) The Scottish Ministers may by regulations make provision requiring local transport authorities to publish such information as may be prescribed in relation to—
(a) tenders submitted to them in accordance with this section; or
(b) their reasons for entering into particular quality contracts.

19 Exceptions from section 18(1)

(1) The Scottish Ministers may by regulations provide that section 18(1) of this Act shall not apply to quality contracts of such description as may be specified in the regulations; and any such description may be framed by reference to—

(a) the description of local service to which a quality contract relates;
(b) the description of persons proposing to operate a local service;
(c) the period during which a local service is to be provided under a contract; or
(d) any other relevant circumstances.

(2) Section 18(1) of this Act shall not apply in any case where it appears to a local transport authority that action is urgently required for the purpose of—

(a) maintaining an existing local service;
(b) securing the provision of a local service in place of any such service that has ceased to operate; or
(c) securing the provision of a local service to meet any public transport requirement which has arisen unexpectedly and ought, in the opinion of the authority, to be met without delay.

(3) Where by virtue of subsection (2) above any authority enters into a quality contract to which subsection (1) of section 18 of this Act does not apply, that authority shall as soon as practicable invite tenders for the provision of the service which is the subject of that quality contract for such period and on such basis as may be specified in the invitation to tender; and subsections (4) to (8) of that section shall apply in any such case as if the invitation had been issued under subsection (2) of that section.

(4) Any quality contract entered into by virtue of subsection (2) above shall be made so as to remain in force for no longer than 3 months after the end of the period allowed for the submission of tenders in accordance with the invitation to tender issued under subsection (3) above.

(5) Subject to subsections (6) and (7) below, where—

(a) an invitation to tender for the provision of any service is issued under subsection (3) above or subsection (2) of section 18 of this Act; and

(b) no tender, or no tender which the authority who issued the invitation consider acceptable, is submitted in response to that invitation,

any power of that authority to enter into a quality contract in order to secure that service shall cease to be subject to subsection (1) of that section.

(6) Any quality contract which is entered into by an authority by virtue of subsection (5) above shall be made so as to remain in force for no longer than the period specified in section 18(3) of this Act.

(7) On entering into a quality contract such as is mentioned in subsection (6) above the authority shall publish in such manner as may be prescribed by regulations made by the Scottish Ministers either—

(a) a statement that no tender was submitted in response to that invitation to tender; or
(b) a statement of their reasons for considering that no tender so submitted was acceptable,
as the case may require.

20 Variation or revocation of quality contract scheme

(1) Subject to subsections (5) and (6) below, a local transport authority who made a quality contract scheme may vary it by—

(a) increasing, to no greater than the whole of their area, the area to which it relates;

(b) adding to the description of local services which are to be provided under quality contracts;

(c) reducing the area to which it relates;

(d) reducing the description of services which are to be provided under quality contracts; or

(e) providing for new exclusions from the scheme or for the variation or revocation of existing exclusions.

(2) A scheme may not be varied under subsection (1)(a) or (b) above unless the conditions set out in paragraphs (a) and (b) of section 12(1) of this Act (in this section referred to as the “relevant conditions”) are met with respect to the scheme as varied.

(3) A scheme may not be varied under subsection (1)(c) or (d) above unless—

(a) either of the relevant conditions is no longer met with respect to it; and

(b) both of those conditions are met with respect to the scheme as varied.

(4) Subject to subsections (5) and (6) below, the authority who made a scheme (or, where a scheme was made by two or more authorities, one of them) may revoke it—

(a) if either of the relevant conditions is no longer met with respect to it; or

(b) if the authority (or one of them) make (or make jointly with one or more other authorities) a quality contract scheme covering such part of their area as was covered by the scheme being revoked.

(5) An authority may not, unless they have obtained the approval of the Scottish Ministers to their proposal for a variation or revocation of a scheme under subsection (1) or (4) above, vary or revoke the scheme.

(6) Where the Scottish Ministers have approved a proposed variation or revocation of a scheme, section 15 of this Act shall apply to that variation or revocation as that section applies to the making of a scheme but subject to such modifications as the Scottish Ministers may by regulations specify.

(7) The Scottish Ministers may by regulations provide that in such circumstances as may be prescribed quality contract schemes may be revoked by them before coming into operation.
21 Reports on quality contract schemes

(1) In relation to each quality contract scheme made by them, a local transport authority shall, for each successive period of 12 months during which the scheme is in operation (the first period being taken to begin on the date on which the scheme comes into operation), prepare and submit to the Scottish Ministers a report on the effectiveness of the scheme.

(2) In preparing a report under subsection (1) above an authority shall have regard to any representations relating to—

(a) local services in their area; and

(b) any facilities provided by virtue of the scheme, made to them during the period to which the report relates.

(3) An authority may require any operator of a local service to provide such information as the authority may specify for or in connection with the preparation of a report under subsection (1) above; and in so far as the provision of such information would be reasonable, the operator shall comply with any such requirement.

(4) Any report under this section shall be submitted not later than 6 months after the end of the period to which it relates.

22 Non-implementation of quality contract scheme

Where a local transport authority have not, within 12 months of the date on which they made a quality contract scheme, entered into a quality contract under the scheme, the scheme shall cease to have effect.

23 Regulations as respects quality contract schemes

(1) The Scottish Ministers may by regulations make further provision with respect to—

(a) the procedure to be followed when making, varying or revoking quality contract schemes;

(b) the approval of proposed schemes;

(c) the local services or classes of local services which shall, or may, be excluded from schemes;

(d) the conditions which shall, or may, be attached to such exclusions; and

(e) such other incidental matters in connection with quality contract schemes as the Scottish Ministers think fit.

(2) The regulations may in particular make provision with respect to—

(a) the giving of notice of proposed schemes or any proposed variations or revocations of schemes;

(b) objections to such proposals;

(c) the holding of inquiries or hearings into objections;

(d) modifications of such proposals;

(e) the form, content and manner of applications for approval of such proposals;

(f) the form of schemes or variations; and
(g) the giving of notice of schemes which have been made or of variations or revocations of schemes.

24 **Transitional provision as respects quality contract schemes**

(1) The Scottish Ministers may by regulations make such transitional provision as they consider appropriate in connection with—

(a) the coming into operation of quality contract schemes;
(b) the variation of such schemes; and
(c) the ending of such schemes (whether or not as a result of their revocation).

(2) The regulations may in particular provide that in such circumstances as may be prescribed—

(a) any provision of sections 6 to 9 of the 1985 Act (registration of local services) which would otherwise have effect—

(i) shall not have effect; or

(ii) shall have effect subject to such modifications as may be prescribed; or

(b) any such provision which would not otherwise have effect—

(i) shall have effect; or

(ii) shall have effect subject to such modifications as may be prescribed,

in relation to the whole or any part of the area to which a scheme relates.

**Ticketing arrangements and ticketing schemes**

25 **Ticketing arrangements**

(1) Each local transport authority shall from time to time determine what ticketing arrangements should be made available for their area (in this section referred to as the “required ticketing arrangements”).

(2) Before making such a determination, the authority shall consult such organisations appearing to the authority to be representative of users of local services as they think fit.

(3) Each authority shall from time to time ascertain whether the required ticketing arrangements are being made available.

(4) If an authority ascertain that the required ticketing arrangements are not being made available, that authority shall seek to make arrangements with the operator or operators of the local services concerned under which the operator or operators agree to make the required ticketing arrangements available.

(5) In this section and in section 26 of this Act “ticketing arrangements” means arrangements under which persons may purchase, in a single transaction, a ticket (or tickets) entitling the holder—

(a) to make more than one journey on particular local services (whether or not operated by the same person);

(b) to make a particular journey on two or more local services (whether or not operated by the same person); or
(c) where a particular journey could be made on local services provided by either (or any) of two or more operators, to make the journey on whichever service the holder chooses.

26 Ticketing schemes

(1) If a local transport authority are unable to make satisfactory arrangements in pursuance of section 25(4) of this Act they, or two or more such authorities acting jointly, may make a ticketing scheme covering the whole or any part of their area, or combined area, if they consider that the proposed scheme—

(a) would be in the interests of the public; and

(b) would to any extent implement their relevant general policies.

(2) In this section (other than subsection (1) above) and in sections 27 and 28 of this Act any reference to a local transport authority shall be construed, in any case where a ticketing scheme is made (or proposed to be made) by two or more such authorities acting jointly, as a reference to both (or, as the case may be, all) of those authorities.

(3) A ticketing scheme is a scheme under which operators of local services of a class specified in the scheme are required to make and implement ticketing arrangements.

(4) A ticketing scheme may not be made unless the authority have complied with the notice and consultation requirements imposed by section 27 of this Act.

(5) A ticketing scheme may, for the purposes of making provision in relation to journeys such as are mentioned in paragraph (a) of section 25(5) of this Act, specify a class of local services.

(6) A ticketing scheme may specify different arrangements in respect of different classes of local service.

27 Consultation as to proposed ticketing scheme

(1) If a local transport authority propose to make a ticketing scheme, they shall give notice of the proposed scheme in at least one local newspaper circulating in the area to which it relates.

(2) The notice shall specify the date on which it is proposed that the proposed scheme will come into operation.

(3) After giving notice of the proposed scheme, the authority shall consult—

(a) all operators of local services who are, in the opinion of the authority, likely to be affected by it;

(b) such organisations appearing to the authority to be representative of users of local services as they think fit; and

(c) the traffic commissioner.

28 Making of ticketing scheme

(1) If, having complied with section 27 of this Act, the authority decide that it is appropriate to make a ticketing scheme, they may make it—

(a) in the form proposed; or

(b) subject to such modifications as they may specify.
(2) The scheme shall specify the date (being a date not earlier than 3 months after the date on which the scheme is made) on which it is to come into operation.

(3) Not later than 14 days after the date on which a scheme is made, the authority shall give notice of it—

(a) in at least one local newspaper circulating in the area to which the scheme relates;
(b) to all operators of local services who are, in the opinion of the authority, likely to be affected by it;
(c) to the traffic commissioner; and
(d) in such other manner, or to such other persons or class of person (if any), as the Scottish Ministers may prescribe by regulations.

(4) The notice shall—

(a) set out the scheme and the date on which it is to come into operation; and
(b) identify the classes of local service which will be affected by it.

29 Effect of ticketing scheme

(1) During any period in which a ticketing scheme is in operation, operators of local services to which the scheme relates shall make and implement the arrangements required by the scheme.

(2) The arrangements required by a ticketing scheme shall be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the 1985 Act (registration of local services) of the service concerned.

Provision of information

30 Information about bus services

(1) Each local transport authority shall from time to time determine, having regard to their relevant general policies—

(a) what local bus information should be made available to the public (in this section referred to as the “required information”); and
(b) the way in which it should be made available (in this section and in section 31 of this Act referred to as the “appropriate way”).

(2) Before making such a determination, the authority shall consult—

(a) the traffic commissioner; and
(b) such organisations appearing to the authority to be representative of users of local services as they think fit.

(3) Each authority shall from time to time ascertain whether the required information is being made available to the public in the appropriate way.

(4) If an authority ascertain that the required information is not being made available to the public in the appropriate way the authority shall seek to make arrangements with the operator or operators of the local services concerned under which the operator or operators agree to make the information available in that way.

(5) In this section—
“local bus information”, in relation to a local transport authority, means—

(a) information about routes and timetabling of local services to, from and within the authority's area; and

(b) such other information about facilities for disabled persons, travel concessions, connections with other public passenger transport services (within the meaning of the 1985 Act) or other matters of value to the public as the authority consider appropriate in relation to their area; and

“travel concession” has the meaning given by section 68(6) of this Act.

(6) This section and sections 31 and 32 of this Act do not apply to any local authority to the extent that any part of the area of the authority is comprised in the passenger transport area of the Strathclyde Passenger Transport Authority.

31 Duty of authority to make information available

(1) If a local transport authority are unable to make satisfactory arrangements in pursuance of section 30(4) of this Act, they, or two or more such authorities acting jointly—

(a) shall make available, or secure that there is made available, in such manner as they determine, such information as is not being made available in the appropriate way in their area, or each of their areas (whether by virtue of arrangements made under section 30(4) of this Act or otherwise); and

(b) may recover from the operator or operators of the local services concerned the reasonable costs incurred by them in doing so as a civil debt due to them.

(2) In determining for the purposes of subsection (1)(b) above what is reasonable in relation to a particular operator, the authority, or as the case may be authorities, shall have regard to—

(a) the amount of information which has to be made available; and

(b) the way in which that information has to be made available,
in respect of the local services provided by that operator.

(3) If the authority, or as the case may be authorities, require an operator to provide information to them or another person in order to perform their duty under subsection (1)(a) above, the operator shall provide the information at such times and in such manner as may be specified by the authority (or authorities).

(4) The authority, or as the case may be authorities, shall give notice to the traffic commissioner of any requirement imposed under subsection (3) above.

32 Bus information: supplementary

In carrying out their functions under sections 30 and 31 of this Act, local transport authorities—

(a) shall act in the manner which is, in the opinion of the authority, most economic, efficient and effective; and

(b) shall not act in such a way as to discriminate (whether directly or indirectly) against any operator, or class of operator, of local services.
Financial provisions

33 Agreements providing for service subsidies

(1) Part V of the 1985 Act (expenditure on public passenger transport services) shall be amended as follows.

5 (2) In section 89 (obligation to invite tenders for subsidised services)—

(a) in subsection (7), after “section” there shall be inserted “for the provision of services other than those mentioned in subsection (9) below”; and

(b) after subsection (8) there shall be inserted—

“(9) An authority issuing an invitation to tender under this section for the provision of any service for the carriage of passengers by road which requires, for the purposes of Part IV of this Act, a PSV operator’s licence, shall, in determining whether to accept a tender submitted in response to the invitation or which (if any) of several such tenders to accept, have regard in particular to—

(a) a combination of economy, efficiency and effectiveness;

(b) the implementation of the general policies formulated by them under section 63(2)(b) of this Act or section 9A(1) of the Transport Act 1968 (c.73), as the case may be; and

(c) the reduction or limitation of traffic congestion, noise or air pollution.”.

10 (3) In section 90(3) (duty of authority to publish reasons for considering that payment of subsidies to secure service in accordance with accepted tender is conducive to achieving most effective and economic application of funds), for the words from “is conducive” to the end there shall be substituted “accords with section 89(7), or as the case may be (9), of this Act.”.

20 (4) In section 92(1) (authorities subsidising public passenger transport services not to inhibit competition between persons providing or seeking to provide such services in their area), for the words from “so” to “provide” there shall be substituted “have regard to the interests of the public and of persons providing”.

34 Grants to bus service operators

(1) The Scottish Ministers may make grants to operators of eligible bus services towards their costs in operating those services.

20 (2) The Scottish Ministers may make provision by regulations as to the method of calculation of grants.

30 (3) Subject to any regulations under subsection (2) above, 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.

40 (4) A determination under subsection (3) above may be made either generally or in relation to particular cases or classes of case.

50 (5) In this section “eligible bus services” means services of a class using public service vehicles (or such services using a class of public service vehicles) prescribed by regulations made by the Scottish Ministers.

60 (6) Section 92 of the Finance Act 1965 (c.25) (grants towards duty charged on bus fuel) and section 111 of the 1985 Act (unregistered and unreliable local services: reduction of fuel duty grant) are repealed.
35  **Penalties**

(1) Where the traffic commissioner is satisfied that the operator of a local service has, without reasonable excuse—
   (a) failed to operate a local service registered under section 6 of the 1985 Act;
   (b) operated a local service in contravention of that section or section 7(4) or 17(1)(b) of this Act; or
   (c) failed to comply with section 29(1) or 31(3) of this Act,
the commissioner may impose a penalty on the operator.

(2) Subject to subsection (3) below, a penalty imposed under subsection (1) above shall be of such amount as the traffic commissioner thinks fit in all the circumstances of the case.

(3) The amount of a penalty mentioned in subsection (2) above shall not exceed—
   (a) £550; or
   (b) such other amount as the Scottish Ministers may by order specify,
multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator’s licences held by him.

(4) Any penalty imposed under subsection (1) above shall be payable to the Scottish Ministers.

(5) Where a penalty has been imposed on an operator under subsection (1) above, the traffic commissioner shall forthwith give notice in writing to—
   (a) the Scottish Ministers; and
   (b) the operator.

(6) Any operator on whom a penalty has been imposed under subsection (1) above may appeal to the Transport Tribunal against the imposition of the penalty.

(7) Any amount due under this section shall be recoverable as a civil debt.

36  **Repayment of grants towards bus fuel duty**

(1) Section 111 of the 1985 Act (unregistered and unreliable local services: requirement to repay twenty per cent. of bus fuel duty grants) shall be amended as follows (until the coming into force of section 34(6) of this Act).

(2) For subsection (1) there shall be substituted—

   “(1) Where the traffic commissioner for the Scottish Traffic Area is satisfied that the operator of a local service has, without reasonable excuse—
   (a) failed to operate a local service registered under section 6 of this Act;
   (b) operated a local service in contravention of that section or section 7(4) or 17(1)(b) of the Transport (Scotland) Act 2000 (asp 00); or
   (c) failed to comply with section 29(1) or 31(3) of that Act,
he may make a determination to that effect.”.

(3) In subsection (3), for the words “twenty per cent.” there shall be substituted “such percentage as the traffic commissioner thinks fit”.

(4) After subsection (3) there shall be inserted—

“(3A) The percentage mentioned under subsection (3) above shall be at least one per cent. but not more than twenty per cent.”.

Environmental protection

37 Traffic regulation conditions to reduce or limit noise or air pollution

In subsection (4) of section 7 of the 1985 Act (reasons for which traffic regulation conditions may be determined)—

(a) the word “or” immediately after paragraph (a) is repealed; and
(b) after paragraph (b) there shall be inserted “; or

(c) reduce or limit noise or air pollution.”.

Co-operation

38 Co-operation

(1) In considering whether to make a quality partnership scheme, quality contract scheme or ticketing scheme a local transport authority shall have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority.

(2) A local transport authority shall, in determining their opinion under paragraph (a) of section 32 of this Act, have regard to the desirability, in appropriate cases, of carrying out their functions under sections 30 and 31 of this Act jointly with another authority (whether as respects the whole or any part of their combined area).

(3) Local transport authorities shall in carrying out their functions—

(a) under this Part of this Act in relation to quality partnership schemes, quality contract schemes and ticketing schemes; and
(b) under sections 30 and 31 of this Act, co-operate with one another.

Interpretation of Part

39 Interpretation of Part 2

(1) In this Part of this Act—

“community bus permit” means a permit under section 22 of the 1985 Act;
“local service” has the meaning given by section 2 of the 1985 Act;
“police area” means a police area within the meaning of section 1(2) of the Police (Scotland) Act 1967 (c.77);
“quality contract” has the meaning given by section 12(6) of this Act;
“relevant general policies” means—

(a) in the case of a local authority, the policies formulated by them from time to time under section 63(2)(b) of the 1985 Act;
(b) in the case of the Strathclyde Passenger Transport Authority, the policies formulated by them from time to time under section 9A(1) of the Transport Act 1968 (c.73);

“specified facilities” shall be construed in accordance with section 3(4)(a) of this Act;

“specified standard” shall be construed in accordance with section 3(4)(b) of this Act;

“traffic commissioner” means the person appointed from time to time to be the commissioner for Scotland under section 4 of the Public Passenger Vehicles Act 1981 (c.14); and

“traffic regulation order” means an order under—

(a) the Road Traffic Regulation Act 1984 (c.27); or

(b) any other enactment (other than this Act),

regulating the use of roads or other places by public service vehicles.

In this Part of this Act the following expressions have the same meaning as in the Public Passenger Vehicles Act 1981 (c.14)—

“modification”;

“public service vehicle”; and

“PSV operator’s licence”.

References in this Part of this Act to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the 1985 Act.

**PART 3**

**ROAD USER CHARGING AND WORKPLACE PARKING LEVY**

**Road user charging schemes**

(1) A charging scheme may be made by a local traffic authority or by two or more such authorities acting jointly.

(2) A charging scheme may be made only in respect of roads for which the charging authority, or either (or any) of the charging authorities, are the local traffic authority.

(3) A charging scheme may be made only if—

(a) the charging authority, or each of the charging authorities, proposing to make the scheme have a local transport strategy; and

(b) the scheme appears desirable to the authority, or each of them, for the purpose of directly or indirectly facilitating the achievement of policies in their strategy.

(4) Charges imposed in respect of any motor vehicle by a charging scheme shall be paid—

(a) by the registered keeper of the motor vehicle; or

(b) in such circumstances as the Scottish Ministers may by regulations specify, by such other person as may be so specified.

(5) In this Part of this Act—
“charging authority”, in relation to a charging scheme made or proposed to be made by one authority, means the authority by which the charging scheme is or is proposed to be made;

“charging authorities”, in relation to a charging scheme made or proposed to be made jointly by more than one authority, means the authorities by which the charging scheme is or is proposed to be made; and

“charging scheme” means a scheme for imposing charges in respect of the use or keeping of motor vehicles on roads.

41 Charging schemes to be made, varied and revoked by order

(1) A charging scheme shall be contained in an order made by the charging authority or the charging authorities (acting jointly).

(2) Any charging scheme may be varied or revoked by order made by the charging authority or authorities (acting jointly) who made the scheme.

(3) The Scottish Ministers may by regulations make provision as respects orders made under this section, including (in particular)—

(a) provision specifying the form of orders;

(b) provision about consultation on proposals for orders (including the publication of such proposals and the making and consideration of objections to proposals); and

(c) provision about the publication of notice of orders and of their effect.

42 Confirmation of orders

(1) A charging scheme shall not come into force unless the order making it has been submitted to and confirmed by the Scottish Ministers; and a variation or revocation of such a charging scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.

(2) Subsection (1) above shall not apply in such circumstances as may be specified in, or determined in accordance with, regulations made by the Scottish Ministers.

(3) Where confirmation of an order is required by this section, the order may be confirmed by the Scottish Ministers—

(a) in the form in which it is submitted; or

(b) subject to such modifications as they may specify.

43 Charging schemes: consultation and inquiries

(1) The charging authority or charging authorities (acting jointly) may, at any time before an order making, varying or revoking a charging scheme is made, consult other persons about the scheme or, as the case may be, the variation or revocation.

(2) Where an order making, varying or revoking a charging scheme is submitted to the Scottish Ministers under section 42 of this Act they may at any time before the order is confirmed—

(a) consult; or

(b) require the charging authority or authorities to consult,
other persons about the charging scheme or, as the case may be, the variation or revocation.

(3) The Scottish Ministers—

(a) may cause an inquiry to be held in relation to a charging scheme, or the variation or revocation of such a scheme; and

(b) may appoint the person or persons by whom such an inquiry is to be held.

(4) Subsections (4) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c.65) (witnesses and costs at inquiries) shall apply in relation to any inquiry held by virtue of this section.

44 Matters to be dealt with in charging schemes

(1) A charging scheme shall—

(a) designate the roads in respect of which charges are imposed;

(b) specify or describe the events by reference to the happening of which a charge is imposed in respect of a motor vehicle being used or kept on a road;

(c) specify the classes of motor vehicles in respect of which charges are imposed;

(d) specify the charges imposed; and

(e) specify the period during which it is to remain in force.

(2) Subject to section 40(2), and to any modifications made by virtue of section 42(3)(b), of this Act, the designation of the roads in respect of which charges are imposed by a charging scheme shall be such as the charging authority or authorities may determine.

(3) No charge may be imposed by a charging scheme in respect of the keeping of a motor vehicle on a road unless such charge also has effect in respect of the use of the motor vehicle on that road.

(4) A charging scheme may make provision in relation to the manner in which charges are to be made, collected, recorded and paid.

(5) The charges that may be imposed by a charging scheme include different charges (which may be no charge) for different cases, including (in particular)—

(a) different days;

(b) different times of day;

(c) different roads;

(d) different distances travelled; and

(e) different classes of motor vehicles.

(6) In setting the charges imposed by a charging scheme, the charging authority or authorities (acting jointly) shall have regard to the purposes for which the authority or authorities are, in accordance with schedule 1 to this Act, to apply the net proceeds of the charging scheme.

(7) A charging scheme may contain provision requiring—

(a) such documents as may be specified in the scheme to be displayed on a motor vehicle while it is on a road in respect of which charges are imposed; or
Transport (Scotland) Bill
Part 3—Road user charging and workplace parking levy

(b) such equipment as may be so specified to be carried in or fitted to a motor vehicle while it is on such a road.

45 Charging schemes: exemptions etc.

(1) The Scottish Ministers may make regulations requiring charging schemes to contain provision for or in connection with exemptions from charges.

(2) Subject to any regulations made under subsection (1) above, a charging scheme may contain provision for or in connection with exemptions from charges.

(3) A road shall not be subject to charges imposed by more than one charging scheme at the same time.

46 Penalties and liability for charges

(1) The Scottish Ministers may by regulations make provision for or in connection with the imposition, notification, payment, adjudication and enforcement of charges (in this section such charges being referred to as “charging scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with charging schemes.

(2) Regulations under this section may include provision for or in connection with setting the rates of charging scheme penalty charges (which may include provision for surcharges or discounts).

(3) Charging scheme penalty charges in respect of any motor vehicle shall be paid—

(a) by the registered keeper of the motor vehicle; or

(b) in such circumstances as may be specified in regulations under this section, by such other person as may be so specified.

(4) A person commits an offence if with intent to avoid payment of, or with intent to avoid being identified as having failed to pay, a charge imposed by a charging scheme the person—

(a) interferes with any equipment used for or in connection with charging under the charging scheme; or

(b) causes or permits the registration plate of a motor vehicle to be obscured.

(5) A person commits an offence if with intent to avoid payment of, or with intent to avoid being identified as having failed to pay, charges imposed by a charging scheme or charging scheme penalty charges the person makes or uses any false document.

(6) A person commits an offence if the person removes a notice of a charging scheme penalty charge which has been fixed to a motor vehicle in accordance with regulations under this section unless—

(a) the person is the registered keeper of the vehicle or a person using the vehicle with the registered keeper’s authority; or

(b) the person does so under the authority of the registered keeper or such a person or of the charging authority or any of the charging authorities.

(7) A person guilty of an offence under subsection (4) or (5) above shall be liable on summary conviction to—

(a) a fine not exceeding level 5 on the standard scale; or
(b) imprisonment for a term not exceeding 6 months,
or to both.

(8) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

47 Examination and removal of vehicles etc.

(1) The Scottish Ministers may by regulations make provision enabling or requiring charging schemes to confer powers on persons specified in, or determined in accordance with, the regulations for or in connection with examining a motor vehicle for the purpose of ascertaining—

(a) whether any document required by a charging scheme to be displayed on a motor vehicle while it is on a road in respect of which charges are imposed is so displayed;

(b) whether any equipment required by a charging scheme to be carried in or fitted to the motor vehicle while it is on such a road is carried or fitted, is in proper working order or has been unlawfully interfered with; or

(c) whether any conditions relating to the use of any such equipment are satisfied.

(2) Regulations under subsection (1) above may include provision for or in connection with conferring on a person duly authorised in writing by the charging authority, or any of the charging authorities, power to enter a motor vehicle for the purpose of exercising any of the powers conferred on that person by virtue of that subsection.

(3) Any person who intentionally obstructs a person acting in the exercise of any power conferred by virtue of subsection (2) above shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine.

(4) The Scottish Ministers may by regulations make provision enabling or requiring charging schemes to make provision for or in connection with—

(a) the fitting of immobilisation devices to motor vehicles;

(b) the removal and storage of motor vehicles;

(c) the release of motor vehicles from immobilisation devices or from storage;

(d) the satisfaction of conditions before the release of a motor vehicle; and

the circumstances in which a motor vehicle may be disposed of other than by being released in accordance with the regulations.

(5) A charging scheme may authorise or require—

(a) the examination of a motor vehicle;

(b) the fitting of an immobilisation device to a motor vehicle; or

(c) the removal of a motor vehicle,

only if the vehicle is on a road.

(6) In this section “immobilisation device” has the same meaning as in section 104 of the Road Traffic Regulation Act 1984 (c.27).
48  Equipment etc.

(1) The charging authority, or any of the charging authorities, may—

(a) install and maintain, or authorise the installation and maintenance of, any equipment; or

(b) construct and maintain, or authorise the construction and maintenance of, any buildings or other structures,

used or to be used for or in connection with the operation of a charging scheme.

(2) The Scottish Ministers may by regulations approve standards for equipment installed, or authorised to be installed, by charging authorities for or in connection with the operation of charging schemes.

(3) No equipment may be installed for or in connection with the operation of a charging scheme if it is incompatible with a standard approved under subsection (2) above.

49  Traffic signs

(1) The Scottish Ministers may direct the charging authority, or any of the charging authorities, in relation to a charging scheme to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with the scheme.

(2) A charging authority which is or could be given a direction under this section may enter any land, and exercise any other powers which may be necessary, for placing and maintaining traffic signs, or causing traffic signs to be placed and maintained, in connection with any charging scheme in respect of which a direction is or could be given.

(3) A direction under this section shall be given in writing and may be varied or revoked by the Scottish Ministers.

(4) In this section “traffic signs” has the same meaning as in section 64 of the Road Traffic Regulation Act 1984 (c.27).

50  Non-domestic rating exemption

After section 8AA of the Valuation and Rating (Scotland) Act 1956 (c.60) there shall be inserted—

“8B  Property used for road user charging scheme to be excluded from valuation roll

(1) There shall not be entered in the valuation roll any lands and heritages—

(a) that consist of a road in respect of which charges are imposed by a charging scheme made under Part 2 of the Transport (Scotland) Act 2000 (asp 00); or

(b) subject to subsection (2) below, that are used solely for or in connection with the operation of such a scheme.

(2) Lands and heritages such as are mentioned in subsection (1)(b) above do not include office buildings.”.
Workplace parking licensing schemes

51 Licensing schemes

(1) A licensing scheme may be made by a local traffic authority or by two or more such authorities acting jointly.

(2) A licensing scheme may cover the whole or any part of the area, or combined area, of the licensing authority or authorities.

(3) A licensing scheme may be made only if—
   (a) the licensing authority, or each of the licensing authorities, proposing to make the scheme have a local transport strategy; and
   (b) the scheme appears desirable to the authority, or each of them, for the purpose of directly or indirectly facilitating the achievement of policies in their strategy.

(4) A licence relating to premises shall cover the provision at the premises of the number of workplace parking places requested by the applicant for the licence.

(5) Charges imposed in respect of any premises by a licensing scheme shall be paid—
   (a) by the occupier of the premises; or
   (b) in such circumstances as the Scottish Ministers may by regulations specify, by such other person as may be so specified.

(6) In this Part of this Act—
   “licence” means a licence under a licensing scheme;
   “licensing authority”, in relation to a licensing scheme made or proposed to be made by one authority, means the authority by which the licensing scheme is or is proposed to be made;
   “licensing authorities”, in relation to a licensing scheme made or proposed to be made jointly by more than one authority, means the authorities by which the licensing scheme is or is proposed to be made; and
   “licensing scheme” means a scheme for imposing charges in respect of the provision of workplace parking places at premises in the area covered by the scheme to be paid on licences covering the provision of a maximum number of such parking places at the premises.

52 Workplace parking places

(1) For the purposes of this Part of this Act a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time occupied by a motor vehicle (other than an exempt vehicle) used—
   (a) by a relevant person;
   (b) by an employee, agent, supplier, business customer or business visitor of a relevant person;
   (c) by a person attending a course of education or training provided by a relevant person; or
   (d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,
for the purpose of attending a place at which the relevant person carries on business at or in the vicinity of the premises.

(2) In this section “relevant person” means—
(a) the person who provides the parking place in question ("the provider");
(b) any person with whom the provider has entered into arrangements to provide the parking place (whether or not for that person’s own use); or
(c) any person who is associated with—
(i) the provider; or
(ii) a person within paragraph (b) above.

(3) For the purposes of subsection (2)(c) above any two persons are associated if and only if—
(a) one is a company of which the other (directly or indirectly) has control; or
(b) both are companies of which a third person (directly or indirectly) has control.

(4) For the purposes of this section—
"business" includes—
(a) any trade, profession, vocation or undertaking;
(b) the functions of any office-holder;
(c) the provision of any course of education or training; and
(d) the functions of, or any activities carried on by, the Scottish Administration, a government department or a local authority or other statutory body;

“business customer”, in relation to a relevant person, means a client or customer of the relevant person who is attending at any premises occupied by the relevant person for the purposes of a business carried on by that client or customer;

“business visitor”, in relation to a relevant person, means an individual who—
(a) in the course of the individual’s employment; or
(b) in the course of carrying on a business or for the purposes of a business carried on by the individual;

is visiting the relevant person or any premises occupied by the relevant person;

“employee” means a person employed under a contract of service or apprenticeship, whether express or implied, and (if express) whether oral or in writing; and

“supplier”, in relation to a relevant person, means—
(a) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person; or
(b) any agent or sub-contractor of such a person.

(5) The Scottish Ministers may make regulations amending subsections (1) to (4) above for the purpose of adding, removing or varying cases where, for the purposes of this Part of this Act, a workplace parking place is provided.
53  **Licensing schemes to be made, varied and revoked by order**

(1) A licensing scheme shall be contained in an order made by the licensing authority or the licensing authorities (acting jointly).

(2) Any licensing scheme may be varied or revoked by order made by the licensing authority or authorities (acting jointly) who made the scheme.

(3) The Scottish Ministers may by regulations make provision as respects orders made under this section, including (in particular)—

(a) provision specifying the form of orders;

(b) provision about consultation on proposals for orders (including the publication of such proposals and the making and consideration of objections to proposals); and

(c) provision about the publication of notice of orders and of their effect.

54  **Confirmation of orders**

(1) A licensing scheme shall not come into force unless the order making it has been submitted to and confirmed by the Scottish Ministers; and a variation or revocation of such a licensing scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.

(2) Subsection (1) above shall not apply in such circumstances as may be specified in, or determined in accordance with, regulations made by the Scottish Ministers.

(3) Where confirmation of an order is required by this section, the order may be confirmed by the Scottish Ministers—

(a) in the form in which it is submitted; or

(b) subject to such modifications as they may specify.

55  **Licensing schemes: consultation and inquiries**

(1) The licensing authority or licensing authorities (acting jointly) may, at any time before an order making, varying or revoking a licensing scheme is made, consult other persons about the scheme or, as the case may be, the variation or revocation.

(2) Where an order making, varying or revoking a licensing scheme is submitted to the Scottish Ministers under section 54 of this Act they may at any time before the order is confirmed—

(a) consult; or

(b) require the licensing authority or authorities to consult, other persons about the licensing scheme or, as the case may be, the variation or revocation.

(3) The Scottish Ministers—

(a) may cause an inquiry to be held in relation to a licensing scheme, or the variation of such a scheme; and

(b) may appoint the person or persons by whom such an inquiry is to be held.

(4) Subsections (4) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c.65) (witnesses and costs at inquiries) shall apply in relation to any inquiry held by virtue of this section.
56  Matters to be dealt with in licensing schemes

(1) A licensing scheme shall—
   (a) designate the area covered by the licensing scheme (in this Part of this Act such an area being referred to as the “licensing area”);
   (b) state the days on which, and hours during which, a licence is required;
   (c) specify the charges payable on licences (expressed as a specified sum of money for each licensed unit); and
   (d) specify the period during which it is to remain in force.

(2) Subject to section 51(2), and to any modifications made by virtue of section 54(3)(b), of this Act, the designation by a licensing scheme of the boundaries of the licensing area shall be such as the licensing authority or authorities may determine.

(3) The charges that may be imposed by a licensing scheme include different charges (which may be no charge) for different cases, including (in particular)—
   (a) different days;
   (b) different times of day;
   (c) different parts of the licensing area;
   (d) different classes of motor vehicles; and
   (e) different numbers of licensed units.

(4) In setting the charges imposed by a licensing scheme, the licensing authority or authorities (acting jointly) shall have regard to the purposes for which the authority or authorities are, in accordance with schedule 1 to this Act, to apply any of the net proceeds of the licensing scheme.

(5) A licensing scheme may include provision for or in connection with—
   (a) the making of an application for a licence;
   (b) the grant of a licence;
   (c) the issue of a licence; and
   (d) the variation or revocation of a licence.

(6) In this section “licensed unit”, in relation to a licence relating to premises, means each unit comprised in the maximum number of workplace parking places which may be provided at the premises under the cover of the licence.

57  Licensing schemes: exemptions etc.

(1) The Scottish Ministers may make regulations requiring licensing schemes to contain provision for or in connection with exemptions from licensing.

(2) Subject to any regulations made under subsection (1) above, a licensing scheme may contain provision for or in connection with exemptions from licensing.

(3) The same premises shall not be subject to more than one licensing scheme at the same time.
(4) In subsections (1) and (2) above the references to exemptions from licensing include (as well as exemptions in respect of any description of premises, persons or motor vehicles) exemptions of a specified number of parking places provided at any premises from being workplace parking places, either generally or in the case of any description of premises, persons or motor vehicles.

58 Licences

(1) A licence shall—
   (a) state the name of the person to whom it is granted;
   (b) specify the period during which it shall remain in force;
   (c) identify the premises to which it relates;
   (d) specify the maximum number of motor vehicles (not counting exempt vehicles) which may be parked at those premises at any one time; and
   (e) state the amount of the charge paid on the licence and set out the calculation of that amount.

(2) A licence may be granted subject to conditions.

(3) A licensing scheme may make provision for or in connection with the granting of licences in special circumstances specified in, or determined in accordance with, the licensing scheme; and, in connection with the granting of such licences, such a licensing scheme may include provision conferring a discretion on any person.

(4) A licence such as is mentioned in subsection (3) above shall be granted for a period of less than a year.

(5) A person commits an offence if the person intentionally provides false or misleading information in or in connection with an application for a licence.

(6) A person guilty of an offence under subsection (5) above is liable—
   (a) on summary conviction, to a fine not exceeding the statutory maximum; or
   (b) on conviction on indictment, to a fine.

59 Penalties and liability for charges payable on a licence

(1) The Scottish Ministers may by regulations make provision for or in connection with the imposition, notification, payment, adjudication and enforcement of charges (in this section and in section 60 of this Act any such charges being referred to as “licensing scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with licensing schemes.

(2) Regulations under this section may include provision for or in connection with setting the rates of licensing scheme penalty charges (which may include provision for surcharges or discounts).

(3) Licensing scheme penalty charges in respect of any premises shall be paid—
   (a) by the occupier of the premises; or
   (b) in such circumstances as may be specified in regulations under this section, by such other person as may be so specified.
Regulations under this section may contain provision specifying who is the occupier, or who are the occupiers, of premises in circumstances specified in the regulations (including, if appropriate, provision for making a number of persons jointly and severally liable to pay charges on a licence in respect of premises or any licensing scheme penalty charges).

60 Rights of entry

(1) Where a person duly authorised in writing by the licensing authority, or any of the licensing authorities, in relation to a licensing scheme has reason to believe that workplace parking places are being provided at any premises in the licensing area, the person may at any reasonable time enter the premises for the purpose of ascertaining—

(a) whether any workplace parking places are being provided at the premises without—

(i) a licence; or

(ii) a licence covering all the workplace parking places being provided; or

(b) whether there is or has been any contravention of the conditions of a licence in respect of the premises.

(2) A person duly authorised in writing by the licensing authority, or any of the licensing authorities, in relation to a licensing scheme may at any reasonable time enter any premises for the purpose of issuing notice of a licensing scheme penalty charge.

(3) A person authorised under subsection (1) or (2) above to enter any premises shall, if so required, produce evidence of the authorisation before so entering.

(4) Any person who intentionally obstructs a person acting in the exercise of powers conferred under subsection (1) or (2) above shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine.

(5) Where any land is damaged in the exercise of a right of entry conferred under subsection (1) or (2) above, compensation in respect of that damage may be recovered by any person interested in the land from the authority on whose behalf the entry was effected.

(6) The provisions of section 86 of the Town and Country Planning (Scotland) Act 1997 (c.8) shall apply in relation to compensation under subsection (5) above as they apply in relation to compensation under Part IV of that Act.

General and supplementary

61 Financial provisions about schemes

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

62 Powers of authorities

The charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme (or any proposal for a charging scheme or licensing scheme) may—
(a) incur expenditure in or in connection with the making, establishment or operation of the charging scheme or licensing 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 licensing scheme or relating to the installation or operation of any equipment used for or in connection with the operation of the charging scheme or licensing scheme.

### 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 licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme for or in connection with the exercise of any of their functions with respect to the charging scheme or licensing scheme.

(2) Information obtained by the charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme for or in connection with any of their functions other than their functions with respect to the charging scheme or licensing scheme may be used by them for or in connection with the exercise of any of their functions with respect to the charging scheme or licensing 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 licensing 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 62(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 or licensing 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 or licensing scheme.

### 64 Determination of disputes, appeals and evidence

(1) The Scottish Ministers may by regulations make provision for or in connection with—

(a) appeals against decisions relating to licences under licensing schemes or any failure to make any such decision;
(b) the determination of disputes relating to charging schemes or licensing schemes; and

c) appeals against such determinations or any failure to make any such determination.

(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 or licensing 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.

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 40 to 50 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 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 subsection (2) 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 conferred by —
(a) regulations made under section 47(2) of this Act; or
(b) section 60(1) or (2) of this Act,
shall be exercisable in relation to any motor vehicle in the public service of the Crown or any premises held or used by or on behalf of the Crown.

(6) Nothing in this section affects Her Majesty in her private capacity.

67 **Interpretation of Part 3**

(1) In this Part of this Act—

“charging authority” and “charging authorities” have the meanings given by section 40(5) of this Act;

“exempt vehicle”, in relation to a licensing scheme, means a motor vehicle exempt from licensing under the scheme by virtue of regulations under subsection (1) of section 57 of this Act or provision included in the scheme by virtue of subsection (2) of that section;

“licence” shall be construed in accordance with section 51(6) of this Act;

“licensing area” shall be construed in accordance with section 56(1)(a) of this Act;

“licensing authority” and “licensing authorities” have the meanings given by section 51(6) of this Act;

“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;

“operation” includes enforcement (related expressions being construed accordingly);

“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 act, omission, event or circumstances in respect of which the charge is imposed; and

“workplace parking place” shall be construed in accordance with section 52 of this Act.

(2) Any reference in this Part of this Act to a class of motor vehicles is a reference to a class defined or described, by reference to any characteristics of the motor vehicles or to any other circumstances whatsoever, in regulations made by the Scottish Ministers.
PART 4
MISCELLANEOUS

Travel concession schemes

The Scottish Ministers may by order require such local transport authority as may be specified in the order, or two or more such authorities acting jointly, to make a scheme covering such area as may be specified in the order for the provision of travel concessions to eligible persons travelling on eligible services on eligible journeys (any such scheme being referred to in this section as a “travel concession scheme”).

Any area specified in an order under subsection (1) above shall be the whole or any part of the area, or combined area, of the authority, or authorities, so specified.

An order imposing a requirement on an authority, or two or more authorities, under subsection (1) above may include such provision as respects any scheme established by that authority, or those authorities, under section 93 of the 1985 Act, which covers the whole or part of the area specified in such order as the Scottish Ministers consider necessary or expedient in consequence of such order.

A travel concession scheme made by virtue of subsection (1) above shall include such provision—

(a) as respects the rate of travel concession;
(b) as respects the days and times during which travel concessions shall be provided;
(c) requiring the authority, or authorities, to reimburse operators for providing travel concessions under the scheme;
(d) as respects the enforcement of the scheme; and
(e) as respects such other matters relating to the content and operation of the scheme, as may be specified in the order under that subsection.

A requirement such as is mentioned in paragraph (c) of subsection (4) above may, in particular, make provision—

(a) with respect to the determination by the authority, or authorities, of the amounts to be paid by them to individual operators, or to any class of operators, by way of reimbursement;
(b) as to the manner of making any payments due to operators by way of reimbursement;
(c) about the terms on which, and the extent to which, the authority, or authorities, may employ any person as their agent for the purpose of making payments due to operators by way of reimbursement and the descriptions of persons who may be so employed; and
(d) as to the publication and notification by authorities of proposed arrangements, or proposed variations of arrangements, in respect of reimbursement.

In this section—

“eligible journey”, in relation to a travel concession scheme, means a journey—

(a) between places in the area covered by the scheme;
(b) between such places and places outwith, but in the vicinity of, that area; or
(c) between places outwith, but in the vicinity of, that area;

“eligible person”, in relation to a travel concession scheme, means a person who resides in the area covered by the scheme and—

(a) has attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c.26)); or

(b) suffers from a disability, or injury, of such description as the Scottish Ministers may by order specify;

“eligible service” means—

(a) a service, of a class specified in an order made by the Scottish Ministers, using a public service vehicle (within the meaning of the Public Passenger Vehicles Act 1981 (c.14));

(b) a transport service by water which carries passengers and operates regularly between two or more points both or all of which are in Scotland; and

(c) a service of such other description as the Scottish Ministers may by order specify; and

“travel concession”, in relation to a journey, means reduction of the fare (within the meaning of that Act of 1981) for the journey below the amount applicable to an adult who is not entitled to any reduction.

**Bridges**

69 Joint boards for management, maintenance etc. of certain bridges

(1) Where—

(a) a body other than a roads authority is under any enactment responsible for the management and maintenance of a bridge constructed in pursuance of powers conferred by, or by an order made under or confirmed by, any enactment (any such body being referred to in this section as a “relevant body”); and

(b) the functions of the relevant body relate solely to such a bridge,

the Scottish Ministers may by order dissolve the relevant body.

(2) An order under this section may—

(a) transfer to a joint board comprised of such local authorities as may be specified in the order (such authorities being referred to in this section as the “constituent authorities”) such property, rights and liabilities of the relevant body to which the order relates as may be so specified;

(b) confer on such a joint board such functions in connection with the bridge as may be specified in the order;

(c) delegate to such a joint board such functions, relating to transport across the river spanned by the bridge, of the constituent authorities as may be specified in the order;

(d) make provision in connection with the transfer of staff employed by or for the purposes of such body;

(e) without prejudice to the generality of paragraph (d) above, make provision regarding liability for the payment of any pensions, allowances or gratuities which would otherwise have been the responsibility of such body; and
(f) make such incidental, supplementary, consequential, saving or transitional provision (including provision amending, repealing or revoking enactments) as appears to the Scottish Ministers to be necessary or expedient.

(3) A joint board constituted by order under this section—

(a) shall be deemed for all purposes to be a joint board within the meaning of the Local Government (Scotland) Act 1973 (c.65) constituted under that Act; and

(b) shall be deemed for the purposes of Part 3 of this Act to be a local traffic authority in relation to any road carried by the bridge.

(4) For the purposes of this section—

“enactment” includes a local and personal or private Act;

“river” includes estuary; and

“roads authority” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984 (c.54).

Motor vehicles used by disabled persons

Badges for display on motor vehicles used by disabled persons: enforcement

In section 21 of the Chronically Sick and Disabled Persons Act 1970 (c.44) (badges for display on motor vehicles used by disabled persons)—

(a) after subsection (4B) there shall be inserted—

“(4BA) Where there is displayed on any motor vehicle a badge which appears to a constable to be, or to purport to be, of a form prescribed under subsection (1) above, he may require—

(a) any person who appears to the constable to be, or to have been, using the vehicle; or

(b) any person in the vehicle (other than a person such as is mentioned in paragraph (a) above),

to produce the badge for examination.

(4BB) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (4BA) above shall be guilty of an offence.”;

(b) in subsection (4C), after “(4B)” there shall be inserted “or (4BB)”;

(c) after subsection (8) there shall be inserted—

“(8A) In subsection (4BA) above, “constable” has the same meaning as in the Police (Scotland) Act 1967 (c.77); but includes a traffic warden and a parking attendant.”.

School crossing patrols

Patrolling school crossings

(1) The Road Traffic Regulation Act 1984 (c.27) shall be amended as follows.
(2) In section 26(1) (arrangements for patrolling places where children cross roads during certain periods) the words “during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way,” are repealed.

(3) After section 26(1) there shall be inserted—

“(1A) Arrangements under subsection (1) above may be made for patrolling places at such times as the appropriate authority think fit.”.

(4) In section 28(1) (power to stop vehicles at school crossings)—

(a) the words “between the hours of eight in the morning and half-past five in the afternoon” are repealed;

(b) for the words “children on their way to or from school, or from one part of a school to another, are” there shall be substituted “a person is”.

(5) In section 28(2)(a) (duty to stop vehicle before reaching place where children are crossing) for the words—

(a) “children are” there shall be substituted “person is”; and

(b) “their” there shall be substituted “his”.

(6) In section 28(5)—

(a) paragraph (c) (presumption that children were on their way to school etc.); and

(b) the word “and” immediately preceding it, are repealed.

Bicycle and motor cycle stands

72 Stands etc. for bicycles and motor cycles

(1) The Road Traffic Regulation Act 1984 (c.27) shall be amended as follows.

(2) In section 63 (power of authorities to provide stands for racks for bicycles) for “and racks for bicycles” there shall be substituted “or racks for, or devices for securing, bicycles or motor cycles”.

(3) In section 136(4) (meaning of “motor cycle”) for the words “section 57” there shall be substituted “sections 57 and 63”.

PART 5
GENERAL

73 Guidance

(1) The Scottish Ministers may issue guidance to—

(a) local traffic authorities in relation to charging schemes and licensing schemes;

(b) local transport authorities in relation to quality partnership schemes, quality contract schemes, ticketing schemes and the provision of information under section 31 of this Act; and

(c) local transport 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 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.

74 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.

75 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 orders made under 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 15(10)(a) or (b), 18(2)(b), 68(1) or 69(1) of this Act; or

(b) regulations under section 52(5) of this Act,

shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.
76 Interpretation

(1) In this Act—

“charging scheme” has the meaning given by section 40(5) of this Act;

“licensing scheme” has the meaning given by section 51(6) 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, in accordance with guidance issued under section 73 of this Act, by a local transport authority relating to transport in their area;

“quality contract scheme” shall be construed in accordance with section 12(5) of this Act;

“quality partnership scheme” shall be construed in accordance with section 3(4) of this Act;

“road” has the same meaning as in section 151 of the Roads (Scotland) Act 1984 (c.54);

“the 1985 Act” means the Transport Act 1985 (c.67); and

“ticketing scheme” shall be construed in accordance with section 26(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—

section 3(4)(a);

section 5(2)(a) and (4)(a);

section 7(1) and (2);

section 12(6) and (7);

section 18;

section 19;

section 21;

section 30(4);

section 31; and

section 68.

77 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.
78 Short title and commencement

(1) This Act may be cited as the Transport (Scotland) Act 2000.

(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.
SCHEDULE 1
(introduced by section 61)

ROAD USER CHARGING AND WORKPLACE PARKING LEVY: FINANCIAL PROVISIONS

Interpretation

1 In this schedule—

“financial year” means a period of 12 months ending with 31st March;

“net proceeds” means the amount (if any) by which the gross amount received under a relevant scheme for a financial year exceeds the expenses of operating the scheme for the financial year;

“relevant authority”, in relation to a relevant scheme made by one authority, means the authority by which the scheme is made;

“relevant authorities”, in relation to a relevant scheme made jointly by more than one authority, means the authorities by which the scheme is made; and

“relevant scheme” means a charging scheme or licensing scheme.

Net proceeds

2 In ascertaining the net proceeds of any relevant scheme for a financial year, the expenses of operating the scheme in the financial year shall be taken to include—

(a) amounts attributed to the financial year in respect of depreciation of assets used in connection with the scheme;

(b) other amounts attributed to the financial year in respect of capital or revenue costs which were incurred for the purpose of making or operating the scheme and which fall to be apportioned between different financial years; and

(c) interest on sums borrowed in connection with the making or operation of the scheme.

Apportionment

3 A relevant scheme which is made by two or more authorities jointly shall provide for the net proceeds of the scheme to be apportioned between the relevant authorities.

4 References in this schedule to an authority's share of the net proceeds of a relevant scheme are—

(a) where the net proceeds of the scheme are apportioned as provided by paragraph 3 above, to so much of the net proceeds of the scheme as are apportioned to the authority; and

(b) otherwise, to the net proceeds of the scheme.

Accounts and funds

5 (1) An account, in the prescribed form, of the income and expenditure in respect of each relevant scheme shall be kept for each financial year by the relevant authority or jointly by the relevant authorities.
(2) As soon as possible after the end of each financial year the relevant authority or authorities shall prepare a statement of the account, in the prescribed form, for the financial year.

(3) A statement of account required to be prepared under sub-paragraph (2) above for any financial year by a relevant authority (whether or not jointly with another relevant authority) shall be published, in the prescribed manner, in the annual accounts of the authority for the financial year.

(4) In this paragraph “prescribed” means prescribed by regulations made by the Scottish Ministers.

Application of proceeds by relevant authorities

6 (1) A relevant authority's share of the net proceeds of any relevant scheme is available only for application by—

(a) the authority for the purpose of directly or indirectly facilitating the achievement of policies in the authority’s local transport strategy; or

(b) a relevant authority selected (the “selected authority”) by the authority whose share it is for the purpose of directly or indirectly facilitating the achievement of any policies of the selected authority’s local transport strategy in a way which will benefit the whole or any part of the area of the relevant authority whose share it is.

(2) A share of the net proceeds of a relevant scheme may be applied in accordance with sub-paragraph (1) above only in ways which provide value for money.

SCHEDULE 2
(introduced by section 77)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Finance Act 1965 (c.25)

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 2000)”; 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 (4) there shall be inserted—

“(5) For the purposes of this section “enactment” includes an Act of the Scottish Parliament.”.

Road Traffic Regulation Act 1984 (c.27)

3 (1) Section 1 of the Road Traffic Regulation Act 1984 (traffic regulation orders) shall be amended in accordance with this paragraph.
(2) In subsection (3)—

   (a) after “State” there shall be inserted “or, as the case may be, the Scottish Ministers”; and

   (b) after “is” there shall be inserted “or they are”.

(3) 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 2000 (asp 00); and

   (b) the consent of the Secretary of State or, as the case may be, the Scottish Ministers is obtained.”.

Transport Act 1985 (c.67)

(1) The 1985 Act shall be amended in accordance with this paragraph.

(2) In section 63 (functions of local councils with respect to passenger transport in areas other than passenger transport areas), subsection (3) is repealed.

(3) 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 2000 (asp 00) 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.”.

(4) 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 34(6) of the Transport (Scotland) Act 2000 (asp 00), 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.”.

(5) 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 2000 (asp 00).”.

(6) 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 2000 (asp 00)”; and

(b) in subsection (2), after paragraph (a) there shall be inserted—

“(aa) in accordance with any scheme made under section 68(1) of the Transport (Scotland) Act 2000; or”.

(7) 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 2000 (asp 00).”.
An Act of the Scottish Parliament to make provision about transport; to make provision as respects certain bridges; to amend section 21 of the Chronically Sick and Disabled Persons Act 1970; to amend sections 26, 28 and 63 of the Road Traffic Regulation Act 1984; and for connected purposes.

Introduced by: Sarah Boyack
On: 5 June 2000
Supported by: Mr Jim Wallace, Mr Jack McConnell, Ms Wendy Alexander
Bill type: Executive Bill