

Transport (Scotland) Bill

Revised 2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

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Low emission zones: regulations on traffic signs
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Low emission vehicles: support for purchase and use of low emission vehicles in rural areas
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Bus services: provision of local services by local authorities
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Bus services: provision of local services by community bodies
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Notes on amendments in this group

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Bus franchises: franchising by multi-authorities and Regional Transport Partnerships

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Notes on amendments in this group

Amendment 215 pre-empted amendments 99, 100 and 101 in Group “Bus services: minor and technical amendments”

Bus services: provision of information about local services

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Notes on amendments in this group

Amendment 129 pre-empts amendment 130 in group “Dropped footway parking prohibition”

Amendment 129 pre-empts amendments 131 and 303

Dropped footway parking prohibition

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Notes on amendments in this group

Amendment 130 is pre-empted by amendment 129 in group “Pavement parking prohibition: exceptions including width of vehicle intrusion on pavement”

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Notes on amendments in this group

Amendment 205 pre-empts amendments 62 and 63

Low emission zones: power to set emission standard

With 225 – 184

Low emission zones: identification of whether vehicle meets specified emission standard

With 28 – 29

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Amendments in debating order

Low emission zones and parking prohibitions: removal of approved devices

Michael Matheson

59 In section 15, page 7, line 23, after <remove> insert <, or secure the removal of,>

Michael Matheson

152 In section 50, page 61, line 18, at end insert—

<() The traffic authority may remove, or secure the removal of, anything installed under subsection (1).>

Low emission zones: regulations on traffic signs

Jamie Greene

204 After section 16, insert—

<Regulation of form of traffic signs

- (1) The Scottish Ministers must by regulations make provision for the form traffic signs to be used for or in connection with the operation of a low emission zone scheme are to take.
- (2) Regulations under subsection (1) may not make different provision for different areas or zones.
- (3) In subsection (1), “traffic signs” has the same meaning as in section 64(1) of the Road Traffic Regulation Act 1984 (general provision as to traffic signs).>

Low emission zones: financial, reporting and review provisions

Jamie Greene

207 In section 19, page 8, line 25, at end insert—

<() revoking a scheme.>

Jamie Greene

208 In section 19, page 8, line 26, leave out from <(including> to end of line 27 and insert <as may be agreed between the Scottish Ministers and the local authority.>

Jamie Greene

209 In section 21, page 9, line 4, at end insert—

<() contributing to the improvement, and encouraging the use, of low carbon and carbon-free transport within the zone, and>

Brian Whittle

227 In section 21, page 9, line 4, at end insert—

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<() contributing to the improvement of infrastructure and facilities (including, but not limited to, cycle lanes, pedestrian pathways and park-and-ride facilities) that encourage a reduction in the use of motor vehicles, and>

Michael Matheson

64 In section 21, page 9, line 5, before <making> insert <if (and only if) any surplus remains,>

John Finnie

210 In section 23, page 9, line 20, at end insert <, and
() lay a copy of the report before the Scottish Parliament.>

Jamie Greene

211 In section 23, page 9, line 20, at end insert—
<() A report under this section on the operation and effectiveness of the scheme must in particular include an assessment of—
(a) the costs of proposing, making and operating the scheme,
(b) the gross and net revenue gathered by the authority from the operation of the scheme, and
(c) details of how the revenue has been used to facilitate the achievement of the scheme's objectives.>

Jamie Greene

212 In section 24, page 9, line 22, at end insert—
<() A local authority may at any time carry out a review of the operation and effectiveness of a low emission zone scheme operated by it.>

Colin Smyth

65 In section 24, page 9, line 24, at end insert—
<() Without prejudice to the generality of subsection (1), a local authority may, from time to time, carry out a review of the operation and effectiveness of a low emission zone scheme operated by it.>

Low emission vehicles: support for purchase and use of low emission vehicles in rural areas

Claudia Beamish

228 After section 27, insert—

<PART

LOW EMISSION VEHICLES

Support for purchase and use of low emission vehicles in rural areas

- (1) The Scottish Ministers must by regulations make provision for support to be provided by them to encourage persons mentioned in subsection (2) to purchase and use low emission vehicles.

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- (2) The persons are those who—
 - (a) live in rural areas, and
 - (b) have a low income.
- (3) The regulations must set out definitions of—
 - (a) low emission vehicles,
 - (b) rural areas, and
 - (c) low income,for the purposes of this section.>

Claudia Beamish

- 253** In section 72, page 83, line 1, after <1(4)(b)> insert <, (*Support for purchase and use of low emission vehicles in rural areas*)>

Low emission distribution consolidation hubs

Claudia Beamish

- 229** After section 27, insert—

<PART

LOW EMISSION DISTRIBUTION CONSOLIDATION HUBS

Low emission distribution consolidation hubs

- (1) The Scottish Ministers must by regulations make provision—
 - (a) requiring prescribed local authorities to take such steps as may be prescribed for the purposes of establishing and operating, or securing the establishment and operation of, low emission distribution consolidation hubs, and
 - (b) for the support to be provided by the Scottish Ministers to prescribed local authorities for such purposes.
- (2) The steps that may be prescribed in regulations under subsection (1) include the consideration of co-operative models to support smaller businesses.
- (3) In subsection (1)—

“low emission distribution consolidation hubs” means—

 - (a) facilities located on the outskirts of urban areas which can receive goods on behalf of businesses located in those urban areas, and
 - (b) systems for the consolidated onward delivery of goods to those businesses using—
 - (i) low emission vehicles,
 - (ii) the smallest suitable vehicles, and
 - (iii) wherever practicable, pedal cycles and electrically assisted pedal cycles,

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for the purpose of ensuring that the distribution of goods is achieved with lower net emissions than would otherwise be the case,

“prescribed” means prescribed in regulations under subsection (1).

- (4) The regulations must set out definitions of—
- (a) low emission vehicles, and
 - (b) urban areas,
- for the purposes of this section.>

Claudia Beamish

- 254 In section 72, page 83, line 1, after <1(4)(b)> insert <, (*Low emission distribution consolidation hubs*)>

Bus services: provision of local services by local authorities

Michael Matheson

- 66 In section 28, page 11, line 36, leave out subsection (3)

Colin Smyth

- 67 In section 28, page 11, line 36, leave out subsection (3) and insert—
- <(3) In section 66 (exclusion of powers of certain councils to run bus undertakings)—
- (a) in subsection (1), leave out from “a council” to second “to” and insert “a council or (as the case may be) councils may”,
 - (b) for subsection (2), there is substituted—
- “(2) For the avoidance of doubt, any council or (as the case may be) councils who, at the time when this section comes into force, are providing any such service, may continue to provide such service.”.>

John Finnie

- 39 In section 28, page 11, line 36, leave out from <for> to end of line 37 and insert <the words from “or, in Scotland,” to “licence” are repealed.>

Michael Matheson

- 68 After section 28, insert—

<Local transport authority bus companies

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) Before section 3 insert—

“CHAPTER A1

Local transport authority controlled bus companies

2A Local transport authority controlled bus companies

- (1) A local transport authority (or two or more authorities acting jointly) may control a company that provides local services.

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- (2) The local transport authority (or authorities) must be satisfied, before forming or acquiring a company or using a company already controlled by them to provide local services, that the provision of such services by such a company will contribute to the implementation of their relevant general policies.
 - (3) For the purposes of this section, a local transport authority control a company if they have power to secure that the affairs of the company are conducted in accordance with their wishes, and have that power—
 - (a) by holding shares in the company or any other company,
 - (b) by possessing voting power in relation to the company or any other company, or
 - (c) by virtue of any powers conferred by—
 - (i) the articles of association of the company or any other company, or
 - (ii) any other document regulating the company or any other company.
 - (4) In this section—
 - (a) “company” has the same meaning as in the Companies Acts (see sections 1(1) and 2(1) of the Companies Act 2006), and
 - (b) the reference to forming a company is to be construed in accordance with section 7 of that Act.”.
- (3) In section 79(1) (guidance), after paragraph (b) insert—
- “(ba) local transport authorities in relation to the exercise of their functions under section 2A of this Act.”.>

Michael Matheson

172 In the schedule, page 84, line 20, at end insert—

- <() In section 66(1) (exclusion of powers of certain councils to run bus undertakings), for “section 71” substitute “section 2A of the Transport (Scotland) Act 2001 and sections 71 and 71A of this Act”.>

Michael Matheson

176 In the schedule, page 85, line 16, at end insert—

- <() in the definition of “relevant general policies”, in paragraph (a)(ii)—
- (A) after “relate to” insert “controlling a company that provides local services or”,
 - (B) for “a quality partnership scheme or a quality contract scheme” substitute “a partnership scheme or a franchising framework”.>

Michael Matheson

180 In the schedule, page 86, line 18 at end insert—

- <() before paragraph (a) insert—
- “(za) controlling a company that provides local services,”.>

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Bus services: provision of local services by community bodies

Neil Bibby

- 230** In section 28, page 12, line 6, after <may> insert <—
() ask a community transport body (within the meaning of section
(*Community transfer of operation of bus routes*) of the Transport
(Scotland) Act 2019) to provide such local services as they consider
necessary in order to meet the public transport requirement, or
()>

Neil Bibby

- 248** After section 34, insert—
- <Community transfer of operation of bus routes**
- (1) The Scottish Ministers must by regulations make a scheme making provision to enable a community transfer body (construed in accordance with section 77(1) of the Community Empowerment (Scotland) Act 2015) to make a request to operate a bus route.
 - (2) Without prejudice to the generality of subsection (1), the scheme must include provision equivalent to such provisions of Part 5 of the Community Empowerment (Scotland) Act 2015, with such modifications as the Scottish Ministers consider necessary to enable such a scheme to operate effectively.
 - (3) The first regulations under subsection (1) must be made not later than 6 months after the date of Royal Assent.>

Jamie Greene

- 248A** As an amendment to amendment 248, line 3, leave out <must> and insert <may>

Neil Bibby

- 249** After section 34, insert—
- <Community bus services**
- (1) In carrying out their duties under this Part, local transport authorities must have regard to the desirability of promoting community bus services.
 - (2) As soon as reasonably practicable after the end of each financial year, each local transport authority must submit information to the Scottish Ministers on how it has complied with subsection (1).
 - (3) As soon as reasonably practicable after receiving information from all local transport authorities under subsection (2), the Scottish Ministers must publish, and lay before the Parliament, a report setting out—
 - (a) what the impact has been of the operation of this Part on community bus services,
 - (b) what steps they have taken during that financial year to promote community bus services,
 - (c) a summary of information submitted to them under subsection (2).
 - (4) In preparing a report under subsection (3), the Scottish Ministers must consult—
 - (a) each local transport authority,

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- (b) the traffic commissioner,
 - (c) the chief constable of the Police Service of Scotland,
 - (d) the Competition and Markets Authority,
 - (e) representatives of community bus service providers, and
 - (f) such other persons as the Scottish Ministers think fit.
- (5) For the purposes of this section, “community bus services” has the meaning given by section 22(1) of the Transport Act 1985.>

Bus service improvement partnerships: content of partnership plan

Colin Smyth

- 69 In section 29, page 12, line 23, after <services> insert <(including, in particular, an analysis of how existing local services are meeting the needs of people in the area who are on a low income)>

Colin Smyth

- 70 In section 29, page 12, line 31, at end insert—

<() For the purposes of subsection (2)(c), the partnership plan must, in particular, describe how the scheme (or schemes) is intended to meet objectives as regards the quality and effectiveness of local services in meeting for the needs of persons—

- (a) who are on a low income,
- (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

- 71 In section 29, page 12, line 33, after <services> insert <and other persons living or working>

Colin Smyth

- 72 In section 29, page 12, line 37, at end insert—

<() For the purposes of subsection (3)(a), a partnership plan must, in particular, describe the proposals for obtaining the views of persons—

- (a) who have experience of poverty,
- (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

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Bus service improvement partnerships: facilities and measures

Michael Matheson

- 73 In section 29, page 15, line 23, after <facility> insert <or the taking of a measure>

Michael Matheson

- 77 In section 29, page 16, line 6, leave out <Subsection (2) does> and insert <Subsections (2) and (3) do>

Michael Matheson

- 78 In section 29, page 16, line 7, after <facility> insert <or, as the case may be, take the measure,>

Michael Matheson

- 170 In the schedule, page 84, line 11, after <facilities> insert <or the taking of a measure>

Michael Matheson

- 171 In the schedule, page 84, line 14, at end insert—
<() In schedule 9 (variation or revocation of certain traffic regulation orders), in paragraph 27(3), for the words from “pursuant” to “scheme” substitute “or the taking of a measure pursuant to a scheme implementing a bus services improvement partnership”.>

Michael Matheson

- 179 In the schedule, page 85, line 32, at end insert—
<() after subsection (4)(b) insert—
“(c) regulations under section 3L(2)(c) which make provision about what may constitute a facility or measure.”.>

Bus service improvement partnerships: traffic regulation orders

Michael Matheson

- 74 In section 29, page 15, line 25, at end insert <(within the meaning of section 121A of the Road Traffic Regulation Act 1984).>

Michael Matheson

- 75 In section 29, page 15, line 26, leave out <or varied unless it is made or varied> and insert <, postponed, varied or revoked unless it is made, postponed, varied or revoked>

Michael Matheson

- 76 In section 29, page 15, line 38, after <authority> insert <or (where section 3E applies) the Scottish Ministers>

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Michael Matheson

- 175 In the schedule, page 85, line 11, at end insert—
<() in subsection (1)—
(zi) at the beginning insert “Subject to subsection (1A)”,>

Michael Matheson

- 177 In the schedule, page 85, line 23, at end insert—
<() after subsection (1) insert—
“(1A) The definition of “traffic regulation order” in subsection (1) does not apply for the purposes of chapter 1 of this Part.”.>

Bus service improvement partnerships: regulations on partnership time

Jamie Greene

- 281 In section 29, page 16, line 22, leave out <or periods which in total exceed 12 months> and insert <which exceeds 12 months, and may be postponed only once>

Michael Matheson

- 79 In section 29, page 16, line 25, at end insert—
<() The Scottish Ministers may by regulations amend subsection (2) to specify a different total period of postponement than the one for the time being specified there.>

Jamie Greene

- 79A As an amendment to amendment 79, line 3, after <postponement> insert <(being a period of no longer than 24 months)>

Jamie Greene

- 282 In section 29, page 17, line 12, leave out <or periods which in total exceed 12 months> and insert <which exceeds 12 months, and may be postponed only once>

Michael Matheson

- 80 In section 29, page 17, line 21, at end insert—
<() The Scottish Ministers may by regulations amend subsection (5) to specify a different total period of postponement than the one for the time being specified there.>

Jamie Greene

- 80A As an amendment to amendment 80, line 3, after <postponement> insert <(being a period of no longer than 24 months)>

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Michael Matheson

- 178 In the schedule, page 85, line 31, leave out <after “41(1)” insert “> and insert <for “41(1) of this Act” substitute “3G(4), 3H(7),>

Bus service improvement partnerships: reports on partnership schemes

Jamie Greene

- 231 In section 29, page 17, line 39, at end insert—
- <() A report under subsection (1) must include information—
- (a) on the achievement within the period covered by the report of—
 - (i) the objectives to be met as regards the quality and effectiveness of the services to which the scheme relates,
 - (ii) any service standards imposed by the scheme,
 - (b) on bus speeds at both peak and off-peak times, and
 - (c) where the progress towards achieving the objectives and service standards is not satisfactory, on the steps the local authority intends to take.>

Bus service improvement partnerships: provision of information by operators

Michael Matheson

- 81 In section 29, page 18, line 7, at end insert—
- <3JA **Provision of information: bus services improvement partnerships**
- (1) This section applies if a local transport authority are exercising any of the following functions—
 - (a) preparing and making a partnership plan or scheme,
 - (b) reviewing the effectiveness of a partnership plan or scheme, or
 - (c) determining whether and how to vary, or revoke, a partnership plan or scheme.
 - (2) The local transport authority may require an operator of a local service in the relevant area to provide them with such relevant information relating to the function being exercised as they may specify.
 - (3) The local transport authority must specify the function it is exercising when requiring the provision of relevant information.
 - (4) The operator may be required to provide the information—
 - (a) in any form which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide, and
 - (b) before the end of such period as may be specified by the local transport authority.

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- (5) A local transport authority that have obtained relevant information under this section may only—
 - (a) use the information for the purpose of exercising the function for which it was obtained, and
 - (b) supply the information to a person listed in subsection (6) for use in connection with that function.
- (6) The persons are—
 - (a) a local transport authority,
 - (b) persons providing services to the local transport authority in connection with the function being exercised,
 - (c) where section 3E applies, the Scottish Ministers.
- (7) A person who receives relevant information under subsection (5)(b) must not disclose it to any other person or use it in connection with a purpose other than the specified function.
- (8) A person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where an offence under subsection (8) committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.
- (11) In this section, “relevant information” means information of a description specified in regulations made by the Scottish Ministers.
- (12) Regulations under subsection (11) may specify circumstances in which relevant information (or types of relevant information) may not be required by a local transport authority.>

Colin Smyth

82 In section 29, page 18, line 40, at end insert—

<() the level of information that must be provided by an operator to a local transport authority for the purpose of developing a plan or scheme.”>

Michael Matheson

98 In section 32, page 42, line 34, at end insert—

<13QA Provision of information: local services franchises

- (1) This section applies if a local transport authority are exercising any of the following functions—
 - (a) preparing and making a franchising framework,
 - (b) reviewing the effectiveness of a franchising framework, or
 - (c) determining whether and how to vary, or revoke, a franchising framework.

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- (2) The local transport authority may require an operator of a local service in the relevant area to provide them with such relevant information relating to the function being exercised as they may specify.
- (3) The local transport authority must specify the function it is exercising when requiring the provision of relevant information.
- (4) The operator may be required to provide the information —
 - (a) in any form which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide, and
 - (b) before the end of such period as may be specified by the local transport authority.
- (5) A local transport authority that have obtained relevant information under this section may only—
 - (a) use the information for the purpose of exercising the function for which it was obtained, and
 - (b) supply the information to a person listed in subsection (6) for use in connection with that function.
- (6) The persons are—
 - (a) a local transport authority,
 - (b) an auditor appointed by the local transport authority under section 13F,
 - (c) any other person providing services to the local transport authority in connection with the function being exercised,
 - (d) a panel appointed under section 13J(2) or 13O(2).
- (7) A person who receives relevant information under subsection (5)(b) must not disclose it to any other person or use it in connection with a purpose other than the specified function.
- (8) A person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where an offence under subsection (8) committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.
- (11) In this section, “relevant information” means information of a description specified in regulations made by the Scottish Ministers.
- (12) Regulations under subsection (11) may specify circumstances in which relevant information (or types of relevant information) may not be required by a local transport authority.>

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Colin Smyth

102 In section 32, page 43, line 27, at end insert—

<() the level of information that must be provided by an operator to a local transport authority in connection with the process,>

Michael Matheson

174 In the schedule, page 85, line 2, at end insert—

<(b) after subsection (1)(b) insert—

“() failed to comply with a requirement to provide information (including a requirement to provide it within a specified time or in a specified form) under section 3JA(2) or 13QA(2),”.>

Bus services: fair work

Colin Smyth

232 In section 29, page 18, line 22, at end insert—

<3KA Fair work direction

- (1) The Scottish Ministers must issue a direction to each local transport authority about fair work within 1 year of this section coming into force.
- (2) The direction—
 - (a) must—
 - (i) stipulate that each bus service improvement partnership plan is to specify that each local transport authority or (as the case may be) operator of a local service must seek to promote fair work in exercising its functions,
 - (ii) set out what fair work means for the purposes of the direction, and
 - (b) may contain any other provision which the Scottish Ministers consider appropriate in relation to the promotion of fair work by a local transport authority or (as the case may be) operator of a local service.
- (3) Before issuing the direction, the Scottish Ministers must consult—
 - (a) local transport authorities,
 - (b) operators of a local service,
 - (c) persons who appear to the Scottish Ministers to represent the interests of employees of a local transport authority or operator of a local service.>

Colin Smyth

242 In section 32, page 43, line 12, at end insert—

<13RB Fair work direction

- (1) The Scottish Ministers must issue a direction to each local transport authority about fair work within 1 year of this section coming into force.
- (2) The direction—

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- (a) must—
 - (i) stipulate that each franchising framework is to specify that each local transport authority or (as the case may be) operator of a local service must seek to promote fair work in exercising its functions,
 - (ii) set out what fair work means for the purposes of the direction, and
- (b) may contain any other provision which the Scottish Ministers consider appropriate in relation to the promotion of fair work by a local transport authority or (as the case may be) operator of a local service.
- (3) Before issuing the direction, the Scottish Ministers must consult—
 - (a) local transport authorities,
 - (b) operators of a local service,
 - (c) persons who appear to the Scottish Ministers to represent the interests of employees of a local transport authority or operator of a local service.>

Bus services and transport information: accessibility

Colin Smyth

233 In section 29, page 18, line 40, at end insert—

- <() the standards and requirements that a scheme or plan may specify in respect of the accessibility of bus services for disabled persons and persons who have limited mobility.”.>

Colin Smyth

243 In section 32, page 43, line 27, at end insert—

- <() the standards and requirements that a franchising framework may specify in respect of the accessibility of local services for disabled persons and persons with limited mobility,>

Colin Smyth

109 After section 34, insert—

<Accessibility of new or refurbished stopping places

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) Before section 41, insert—

“40B Accessibility of new or refurbished stopping places

- (1) A local transport authority must comply with the duty in subsection (2).
- (2) The duty is that any new or refurbished stopping place must—
 - (a) be accessible for a person who has a disability arising from a physical or mental impairment (construed in accordance with section 31 of the Social Security (Scotland) Act 2018),
 - (b) not share any part of the carriageway with a cycle track,

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- (c) not require a person using a local service to use steps when entering or alighting from a public service vehicle,
- (d) not contain any thing that could obstruct the right of passage of a person using a local service.

(3) The Scottish Ministers may by regulations vary the duty in subsection (2).”.>

Jamie Greene

109A As an amendment to amendment 109, line 7, after <must> insert <where practicable>

Jamie Greene

109B As an amendment to amendment 109, leave out lines 11 to 15

Colin Smyth

250 After section 34, insert—

<Disability awareness training for public service vehicle drivers

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) Before section 41 insert—

“40A Disability awareness training for public service vehicle drivers

- (1) This section applies to a person who is employed by an operator of a local service to drive a public service vehicle.
- (2) An operator of a local service must—
 - (a) take reasonable steps to ensure that a person mentioned in subsection (1) receives disability awareness training on an annual basis, and
 - (b) as soon as reasonably practicable after the end of each financial year, publish information setting out the steps it has taken to make available disability awareness training to persons mentioned in subsection (1).

(3) In this section, “disability awareness training” means an approved training course delivered by a training provider authorised by the local transport authority for the purpose of raising awareness of disability issues.”.>

Jamie Greene

250A As an amendment to amendment 250, line 10, leave out <on an annual basis>

Jamie Greene

250B As an amendment to amendment 250, line 10, at end insert—

- <() take reasonable steps to ensure that such a person receives updated training where there are significant changes in legislation relating to disability issues, and>

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Jeremy Balfour

258* After section 34, insert—

<PART

ACCESSIBILITY OF TRANSPORT INFORMATION

Accessibility of transport information

- (1) Not later than 12 months after the day of Royal Assent, the Scottish Ministers must publish a report setting out—
 - (a) the steps they have taken to ensure that all information about public transport services is provided in an accessible form,
 - (b) what action they or any other body will take as a result of the report's recommendations.
- (2) In preparing a report under subsection (1), the Scottish Ministers must consult—
 - (a) each local authority,
 - (b) each Regional Transport Partnership,
 - (c) the traffic commissioner,
 - (d) such persons as the Scottish Ministers consider to be representative of public transport users,
 - (e) such persons as the Scottish Ministers consider to be representative of disabled persons,
 - (f) such other persons as the Scottish Ministers think fit.
- (3) A report under subsection (1) must be laid before the Scottish Parliament.
- (4) For the purposes of subsection (1), “accessible form” has such meaning as the Scottish Ministers may specify, but includes—
 - (a) the availability of information in audible form, and
 - (b) the translation of information into Braille if requested.>

Bus service improvement partnerships: consultation on making, variation and revocation of partnership proposals

Jamie Greene

234 In section 30, page 19, line 24, at end insert—

<Sufficient number of persons

Where a local transport authority intend to prepare a partnership proposal, they must seek the approval of the traffic commissioner to what constitutes a sufficient number of persons for the purposes of paragraphs 5(1), 7(4), 15(1), 17(4) and 24 in relation to the proposal.>

Colin Smyth

83 In section 30, page 20, line 40, after <services> insert <and of other persons living or working in the area>

THIS IS NOT THE MARSHALLED LIST

Colin Smyth

84 In section 30, page 21, line 6, at end insert—

- <() For the purposes of sub-paragraph (4)(b), the local transport authority must consult, in particular, persons—
- (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

85 In section 30, page 22, line 18, after <services> insert <and of other persons living or working in the area>

Colin Smyth

86 In section 30, page 22, line 29, at end insert—

- <() For the purposes of sub-paragraph (3)(b), the local transport authority must give notice to, in particular, persons—
- (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Jamie Greene

235 In section 30, page 22, line 34, at end insert <and

- (b) have due regard to any representations received by them as a result of such consultation.
- (c) consider whether, if the coming into operation of a partnership scheme (or any part of it) is to be postponed, any obligations on operators of local services should also be postponed for the same period.>

Colin Smyth

87 In section 30, page 24, line 39, after <services> insert <and other persons living or working in the area>

Colin Smyth

88 In section 30, page 25, line 4, at end insert—

- <() For the purposes of sub-paragraph (4)(b), the local transport authority must consult, in particular, persons—
- (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

THIS IS NOT THE MARSHALLED LIST

Colin Smyth

- 89 In section 30, page 26, line 8, after <services> insert <and of other persons living or working in the area>

Colin Smyth

- 90 In section 30, page 26, line 15, at end insert—
- <() For the purposes of sub-paragraph (3)(b), the local transport authority must give notice to, in particular, persons—
- (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

- 91 In section 30, page 27, line 21, after <services> insert <and of other persons living or working in the area>

Colin Smyth

- 92 In section 30, page 27, line 27, at end insert—
- <() For the purposes of sub-paragraph (1)(b), the local transport authority must consult, in particular, persons—
- (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

- 93 In section 30, page 28, line 20, after <services> insert <and of other persons living or working in the area>

Colin Smyth

- 94 In section 30, page 28, line 27, at end insert—
- <() For the purposes of sub-paragraph (3)(b), the local transport authority must give notice to, in particular, persons—
- (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Jamie Greene

- 236 In section 30, page 28, leave out lines 34 and 35

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Bus service improvement partnerships: regulations on registration of local services

Neil Bibby

237 In section 31, page 29, line 29, at end insert—

<() in subsection (9), after paragraph (d) insert—

“(dza) to limit the circumstances in which an operator may apply under subsection (7) to vary or cancel a registration.”.>

Neil Bibby

238 In section 31, page 29, line 29, at end insert—

<() in subsection (9), after paragraph (k) insert—

“(ka) for requiring the operator of a registered service to make available, as soon as reasonably practicable after the end of each financial year, its annual accounts to—

(i) the traffic commissioner, and

(ii) the local transport authority or authorities for the area within which the service is operated.”.>

Bus service improvement partnerships: traffic commissioner powers to scrutinise

Michael Matheson

95 In section 31, page 30, line 34, at end insert—

<6N **Scrutiny of operation of bus services improvement partnership**

(1) This section applies where—

(a) a bus services improvement partnership scheme made under section 3B of the 2001 Act (“the scheme”) is in operation, and

(b) it appears to a traffic commissioner that the local transport authority (or authorities) who made the scheme may not be complying with their obligations under it including, in particular, any duty arising under section 3F(2) or (3) of the 2001 Act.

(2) The traffic commissioner may—

(a) investigate the actions of the local transport authority (or authorities) in relation to their compliance with their obligations under the scheme,

(b) require the authority (or authorities) to provide such information as the commissioner may specify for the purposes of the investigation.

(3) A local transport authority may be required to provide the information before the end of such period as may be specified by the traffic commissioner when imposing the requirement.

(4) Following an investigation under subsection (2), the traffic commissioner must prepare and publish a report—

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- (a) setting out whether or not the commissioner is satisfied that the local transport authority (or authorities) are complying with their obligations under the scheme, and
 - (b) if the commissioner is not satisfied that the authority (or authorities) are complying with their obligations, making such recommendations as the commissioner considers appropriate, including, in particular, recommendations that the authority (or authorities) take such remedial action as may be specified in the report.
- (5) Before publishing a report prepared under subsection (3), the commissioner must provide a copy of it to—
- (a) the local transport authority (or authorities) who made the scheme, and
 - (b) each operator providing a local service with a stopping place in the area of the scheme.
- (6) Where, under section 3E of the 2001 Act, the Scottish Ministers acted jointly with a local transport authority (or authorities) to make the scheme, this section applies to the Scottish Ministers as it applies to the authority (or authorities)
- (7) In this section—
- “2001 Act” means the Transport (Scotland) Act 2001,
 - “local transport authority” has the meaning given in section 82(1) of the 2001 Act.”.>

Bus franchises: required content of franchising framework and franchise agreement

Jamie Greene

213 In section 32, page 31, line 21, at end insert—

- <() A franchising framework must include provision on how disputes between the local transport authority and a person operating local services in the area to which the framework relates are to be resolved.>

Colin Smyth

96 In section 32, page 31, line 28, at end insert—

- <() A franchise agreement must include provision setting out how services under it will provide for the needs of persons—
 - (a) who are on a low income,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Jamie Greene

214 In section 32, page 34, line 6, at end insert—

- <() For the purposes of subsection (2)(e), the assessment of financial implications must include in particular—

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- (a) an assessment of the initial costs to establish services, outlining one-off or up-front establishment costs,
- (b) forecasts of the annual financial implications, including profitability, of operating local services under the proposed framework,
- (c) an assessment of the likely financial implications, including comparative analysis, of the proposed framework in relation to how services are currently funded.>

Jamie Greene

- 239** In section 32, page 34, line 20, leave out <obtain a report from> and insert <request that the traffic commissioner appoints, and obtains a report from,>

Jamie Greene

- 240** In section 32, page 39, line 21, at end insert—
- <() Consultation with operators of local services under subsection (3) must, in particular, include consultation on how the local transport authority propose to compensate such operators for any losses they may incur as a result of the postponement.>

Bus services: minor and technical amendments

Michael Matheson

- 97** In section 32, page 38, line 16, leave out <franchising> and insert <franchise>

Michael Matheson

- 99** In section 32, page 42, line 37, leave out <franchising> and insert <enter into a franchise>

Michael Matheson

- 100** In section 32, page 43, line 4, leave out <franchising> and insert <franchise>

Michael Matheson

- 101** In section 32, page 43, line 11, after <or> insert <enter into a franchise>

Bus franchises: franchising by multi-authorities and Regional Transport Partnerships

Jamie Greene

- 215** In section 32, page 42, line 35, leave out from beginning to end of line 12 on page 43 and insert—
- <13R Multi-authority franchising**
 - (1) Two or more of the persons mentioned in subsection (2) may act jointly to make a franchising framework and franchise agreement (or agreements) under this chapter.
 - (2) The persons are—

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- (a) a local transport authority,
 - (b) a Regional Transport Partnership,
 - (c) the Scottish Ministers.
- (3) In those circumstances, unless the context otherwise requires, a reference in this chapter (other than this section) to—
- (a) a local transport authority, in relation to a franchising framework or a franchise agreement or to a proposed framework or agreement, is a reference to the persons acting jointly,
 - (b) the area of a local transport authority is a reference to the combined areas in which the persons exercise functions,
 - (c) the relevant general policies of a local transport authority is a reference to the relevant general policies of each of the persons.
- (4) Where two or more persons act jointly to make a franchising framework or franchise agreement, they must continue to act jointly in relation to the framework or agreement in all respects.>

Colin Smyth

241 In section 32, page 43, line 12, at end insert—

<13RA Franchising by Regional Transport Partnerships

- (1) Subject to the agreement of every local transport authority within its area, a Regional Transport Partnership may make a franchising framework and franchise agreement (or agreements) under this chapter.
- (2) In those circumstances, unless the context otherwise requires, a reference in this chapter (other than this section) to—
 - (a) a local transport authority, in relation to a franchising framework or a franchise agreement or to a proposed framework or agreement, is a reference to a Regional Transport Partnership,
 - (b) the area of a local transport authority is a reference to the area of the Regional Transport Partnership,
 - (c) the relevant general policies of a local transport authority is a reference to the relevant general policies of a Regional Transport Partnership.>

Bus services: provision of information about local services

Neil Bibby

244 In section 33, page 44, line 18, leave out <relating to> and insert <setting out>

Michael Matheson

103 In section 33, page 45, line 15, leave out from <persons> to <expected> and insert <an economic operator in connection with an invitation>

THIS IS NOT THE MARSHALLED LIST

Michael Matheson

- 104 In section 33, page 45, line 22, leave out from <persons> to <expected> and insert <an economic operator in connection with an invitation>

Michael Matheson

- 105 In section 33, page 46, line 13, after <section> insert <—
“economic operator” means any person, public entity or group of persons or entities including any temporary association of undertakings that offers to provide local services on the market,>

Michael Matheson

- 106 In section 33, page 46, line 41, at end insert—
<() In section 43 of the Transport (Scotland) Act 2001 (power to obtain information about local services), after subsection (5) insert—
“(5A) For the avoidance of doubt, subsection (5)(f) does not apply if (or to the extent that) the operator was also required to provide the information by the local transport authority as an affected authority under section 6ZA(2) of the 1985 Act (provision of service information when varying or cancelling registration).”>

Jamie Greene

- 245 In section 34, page 47, line 27, leave out <past> and insert <previous 2 years or the period of time for which the service has operated, whichever is the shorter>

Colin Smyth

- 107 In section 34, page 47, line 35, at end insert—
<() requiring it to be—
(A) made available in an accessible form (including in audible form),
(B) translated into Braille if requested.>

Michael Matheson

- 108 In section 34, page 47, line 39, at end insert—
<() the Secretary of State,>

Neil Bibby

- 246 In section 34, page 48, line 22, at end insert—
<35B **Duty to notify traffic commissioner about change of bus route or timetabling**
(1) If a local transport authority ascertain that—
(a) a change is proposed to a bus route, or
(b) a significant change is proposed to the timetabling of a local service,
to, from or within the authority’s area, the authority must as soon as is reasonably practicable notify the traffic commissioner.>

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- (2) Where the traffic commissioner receives notification under subsection (1), the commissioner must—
 - (a) give notice of the proposed change of route or timetabling in such manner as the commissioner considers appropriate for bringing the notice to the attention of persons in the area of the authority,
 - (b) appoint three persons to form a panel to decide whether or not to approve the proposed change of route or timetabling,
 - (c) provide the panel with any representations made to the commissioner in connection with the proposed change of route or timetabling.
- (3) A notice given under subsection (2)(a) must state—
 - (a) that representations may be made to the traffic commissioner in relation to the proposed change of route or timetabling, and
 - (b) the period within which such representations may be made.
- (4) The panel may decide—
 - (a) to approve the proposed change of route or timetabling,
 - (b) to approve the proposed change of route or timetabling subject to the local transport authority or (as the case may be) operators of the local services taking such further action as the panel may specify in its decision, or
 - (c) not to approve the proposed change of route or timetabling.
- (5) In making its decision under subsection (4), the panel must consult—
 - (a) the local transport authority,
 - (b) the operators of local services.
 - (c) bus users.
- (6) Not later than 3 months after the date on which the Bill for the Transport (Scotland) Act 2019 receives Royal Assent, the traffic commissioner must issue guidance to all local transport authorities setting out what constitutes a significant change in the timetabling of a local service.”.>

Colin Smyth

247 In section 34, page 48, line 22, at end insert—

<35C **Duty to consult about change of bus route or timetabling**

- (1) This section applies where an operator of a registered local service makes—
 - (a) a change to a bus route, or
 - (b) a significant change to the timetabling of a local service,
- (2) Before making a change mentioned in subsection (1), the operator must consult the persons mentioned in subsection (3).
- (3) The persons are—
 - (a) the local transport authority,
 - (b) users of local services,
 - (c) such other persons as the operator thinks fit.”.>

THIS IS NOT THE MARSHALLED LIST

Michael Matheson

173 In the schedule, page 84, line 21, at end insert—

<() after subsection (1) insert—

“(1A) But section 61(2) of the 1981 Act (consultation with representative organisations) does not apply to regulations made under sections 6ZA(2) or (5), 6ZB(2) or 6ZC(1) of this Act.”.>

Bus services: quality assurance framework

Colin Smyth

110 After section 34, insert—

<**National quality assurance framework for operators of local services**

(1) The Transport (Scotland) Act 2001 is amended as follows.

(2) After section 47, insert—

“**47A National quality assurance framework for operators of local services**

(1) The Scottish Ministers must by regulations establish a national quality assurance framework for operators of local services.

(2) Regulations under subsection (1) must—

(a) define the framework,

(b) set out how the framework will—

(i) help improve local services,

(ii) help improve the experience of users of local services.

(3) Before making regulations under section (2), the Scottish Ministers must consult such persons or organisations as the Scottish Ministers consider to be representative of the interests of—

(a) operators of local services,

(b) users of local services,

(c) local transport authorities,

(d) Regional Transport Partnerships.”.>

Smart ticketing: functions and membership of National Smart Ticketing Advisory Board

Colin Smyth

111 In section 37, page 50, line 23, after <arrangements> insert <(including on any proposals for the development of a national smart ticketing scheme)>

THIS IS NOT THE MARSHALLED LIST

Michael Matheson

112 In section 37, page 50, line 24, at end insert—

- <() The Board also has the function of issuing advice and recommendations to the Scottish Ministers in relation to the strategic development of smart ticketing in Scotland.>

Colin Smyth

251 In section 37, page 50, line 30, at end insert—

- <() Regulations under subsection (3) must make provision to ensure that membership of the Board includes representation of people who have disabilities arising from a physical or mental impairment (construed in accordance with section 31 of the Social Security (Scotland) Act 2018).>

Colin Smyth

283 In section 37, page 50, line 30, at end insert—

- <() Regulations under subsection (3) must make provision to ensure that membership of the Board is geographically diverse.>

Michael Matheson

113 In section 39, page 53, line 26, after <the> insert <National>

Smart ticketing: Contactless payment and top-up cards

Jamie Greene

284 After section 37, insert—

<Regulations about contactless payment

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 27C insert—

“27D Regulations about contactless payment

- (1) The Scottish Ministers must by regulations make provision requiring that contactless payment options are available as soon as reasonably practicable throughout Scotland for payment for entitlement to travel.
- (2) In subsection (1)—

“contactless payment” means a payment made at a contactless payment terminal using the contactless payment facility of a card, mobile telephone or other device,

“contactless payment options” includes the ability to make payment—

- (a) at a contactless payment terminal in a ticket office or similar facility in advance of travelling,

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- (b) by tapping or swiping a card, mobile telephone or other device at a contactless payment terminal when entering and leaving a platform, station or other waiting area prior to boarding and after alighting from a means of transport, and
 - (c) at a contactless payment terminal on board a means of transport.
- (3) A draft of the first regulations under subsection (1) is to be laid before the Scottish Parliament no later than one year after the Bill for the Transport (Scotland) Act 2019 received Royal Assent.”.
- (3) In section 81 (regulations and orders), in subsection (4)(a), after “18(2)(b)” insert “27D(1),”.>

Jamie Greene

285 After section 37, insert—

<Travel using top-up cards: duty to consider feasibility

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 27D insert—

“27E Travel using top-up cards: duty to consider feasibility

- (1) Each local transport authority must prepare and publish an assessment of the feasibility of introducing, for use across all forms of public transport in the authority’s area, a single travel card the credit on which can be topped up automatically.
- (2) An assessment under subsection (1) is to be published no later than one year after the day the Bill for the Transport (Scotland) Act 2019 received Royal Assent.”.>

Smart ticketing: power of direction

Michael Matheson

114 In section 39, page 53, line 30, at end insert <, and

() set out the Scottish Ministers’ reasons for making it.>

Travel concession schemes

Pauline McNeill

216 After section 41, insert—

<PART

TRAVEL CONCESSION SCHEMES

Travel concession schemes

- (1) The Transport Act 1985 is amended as follows.
- (2) In section 93 (travel concession schemes)—

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- (a) in subsection (7)(b), for “sixteen” substitute “eighteen”,
- (b) subsection (7)(c) is repealed.>

Rachael Hamilton

286 After section 41, insert—

<PART

TRAVEL CONCESSION SCHEMES: APPLICATION TO COMMUNITY TRANSPORT

Travel concession schemes: application to community transport

- (1) The Transport Act 1985 is amended as follows.
- (2) In section 93 (travel concession schemes), after subsection (7) there is inserted—
 - “(7A) Not later than 12 months after the Transport (Scotland) Act 2019 receives Royal Assent, the Scottish Ministers must publish a report setting out their assessment of the costs and benefits of extending travel concession schemes established under this section to community transport services.
 - (7B) In preparing a report under subsection (7A), the Scottish Ministers must consult—
 - (a) each local authority,
 - (b) each regional transport partnership,
 - (c) such persons as the Scottish Ministers consider to be representative of community transport users,
 - (7C) A report under subsection (7A)—
 - (a) may be published in such format as the Scottish Ministers consider appropriate, and
 - (b) must be laid before the Scottish Parliament.
 - (7D) In this section, “community transport services” is to be construed in accordance with section 22(1) of this Act, with such modifications as the Scottish Ministers may specify for community transport services that are not bus services.”.>

Pavement parking orders and extent of pavement parking prohibition

Graham Simpson

115 In section 42, page 54, leave out lines 35 to 37 and insert—

- <(1) Subject to subsection (3), a local authority may make an order (in this Part, a “pavement parking order”), providing that a person may not park a motor vehicle on a pavement.
- (2) For the purposes of a pavement parking order—>

Graham Simpson

116 In section 42, page 55, leave out lines 7 to 20 and insert—

- <(3) A pavement parking order—
 - (a) must specify the footway to which it applies,

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- (b) may apply to all or part of a footway,
 - (c) may specify a part of the footway that must be accessible for public right of passage by foot.
- (4) A footway may not be specified in a pavement parking order unless it, or the carriageway with which it is associated, has the characteristics specified by the Scottish Ministers in a direction under section 56(1).
- (5) If the local authority is not the traffic authority for the footway to which a pavement parking order is to apply, the local authority may not make the order unless the traffic authority for the footway consents to the making of the order.
- (6) Subsection (5) applies to an order amending or revoking a pavement parking order as it applies to a pavement parking order.
- (7) In this section—
- “carriageway” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984,
 - “footway is to be construed in accordance with section 151(2) of that Act,
 - “motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988, except that—
 - (a) section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and
 - (b) it does not include a heavy commercial vehicle (within the meaning given by section 20(1) of that Act) (but see section 19(1) of that Act),
 - “pavement” means a footpath or footway.>

Jamie Greene

116A As an amendment to amendment 116, line 6, at end insert—

- <() Before making, amending or revoking a pavement parking order a local authority must—
- (a) assess the effect of the proposed making, amendment or revocation of the order—
 - (i) on persons who use or are likely to use a footway that is specified in the order or, as the case may be, proposed order,
 - (ii) on persons whose access to their homes is or is likely to be affected by the order or, as the case may be, proposed order,
 - (iii) on such other matters as the authority considers appropriate, and
 - (b) in light of the effects identified by that assessment, consider whether the order should be made, amended or revoked.>

Mark Ruskell

287 In section 42, page 55, line 8, at end insert—

<<“cycle track” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984,>

THIS IS NOT THE MARSHALLED LIST

Mark Ruskell

- 288 In section 42, page 55, line 20, leave out <or footway> and insert <, footway or cycle track>

Mark Ruskell

- 289 In section 42, page 55, line 20, at end, insert <, including any verge or planting adjacent to the carriageway.>

Mark Ruskell

- 290 In section 42, page 55, line 20, at end insert <, or school etc. entrance from 8am to 6pm, Monday to Friday during school term.>

Mark Ruskell

- 291 In section 42, page 55, line 20, at end insert—
<“school etc. entrances” is to be construed in accordance with schedule 7 of the Traffic Signs Regulations and General Directions 2016.>

Graham Simpson

- 118 Leave out section 43

Graham Simpson

- 119 Leave out section 44 and insert—

<Pavement parking orders: form and procedure

- (1) The Scottish Ministers may by regulation make provision in connection with the making, amendment and revocation of pavement parking orders.
- (2) Regulations under subsection (1) may, in particular, make provision about—
 - (a) the form of a pavement parking order (or an order amending or revoking a pavement parking order),
 - (b) the procedure to be followed in connection with the making, amendment or revocation of a pavement parking order,
 - (c) publication of a proposal for the making, amendment or revocation of a pavement parking order (a “proposal”),
 - (d) persons who must be consulted about a proposal and the manner and timing of that consultation,
 - (e) the process for making objections to a proposal,
 - (f) the process for considering any such objections, including the holding of inquiries and the appointment of a person to hold an inquiry,
 - (g) modification of a proposal (whether in consequence of an objection or otherwise),
 - (h) notice to be given or published of the making, amendment or revocation of a pavement parking order and the effect of the pavement parking order (or its amendment or revocation).>

Graham Simpson

- 120 Leave out section 45 and insert—

THIS IS NOT THE MARSHALLED LIST

<Pavement parking orders: traffic signs

- (1) This section applies where a local authority makes a pavement parking order in relation to all or part of a footway.
- (2) The traffic authority for the footway must—
 - (a) place, or secure the placement of, traffic signs in connection with the pavement parking order, and
 - (b) maintain, or secure the maintenance of, those signs.
- (3) Where the traffic authority for the footway is not the local authority, the traffic authority may enter into an arrangement with the local authority under which the local authority is to—
 - (a) exercise the functions under subsection (2), or
 - (b) assist the traffic authority in connection with the exercise of those functions.
- (4) Where the local authority enters into an arrangement mentioned in subsection (3)(a), section 65(1) of the Road Traffic Regulation Act 1984 (powers and duties of traffic authorities as to placing of traffic signs) applies to the local authority as it applies to the traffic authority for the footway.
- (5) In subsection (2), “traffic signs” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984 (general provisions as to traffic signs).>

Graham Simpson

- 121** In section 47, page 57, line 30, leave out from <to> to <prohibition> and insert <which apply to a pavement parking order made under section 42>

Graham Simpson

- 143** In section 48, page 59, line 28, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Graham Simpson

- 146** In section 48, page 60, line 8, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Graham Simpson

- 148** In section 49, page 60, line 23, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Graham Simpson

- 150** In section 50, page 61, line 17, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Graham Simpson

- 153** In section 51, page 61, line 28, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

THIS IS NOT THE MARSHALLED LIST

Graham Simpson

- 155 In section 52, page 62, line 5, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Graham Simpson

- 161 In section 58, page 64, leave out line 18

Pavement parking prohibition: exceptions including width of vehicle intrusion on pavement

Jackie Baillie

- 4 In section 42, page 55, line 3, after <pavement> insert <or any part of the vehicle overhangs any part of the pavement by a distance of more than 20 centimetres>

John Mason

- 1 In section 42, page 55, line 3, at end insert <, and
() the width of pavement adjacent to the motor vehicle that remains free for public right of passage by foot is less than 1.5 metres.>

Jamie Greene

- 292 In section 43, page 55, line 25, leave out subsection (2)

Jamie Greene

- 293 In section 43, page 55, line 27, at end insert—
- <(2A) Without prejudice to the generality of subsection (1), a local authority must consider whether to make an exemption order in respect of a footway where it considers that the ability of emergency vehicles to use the carriageway with which the footway is associated would be hindered as a result of the application of the prohibition unless an exemption order is made.
- (2B) For the purposes of subsection (2A), the ability of emergency vehicles to use a carriageway is hindered—
- (a) unless such unimpeded width of carriageway as the Scottish Ministers may by regulations prescribe is maintained for the passage of vehicles,
 - (b) in such other circumstances as the regulations may prescribe.>

Colin Smyth

- 117 In section 43, page 55, line 32, at end insert—
- <() may not apply where the width of pavement adjacent to the motor vehicle that remains free for public right of passage by foot is less than 1.5 metres.>

Jamie Greene

- 294 In section 43, page 55, leave out line 33

THIS IS NOT THE MARSHALLED LIST

Jamie Greene

295 In section 43, page 55, line 39, leave out subsection (6)

Jamie Greene

296 In section 45, page 56, line 35, at end insert—

<(4A) The Scottish Ministers must by regulations make provision for the form traffic signs to be used for or in connection with an exemption order are to take.

(4B) Regulations under subsection (4A) may not make different provision for different local authority areas.>

Jamie Greene

297 In section 45, page 56, line 36, leave out <subsection (2)> and insert <this section>

Mike Rumbles

124 In section 47, page 58, line 4, at end insert <, and

() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Jamie Greene

298 In section 47, page 58, line 11, at end insert—

<() such other purposes as a local authority may prescribe in such part of its area as it may prescribe,>

Colin Smyth

299 In section 47, page 58, line 14, at end insert <, and

(d) is not left unattended.>

Mike Rumbles

126 In section 47, page 58, line 14, at end insert <, and

() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Jamie Greene

300* In section 47, page 58, line 31, at end insert—

<() The pavement parking prohibition and the double parking prohibition do not apply where—

(a) the motor vehicle is being used collect or drop off a person who is disabled, vulnerable, or has impaired mobility,

(b) the collecting or dropping off could not reasonably be achieved if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 46(1), and

(c) the vehicle is so parked for no longer than is reasonable in connection with the collecting or dropping off.>

THIS IS NOT THE MARSHALLED LIST

Jamie Greene

301 In section 47, page 58, line 31, at end insert—

- <() The pavement parking prohibition and the double parking prohibition do not apply where—
- (a) the motor vehicle is a licensed taxi or private hire car (within the meaning given in section 23 of the Civic Government (Scotland) Act 1982),
 - (b) the vehicle is being used as such for a purpose that could not reasonably be achieved if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 46(1), and
 - (c) the vehicle is so parked for no longer than is reasonable in connection with the collecting or dropping off.>

Rachael Hamilton

302 In section 47, page 58, line 31, at end insert—

- <() The pavement parking prohibition and the double parking prohibition do not apply where—
- (a) the motor vehicle is operating a community bus service (within the meaning given in section 22 of the Transport Act 1985) or other similar community transport service,
 - (b) the vehicle is being used as such for a purpose that could not reasonably be achieved if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 46(1), and
 - (c) the vehicle is so parked for no longer than is reasonable in connection with the collecting or dropping off.>

Mike Rumbles

128 In section 47, page 58, line 31, at end insert <, and

- () no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Colin Smyth

129 In section 47, page 58, line 32, leave out subsection (6)

Mike Rumbles

131 In section 47, page 58, line 39, leave out <and> and insert—

- <() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded),>

Jamie Greene

Supported by: Colin Smyth

303 In section 47, page 59, line 2, leave out from <and> to end of line 3

Colin Smyth

304 In section 47, page 59, line 3, at end insert <, and

- () the vehicle is not left unattended.>

THIS IS NOT THE MARSHALLED LIST

Colin Smyth

- 305 In section 47, page 59, line 3, at end insert <, and
() the width of the pavement adjacent to the vehicle that remains free for public right of passage by foot is 1.5 metres or more.>

Mike Rumbles

- 133 In section 47, page 59, line 4, after <where> insert <—
()>

Mike Rumbles

- 134 In section 47, page 59, line 8, at end insert <, and
() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Jamie Greene

- 306 In section 47, page 59, line 11, after <2012)> insert <whether or not>

Jamie Greene

- 307 In section 47, page 59, leave out line 18

Mike Rumbles

- 138 In section 47, page 59, line 24, at end insert <, and
(d) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Colin Smyth

- 139* In section 47, page 59, line 24, at end insert—
<() The Scottish Ministers must by regulations set out exceptions to the parking prohibitions where—
(a) the motor vehicle is, in the course of business—
(i) being used for the purpose of delivering goods to, or collecting goods from, any premises, or
(ii) being loaded from or unloaded to any premises,
(b) the delivery, collection, loading or unloading cannot reasonably be carried out without the vehicle being parked on a pavement or, as the case may be, as mentioned in section 46(1)), and
(c) the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading.>

Colin Smyth

- 139A As an amendment to amendment 139, line 12, at end insert <, and
() the vehicle is not left unattended.>

THIS IS NOT THE MARSHALLED LIST

Colin Smyth

- 139B** As an amendment to amendment 139, line 12, at end insert <, and
() the width of the pavement adjacent to the vehicle that remains free for public right of passage by foot is 1.5 metres or more.>

Mike Rumbles

- 140** In section 47, page 59, line 24, at end insert—
<() In this section, “carriageway” has the meaning given by section 43(6).>

Jamie Greene

- 308** In section 47, page 59, line 24, at end insert—
<() An officer of a local authority may determine that the pavement parking prohibition or the double parking prohibition (or both) do not apply where—
(a) a vehicle is parked on a pavement or, as the case may be, as mentioned in section 46(1) in such circumstances as the officer considers reasonable, and
(b) the vehicle is so parked for no longer than is reasonable in those circumstances.>

Jamie Greene

- 309** In section 47, page 59, line 25, at end insert—
<(12) Before laying before the Scottish Parliament a draft of regulations under subsection (11) making provision as is mentioned in subsection (13), the Scottish Ministers must consult—
(a) each local authority,
(b) such other persons as they consider appropriate.
(13) The provision is provision—
(a) modifying, or
(b) removing,
an exemption mentioned in this section (including in this section as it may be modified by regulations under subsection (11)).>

Dropped footway parking prohibition

Michael Matheson

- 122** In section 47, page 57, line 31, leave out <(referred to collectively in this section as the “parking prohibitions”)>

Michael Matheson

- 123** In section 47, page 57, line 33, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

THIS IS NOT THE MARSHALLED LIST

Michael Matheson

- 125** In section 47, page 58, line 5, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 127** In section 47, page 58, line 24, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 130** In section 47, page 58, line 32, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 132** In section 47, page 59, line 4, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 135** In section 47, page 59, line 9, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 136** In section 47, page 59, line 12, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 137** In section 47, page 59, line 19, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 141** After section 47, insert—

<Dropped footway parking prohibition

- (1) A person must not park a motor vehicle on a carriageway adjacent to a footway where, for the purpose of assisting pedestrians or cyclists to cross the carriageway—
 - (a) the footway has been lowered to meet the level of the carriageway, or
 - (b) the carriageway has been raised to meet the level of the footway.
- (2) In this Part, the prohibition in subsection (1) is referred to as the “dropped footway parking prohibition”.
- (3) In this section and section (*Exceptions to dropped footway parking prohibition*)—
 - “carriageway” has the meaning given by section 43(6),
 - “footway” has the meaning given by section 42(4),
 - “motor vehicle” has the meaning given by section 46(5).>

Michael Matheson

- 142** After section 47, insert—

THIS IS NOT THE MARSHALLED LIST

<Exceptions to dropped footway parking prohibition

- (1) This section sets out exceptions to the dropped footway parking prohibition.
- (2) The dropped footway parking prohibition does not apply where the footway has been lowered or the carriageway has been raised as described in section (*Dropped footway parking prohibition*)(1) for the purpose of access to a driveway or to a garage (whether on commercial or residential premises).
- (3) The dropped footway parking prohibition does not apply where—
 - (a) the person has parked the motor vehicle for the purpose of saving life or responding to another similar emergency,
 - (b) the achievement of that purpose would be likely to be hindered if the vehicle were not parked as mentioned in in section (*Dropped footway parking prohibition*)(1), and
 - (c) the vehicle is so parked for no longer than is necessary for that purpose.>

Michael Matheson

- 144** In section 48, page 59, line 29, leave out <or the double parking prohibition> and insert <, the double parking prohibition or the dropped footway parking prohibition>

Michael Matheson

- 147** In section 48, page 60, line 9, leave out <or the double parking prohibition> and insert <, the double parking prohibition or the dropped footway parking prohibition>

Michael Matheson

- 149** In section 49, page 60, line 23, leave out <and the double parking prohibition> and insert <, the double parking prohibition and the dropped footway parking prohibition>

Michael Matheson

- 151** In section 50, page 61, line 18, at end insert <, or
() the dropped footway parking prohibition.>

Michael Matheson

- 154** In section 51, page 61, line 29, leave out <or the double parking prohibition> and insert <, the double parking prohibition or the dropped footway parking prohibition>

Michael Matheson

- 156** In section 52, page 62, line 6, at end insert <, or
() the dropped footway parking prohibition.>

THIS IS NOT THE MARSHALLED LIST

Michael Matheson

- 159 In section 58, page 64, line 9, at end insert—
 <“dropped footway parking prohibition” has the meaning given by section
 (*Dropped footway parking prohibition*)(2),>

Michael Matheson

- 160 In section 58, page 64, line 15, after <prohibition> insert <and the dropped footway parking prohibition>

Parking prohibitions: enforcement

Michael Matheson

- 145 In section 48, page 60, line 8, leave out <employed> and insert <appointed>

Colin Smyth

- 311 In section 49, page 61, line 12, at end insert—
 <(d) to provide for an exemption from the provisions of this section for a local authority to which an Order under schedule 3 of the Road Traffic Act 1991 (permitted and special parking areas outside London) does not apply.>

Colin Smyth

- 312 In section 49, page 61, line 12, at end insert—
 <() Where regulations under subsection (1) provide for an exemption under subsection (4)(d), the Scottish Ministers may by regulations make further provision to make alternative arrangements for the enforcement of the pavement parking prohibition and the double parking prohibition in areas to which an Order under schedule 3 of the Road Traffic Act 1991 (permitted and special parking areas outside London) does not apply.>

Pauline McNeill

- 219 In section 54, page 62, line 30, at end insert—
 <(2) However, arrangements must not be entered into under subsection (1) with a person who is not acting in the course of employment by a public body.
 (3) In subsection (2), “public body” means any of the following—
 (a) a Minister of the Crown,
 (b) the Scottish Ministers,
 (c) a local authority,
 (d) a person established by an enactment,
 (e) a body comprised solely of persons described by this subsection,
 (f) a body corporate that has no members other than (either or both)—
 (i) persons described by this subsection,
 (ii) persons acting on behalf of persons described by this subsection.

THIS IS NOT THE MARSHALLED LIST

- (4) The Scottish Ministers may by regulations make such modifications to subsection (3) as they consider appropriate.>

Jamie Greene

- 313 In section 54, page 62, line 30, at end insert—

<() But nothing in this section affects the responsibility of a local authority for those functions.>

Parking prohibitions penalty charges: application of penalty charges

Jamie Greene

- 310 After section 48, insert—

<Application of penalty charges

Any monies received from penalty charges in respect of the pavement parking prohibition, the double parking prohibition and the dropped footway parking prohibition may, after the deduction of reasonable costs incurred in administering those prohibitions, be applied by the local authority only for the purposes of improving—

- (a) public transport services and facilities,
- (b) roads, and
- (c) other transport infrastructure,

in or around the authority's area as it sees fit.>

Jamie Greene

- 314 In section 55, page 62, leave out line 36

Michael Matheson

- 157 In section 55, page 62, line 36, at end insert <, and

() the publication of a statement of account, and the manner in which it must be published.>

Jamie Greene

- 315 In section 55, page 62, line 36, at end insert—

<() the information to be provided in such accounts about how local authorities have complied with section (*Application of penalty charges*),

() the publication of such accounts.>

THIS IS NOT THE MARSHALLED LIST

Parking prohibitions penalty charges: accessibility of information

Pauline McNeill

217 In section 49, page 60, line 35, at end insert—

<() Regulations under subsection (1) must include provision requiring notification of a penalty charge to include information on how a charge can be appealed.>

Pauline McNeill

218 In section 49, page 60, line 35, at end insert—

<() Regulations under subsection (1) must include provision requiring that notification of a penalty charge is available in formats that are accessible to individuals who have a sensory, physical or mental disability.>

Parking prohibitions: guidance

Michael Matheson

158 In section 57, page 64, line 3, leave out <its functions under> and insert <functions conferred on it (whether as a local authority or as a traffic authority) by virtue of>

Parking prohibitions: minor and technical

Michael Matheson

162 In section 58, page 64, line 20, leave out from <a> to <121A> and insert <means, in relation to a footway, the body which has the function of making traffic regulation orders under section 1>

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