

Net Zero, Energy and Transport Committee
Tuesday 20 January 2026
3rd Meeting, 2026 (Session 6)

Note by the Clerk on the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026 (draft)

Overview

1. At this meeting, the Committee will take evidence from the Minister for Agriculture and Connectivity and Scottish Government officials on the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026, before debating a motion in the name of the Minister inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

Title of instrument: [The National Bus Travel Concession Schemes \(Miscellaneous Amendment\) \(Scotland\) Order 2026](#)

Laid under: Sections 40(1), (3), and (4) of the Transport (Scotland) Act 2005

Laid on: 4 December 2025

Procedure: Affirmative

Lead committee to report by: 24 January 2026

Commencement: 21 February 2026

Procedure

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.

6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
 - an evidence session with the Acting Cabinet Secretary and officials, followed by
 - a formal debate on a motion, lodged by the Acting Cabinet Secretary, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument

Delegated Powers and Law Reform Committee consideration

8. The DPLR Committee considered the instrument on 16 December 2025 and reported on it in its [95th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

9. The instrument amends the [National Bus Travel Concession Scheme for Older and Disabled Persons \(Scotland\) Order 2006](#) and [the National Bus Travel Concession Scheme for Young Persons \(Scotland\) Order 2021](#), to give Scottish Ministers the power to withdraw or suspend concessionary travel where an individual is found to be in breach of the standards of conduct determined by the Scottish Ministers while using the scheme.
10. Transport Scotland operates two national concessionary travel schemes (NCTS). As part of these schemes, bus operators are paid a proportion of the full adult fare for each concessionary traveller carried. The schemes are:
 - **Scheme for older and disabled people:** Launched in April 2006, this scheme offers free travel on registered local bus services and scheduled coach services within Scotland to Scottish residents aged 60+ or to disabled residents of any age.
 - **Scheme for young people:** Launched in January 2022, this scheme offers free travel on registered local bus services and scheduled coach services within Scotland for Scottish residents aged five to 21 years (children aged 0-4 already travel on buses for free).
11. The policy note (annexed to this paper) states that in recent years, concerns have been raised about passenger safety and anti-social behaviour on public transport. In response, the Scottish Government is developing what it calls a “multi-faceted approach to encourage behaviour change on the bus network, including introducing a code of conduct for all NCTS users, developing educational materials outlining responsible behaviour on buses, and exploring additional visible safety measures.”

12. The policy note says that a code of conduct will be published and will set out clear standards for respectful and responsible conduct when travelling by bus when using the NCTS. The code of conduct is not part of this instrument and no publication date is given, but the policy note states that “work on a code of conduct as well as the processes and procedures for suspension is progressing.”
13. The instrument also sets out procedural requirements to ensure that before Scottish Ministers make a decision on whether to suspend or withdraw access to concessionary travel, the scheme user is given notice, including the grounds for potential suspension, and also provided with an opportunity to make representations.
14. The policy note also highlights that the suspension of concessionary travel does not prevent a person from paying to travel on the bus service, however, bus operators do have the right to refuse service to a person who has breached their conditions of carriage.
15. The Policy Note accompanying the instrument is included in the annex. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:
 - [Business and Regulatory Impact Assessment \(BRIA\)](#)
 - [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)
 - [Data Protection Impact Assessment \(DPIA\)](#)
 - [Equalities Impact Assessment \(EQIA\)](#)
 - [Fairer Scotland Duty](#)
 - [Island Communities Impact Assessment \(ICIA\)](#)

Evidence received

16. In April 2025, the Committee held 2 [evidence sessions](#) (22 and 29 April) on the bus sector and the challenges public transport users, staff and operators face, including the issue of anti-social behaviour.
17. On 16 December 2025, the Committee agreed to issue a targeted call for views to stakeholders representing the bus industry, young people, older people, and disabled people. At the time of writing, responses had been received from five organisations:
 - [Bus Users](#)
 - [The Confederation of Passenger Transport Scotland](#)
 - [Children and Young People's Commissioner Scotland](#)
 - [Scottish Association for Public Transport](#)
 - [Scottish Youth Parliament](#)
18. Any additional responses received prior to the meeting on 20 January will be published on the Committee's [website](#).

Report

19. The Convener may invite the Committee to delegate to him authority for considering and approving a draft report prepared by the clerks after the meeting. In relation to any report finalised in this way, Committee Members may ask to see the draft and comment on it before the Convener authorises it for publication. The Committee's report is due by 24 January.

Clerks to the Committee
January 2026

Annexe: Scottish Government Policy Note

THE NATIONAL BUS TRAVEL CONCESSION SCHEMES (MISCELLANEOUS AMENDMENT) (SCOTLAND) ORDER 2026

SSI 2026/XXX

The above instrument was made in exercise of the powers conferred by sections 40 (1), (3), and (4) of the Transport (Scotland) Act 2005. The instrument is subject to the affirmative procedure.

Summary

This instrument amends the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006 (“the 2006 Order”) and the National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021 (the “2021 Order”) to give Scottish Ministers the power to withdraw or suspend concessionary travel where an individual is found to be in breach of the standards of conduct determined by the Scottish Ministers while using the scheme. The instrument also sets out the procedural requirements that must be followed before withdrawing or suspending concessionary travel.

Policy Objectives

The National Concessionary Travel Schemes (NCTS) provide free bus travel across Scotland to young people aged 5-21, adults aged 60+, and individuals with qualifying disabilities. The scheme plays a vital role in supporting access to education, employment, healthcare, and social opportunities, particularly for those who may face financial or mobility barriers. In 2024, there were over 2.3 million NCTS cardholders in Scotland. Over half of the 334 million bus journeys made in 2023-24 were made under the NCTS¹.

In recent years, concerns have been raised about passenger safety and anti-social behaviour on public transport. These concerns have been echoed by transport operators, groups representing passengers, and members of the public.

In response, the Scottish Government is developing a multi-faceted approach to encourage behaviour change on the bus network, including introducing a code of conduct for all NCTS users, developing educational materials outlining responsible behaviour on buses, and exploring additional visible safety measures. A code of conduct will be published and will set out clear standards for respectful and responsible conduct when travelling by bus when using the NCTS. Taken together, these policies aim to foster an environment which encourages bus use and contributes to the success of the NCTS by helping passengers to feel safe.

This instrument will give Scottish Ministers the power to suspend or withdraw concessionary travel for users who breach these standards when using the scheme.

¹ [Chapter 2 - Bus and Coach travel | Transport Scotland](#)

The instrument also sets out procedural requirements to ensure that before Scottish Ministers make a decision on whether to suspend or withdraw access to concessionary travel, the scheme user is given notice including the grounds for potential suspension, and also provided with an opportunity to make representations.

These requirements will ensure that any processes to suspend travel are fair and balanced, and provide sufficient notice to ensure that the person can make alternative travel arrangements during the period of suspension. It is important to note that suspension of concessionary travel does not prevent a person from paying to travel on the bus service, however bus operators do have the right to refuse service to a person that has breached their conditions of carriage.

Work on a code of conduct as well as the processes and procedures for suspension is progressing. The code of conduct and suspension policy are part of a package of measures to deter antisocial behaviour, encouraging better behaviour by all bus users, rather than relying on enforcement.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

To support the development of the NCTS code of conduct and associated legislation, Transport Scotland has undertaken engagement with both internal and external stakeholders. Internally, teams covering concessionary travel operations, youth and justice policy, ASB, accessibility, and data protection contributed to shaping the policy. Externally, engagement included bus operators, Police Scotland, local authorities, youth organisations, accessibility groups, and the Department for Transport, Transport for London and Transport for West Midlands.

As a result of that consultation the general themes that emerged were in relation to fairness and stigmatisation particularly towards young people, and recommendations such as restorative approaches, youth involvement in policy design, and safeguards to protect scheme users rights.

Stakeholders, including bus operators and youth organisations, raised concerns about the clarity and fairness and consistency of the suspension process. Some feedback was based on misunderstandings, such as fears of physical card removal, which remove access to other services such as the Proof of Age Standard Scheme (PASS), while others offered suggestions like behaviour awareness sessions and improved communication. These discussions emphasised the importance of ensuring that the

policy is clearly understood and implemented in a way that respects the rights of all scheme users including children and young people.

Impact Assessments

The following impact assessments have been completed on the draft SSI and policy and are attached:

- Business and Regulatory Impact Assessment (Partial)
- Child Rights and Wellbeing Impact Assessment
- Data Protection Impact Assessment
- Equality Impact Assessment and Consumer Duty
- Fairer Scotland Duty

As a result of the EQIA and CRWIA, when further developing the processes and procedures of the policy, the following will be included:

- A commitment to an accessible and inclusive code of conduct and communication materials, such as Easy Read, BSL, translated formats and youth-friendly versions. This will ensure that all scheme users, regardless of age, disability, or communication needs, can understand the code of conduct.
- A review and refinement of the suspension criteria, to ensure they are fair, proportionate, and take account of key considerations from all protected characteristics.
- The possibility of issuing of warning letters before suspension where appropriate, to raise awareness of the consequences of repeated similar breaches of the code of conduct.
- Ongoing monitoring and evaluation of the impact of suspensions, to identify and address any unintended consequences.

The code of conduct and suspension policy, alongside the complementary policies being developed on education and visible safety measures, aim to make bus services safer by acting as a deterrent to those engaging in antisocial behaviour while ensuring the rights of all scheme users are protected. This in turn should reduce inequalities of outcome, support social inclusion, and ensure that the scheme continues to deliver benefits equitably across Scotland's diverse communities by making bus travel a safer and therefore more attractive mode of travel.

The DPIA has identified the high level data protection risks of the policy, as well as the expected data flows between organisations such as Transport Scotland, bus operators, Police Scotland and Local Authorities. As the processes are developed, a standard template for reporting breaches of the code of conduct will be produced to discourage unnecessary or excessive personal data being shared. Transport Scotland will also seek to ensure that all parties review their transparency information ahead of the policy being implemented, with particular attention paid to data relating to children and young people to support their safeguarding. Further engagement with the Information Commissioner's Office will take place as processes are developed.

Financial Effects

A partial Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. At this stage of the policy development, quantified costs to businesses cannot be precisely estimated, as they will depend on the final design of the code of conduct and associated procedures. However, anticipated cost areas include staff training, time spent completing and submitting incident reports and evidence to Transport Scotland, and communicating the code of conduct to passengers. Operators may lose some revenue from a suspended NCTS user, although these individuals could still travel as fare-paying passengers unless banned by the operator.

Despite these potential costs, operators have been strong advocates for the policy, viewing the costs as marginal compared to the expected benefits. These benefits include reduced damage and repair costs, increased patronage due to improved safety perceptions, fewer service disruptions from ASB incidents, and enhanced driver recruitment and retention. For small operators, the relative cost impact per incident may be higher due to limited administrative resources.

Bus operators and potentially Police Scotland will be key in identifying and reporting breaches to Transport Scotland. Local Authorities and the National Entitlement Card Programme Office (NECPO) may experience slight increases in administrative workload due to card reapplications post-suspension.

Transport Scotland will manage escalated reports and enforcement, likely facing moderate resource demands. Passengers will benefit from enhanced safety on buses, but those passengers breaching the code may have their free travel suspended. With 2.3 million NCTS cardholders in Scotland, the policy's reach is significant, and further impact analysis will be refined through the full BRIA process following the secondary legislation.

Scottish Government

Transport Scotland – Bus, Concessionary and Active Travel Directorate December 2025