

Net Zero, Energy and Transport Committee
Tuesday 17 February 2026
7th Meeting, 2026 (Session 6)

Note by the Clerk on affirmative instruments

Overview

1. At this meeting, the Committee will take evidence from the Minister for Agriculture and Connectivity and Scottish Government officials on two draft Scottish Statutory Instruments (SSIs), before debating two separate motions in the name of the Minister inviting the Committee to recommend the approval of each instrument.
2. More information about each instrument is in:
 - Annexe A: National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) (No. 2) Order 2026
 - Annexe B: the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 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 Minister and officials, followed by
 - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in each debate, which may not last for more than 90 minutes. If there is a division on either motion, only committee members may vote. If the motions are agreed to, it is for the Chamber to decide, at a later date, whether to approve the instruments.

Report

8. 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.

Clerks to the Committee
February 2026

Annexe A: The National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) (No. 2) Order 2026 (draft)

Laid under: sections 40(1), (3) and (4) and 52(4) of the Transport (Scotland) Act 2005

Laid on: 15 January 2026

Procedure: Affirmative

Lead committee to report by: 23 February 2026

Commencement: 1 April 2026

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 27 January 2026 and reported on it in its [12th Report, 2025](#). It made no recommendations on the instrument.

Purpose of the instrument

The instrument sets the capped level of funding for the National Bus Travel Concession Schemes for Older and Disabled Persons (“the ODPS”) and for Young Persons (“the YPS”) for the financial year 2026-27. It also sets out reimbursement rates for bus operators for both schemes in 2026-27.

The policy note explains that the ODPS provides an entitlement to free bus travel for people in Scotland aged 60 and over or people who meet certain disability-related criteria. The Order specifies that in 2026-27 the reimbursement rate for the ODPS will be 53% of the adult single fare. This has been amended from the 2024-25 figure of 52.9%. The capped level of funding for 2026-27 has been set at £248.2 million. The capped level of funding takes account of anticipated spend on the scheme in 2026-27 based on latest data.

The YPS provides an entitlement to free bus travel for people in Scotland aged 21 and under. The Order specifies that in 2026-27 the reimbursement rate for the YPS will be 48.1% (of the adult single fare) for journeys made by those aged 5 to 15 years old and 72.5% (of the adult single fare) for journeys made by those aged 16 to 21 years old. These have been amended from the 2025-26 rates of 47.9% (of the adult single fare) for journeys made by those aged 5 to 15 years old and 72.4% (of the adult single fare) for journeys made by those aged 16 to 21 years old.

The policy note says patronage and cardholders for the YPS have “shown signs of stabilising, allowing for a cap to be applied in line with the legislation underpinning the

scheme for the first time". The capped level of funding in 2026-27 has been set at £220.6 million, which takes account of anticipated spend on the scheme in 2026-27 based on the latest data.

Scottish Government Policy Note

THE NATIONAL BUS TRAVEL CONCESSION SCHEMES (MISCELLANEOUS AMENDMENT) (SCOTLAND) (NO. 2) ORDER 2026

SSI 2026/XXX

The above instrument is made in exercise of powers conferred on the Scottish Ministers by sections 40(1), (3) and (4) and 52(4) of the Transport (Scotland) Act 2005 and is subject to affirmative resolution procedure.

Summary Box

This instrument sets out the capped level of funding for the National Bus Travel Concession Scheme for Older and Disabled Persons and the National Bus Travel Concession Scheme for Young Persons in respect of the financial year 2026-27. It also sets out reimbursement rates for bus operators in respect of 2026-27 for both schemes.

Policy Objectives

Article 12 of the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006 (S.S.I. 2006/107) ("the 2006 Order") provides for the reimbursement of operators of eligible services for carrying passengers under the National Bus Travel Concession Scheme for Older and Disabled Persons ("the ODPS").

Article 12 of the National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021 (SSI 2021/175) ("the 2021 Order") provides for the reimbursement of operators of eligible services for carrying passengers under the National Bus Travel Concession Scheme for Young Persons ("the YPS").

The National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) (No. 2) Order 2026 ("the Order") further amends the 2006 Order and the 2021 Order to prescribe the rates and capped level of funding for reimbursement in 2026-27.

The ODPS provides an entitlement to free bus travel for people in Scotland who are aged 60 and over, or who meet certain disability-related criteria. In response to surveys, card holders tell us that the ODPS provides them with social and health benefits, including by enabling them to access services and visit friends and relatives more easily. Under article 12(1) of the Order the Scottish Ministers have the objective

of ensuring that operators are left financially no better and no worse off by their participation in the scheme. Accordingly, article 12 sets the rates at which operators who participate in the scheme will be reimbursed.

The YPS provides an entitlement to free bus travel for people in Scotland who are aged 21 and under, an evaluation published in December 2023 has shown that the YPS is helping to improve access to education, leisure, and work, while enabling young people to travel sustainably early in their lives. Under 12(1) of the Order the Scottish Ministers have the objective of ensuring that operators are left financially no better and no worse off by their participation in the scheme. Accordingly, article 12 sets the rates at which operators who participate in the scheme will be reimbursed.

The objective of this Order is to enable operators to continue to be reimbursed for the ODPS and YPS after the expiry of the current reimbursement provisions on 31 March 2026 by setting the reimbursement rates and capped level of funding for both schemes for the next financial year (1 April 2026 to 31 March 2027).

The Order specifies that in 2026-27 the reimbursement rate for the ODPS will be 53% (of the adult single fare). This has been amended from the 2024-25 figure of 52.9%. Accordingly, the capped level of funding for 2026-27 has been set at £248.2 million. The capped level of funding takes account of anticipated spend on the scheme in 2026-27 based on latest data.

The Order specifies that in 2026-27 the reimbursement rate for the YPS will be 48.1% (of the adult single fare) for journeys made by those aged 5 to 15 years old and 72.5% (of the adult single fare) for journeys made by those aged 16 to 21 years old. These have been amended from the 2025-26 rates of 47.9% (of the adult single fare) for journeys made by those aged 5 to 15 years old and 72.4% (of the adult single fare) for journeys made by those aged 16 to 21 years old. Patronage and card holders for the YPS have shown signs of stabilising, allowing for a cap to be applied in line with the legislation underpinning the scheme for this first time. The capped level of funding in 2026-27 has been set at £220.6 million, which takes account of anticipated spend on the scheme in 2026-27 based on latest data.

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

The Scottish Ministers have made the following statement regarding children's rights. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) (No. 2) 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

The reimbursement rates have been agreed with the Confederation of Passenger Transport (CPT), which represents approximately 90% of Scotland's bus services.

Impact Assessments

There are no equality impact issues in relation to renewing the economic parameters of the ODPS or YPS. The ODPS is targeted at older and disabled people. User feedback highlights social and health benefits of the ODPS, including by enabling people more easily to access services and visit friends and relatives. The YPS is targeted towards young people aged under

22. The YPS, which became operational on 31 January 2022, seeks to embed sustainable travel behaviours from a young age and to open up opportunities for young people. This Order enables the ODPS and YPS to continue on the terms detailed above for the next financial year.

A Business Regulatory Impact Assessment (BRIA) and a Child Rights and Wellbeing Impact Assessment (CRWIA) have been completed and is attached.

Financial Effects

The impact of this policy on business is to confirm arrangements for reimbursement of bus operators under the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) and National Bus Travel Concession Scheme for Young Persons (Scotland) for the next year at levels which have the objective of leaving them financially no better and no worse off as a result of participation in the Scheme. This is in line with the objectives in article 12(1) of the 2006 Order and article 12(1) of the 2021 Order.

The capped level of funding for ODPS 2026-27 has been set at £248.2 million, an increase of

£33.1 million from 2025-26. Patronage and card holders for the YPS have shown signs of stabilising, allowing for a cap to be applied in line with the legislation underpinning the scheme for this first time. The capped level of funding in 2026-27 has been set at £220.6 million. These capped levels of funding take account of anticipated spend on the schemes in 2026-27 based on latest data.

Scottish Government

Bus, Concessionary and Active Travel Directorate January 2026

Annexe B: The National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026 (draft)

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

Laid on: 29 January 2026

Procedure: Affirmative

Lead committee to report by: 9 March 2026

Commencement: 24 March 2026

Previous Committee Consideration

An instrument in identical terms was laid on 4 December 2025, and the Committee took evidence on it on 20 January. However, the Minister did not move the motion recommending approval after Members raised concerns, particularly about the absence of the text of a proposed code of conduct, which had not been laid alongside the instrument. The instrument was subsequently withdrawn and re-laid on 29 January, this time with a draft code of conduct included. The re-laid instrument has the same title as the withdrawn instrument.

The Committee will consider the (No. 2) Order 2026 first, as it was laid before the re-laid National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026.

Delegated Powers and Law Reform Committee consideration

The DPLR Committee considered the instrument on 10 February 2026 and reported on it in its [17th Report, 2025](#). It made no recommendations but noted that the original draft of this instrument, which was laid on 4 December 2025, was withdrawn and the present version was re-laid to enable a draft Code to be provided to the lead committee to aid its scrutiny of the draft instrument.

Purpose of the instrument

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.

Transport Scotland operates two national concessionary travel schemes. 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).

The policy note (see below) 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 [ie. passengers travelling free under either scheme], developing educational materials outlining responsible behaviour on buses, and exploring additional visible safety measures.”

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 either scheme. 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.”

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.

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.

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

In April 2025, the Committee held 2 [evidence sessions](#) (22 and 29 April) on the bus sector, including the challenges public transport users, staff and operators face, including the issue of anti-social behaviour.

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. Responses are set out below.

- [Bus Users](#)
- [The Confederation of Passenger Transport Scotland](#)
- [Children and Young People's Commissioner Scotland](#)
- [Scottish Association for Public Transport](#)
- [Scottish Youth Parliament](#)

9. Following consideration of the previous Order on 20 January, the following organisations wrote to the Committee setting out further views:

- [The Confederation of Passenger Transport Scotland](#)
- [Lothian Buses](#)

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.

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.

¹ <https://www.transport.gov.scot/publication/scottish-transport-statistics-2024/chapter-2-bus-and-coach-travel/>

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

Annexe C: Letter from the Minister – draft code of conduct, 28 January 2026

Dear Convener,

Further to the evidence session of 20 January 2026 on the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026, I can confirm that the instrument has been withdrawn, and it will be re-laid on 29 January 2026. As requested by the Committee, I have appended the draft of the Code of Conduct to aid your scrutiny of the instrument.

As I set out to the Committee on 20 January, this SSI is the first key step to deliver this policy, which has been requested by members of the Scottish Parliament, the public, and stakeholders in the bus industry. It secures the enabling power for the policy, providing a strong foundation for Transport Scotland to continue to work with operators and partners to finalise the supporting administrative procedures and ensure that a fair and robust process is established that considers business impacts, child wellbeing and poverty considerations, data implications, and options to phase in the policy to ensure the policy is known to users and address any operational issues.

The draft Code of Conduct sets out the kinds of behaviours which may result in suspension of concessionary travel. To be clear, only incidents that occur while a National Entitlement Card is being used will be subject to this policy, i.e. only incidents that happen on the bus and where someone has used their National Entitlement Card to travel.

The definition of antisocial behaviour in section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004² is deliberately broad, reflecting that an exhaustive list of behaviour considered antisocial by government would be unworkable and anomalous. For similar reasons, the draft Code of Conduct also does not include an exhaustive list of behaviours, but does broadly outline behaviours that have a significant impact on bus drivers or other passengers will be covered. This high threshold also ensures that withdrawal or suspension of free travel is only considered by exception and is proportionate given the impact the suspension may have on the cardholder.

The draft Code of Conduct has been developed with feedback from a range of stakeholders. This includes the Confederation of Passenger Transport's Antisocial Behaviour Stakeholder Group with membership of this group involving CPT, bus operators, Police Scotland, Transport Scotland, local authorities, YoungScot, and

² "a person ("A") engages in antisocial behaviour if A (a) acts in a manner that causes or is likely to cause alarm or distress; or (b) pursues a course of conduct that causes or is likely to cause alarm or distress, to at least one person who is not of the same household as A"

Unite. As part of this feedback, YoungScot provided Transport Scotland and the Stakeholder Group a suggested revised draft of the Code with more accessible terminology which has been incorporated into the current version. Transport Scotland discussed previous drafts of the code with other stakeholders including the Mobility and Access Committee for Scotland, the Scottish Youth Parliament, Transport Focus, Bus Users, and the Young Womens Movement.

To support enforcement of the Code of Conduct, my officials are also developing supporting policies relating to reporting, suspension and review of any decisions to suspend. Our approach of close collaboration with stakeholders will continue as the detail these policies develop, however I can provide a high level overview of what is being considered regarding these procedures.

Reporting

It is anticipated that reporting of incidents of antisocial behaviour will primarily come from bus operators (based on reports from drivers), police officers, or community safety officers.

Transport Scotland intend to develop a standard reporting template which reporters may use to provide the relevant information for Transport Scotland to consider, and discourage the sharing of more information than necessary, particularly when that information may relate to children or special category information (i.e. health information). Engagement will continue with these partners to ensure all data sharing between parties complies with UK data protection laws.

Suspension

The legislation sets out that before any decision to suspend concessionary travel, the scheme user must be given notice including the grounds for potential suspension and also provided with an opportunity to make representations.

Once the report is received regarding an incident, Transport Scotland will consider the report and make an initial assessment whether the code of conduct has been breached. If it is believed a breach has occurred, then the cardholder or their parent/guardian will be asked to provide an explanation of the incident, and any potential relevant mitigating circumstances. Mitigating circumstances that may be appropriate to consider could include unintentional behaviour due to a particular disability, as raised by some members of the Committee.

During the development of this policy, my officials heard from the Mobility and Access Committee for Scotland on the importance of being aware of unintentional behaviours.

Transport Scotland will then decide whether there will be no further action, a warning issued or if access to concessionary travel will be suspended. In each case the cardholder or their parent/guardian will be informed. An internal decision-making framework is being developed to ensure that decisions are consistent and fair, and based on the evidence available of the

incident (e.g. a statement from a witness or a report from Police Scotland, CCTV reports, etc).

Further consideration is being given to the most appropriate lengths of any suspension which will act as an effective deterrent against antisocial behaviour, without being unduly long and disproportionate.

A process to allow cardholders who have had their concessionary travel suspended to request a review of that decision is also being developed.

Bus Operators Conditions of Carriage

I would also like to take this opportunity to respond further to the questions raised by the Committee in the evidence session on operators existing conditions of carriage, and which I have not already addressed above.

The Committee asked why the Government is pursuing this policy when bus operators can already restrict access to their services in line with their own conditions of carriage.

Suspension of concessionary travel via the National Entitlement Card would provide a standard suspension across all bus operators within the concessionary travel schemes, and would avoid the need for multiple operators to make decisions on whether to restrict travel. To be clear, however, the policy to suspend or withdraw concessionary travel is completely separate to any action operators may take in relation to their conditions of carriage.

I am grateful for the Committee's consideration of this additional information and welcome further questions.

Yours sincerely,

JIM FAIRLIE

ANNEX

Draft Code of Conduct – January 2026

Everyone - passengers and staff - deserves to feel safe when using public transport. That means treating others with respect and behaving in a responsible way. If you're using your National Entitlement Card (NEC) for free travel, you could lose that right if you:

Act in a way that hurts or threatens others: Some examples of this are:

- *Hurting someone physically*
- *Using abusive, threatening, or indecent language*
- *any kind of harassment*

Damage or disrupt the bus: Some examples of this are:

- *Breaking seats, windows, safety equipment, or other parts of the bus*
- *Doing things that make it hard for the bus to run safely (like trying to open doors or distracting the driver)*

If a bus company or Police Scotland thinks you've broken these rules, they can report it to Transport Scotland. You'll get a chance to explain your side. Then Transport Scotland will decide what happens next. They might:

- *Do nothing*
- *Send you a warning letter*
- *Suspend your free travel (especially if it's serious or happens more than once)*

If your travel gets suspended, you'll be told in advance and given information on how to ask for a review of the decision.