

TRANSPORT (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Part 2

Bus Services

Miscellaneous

Section 41 Bus User Complaints Tribunal

67. This section provides the Scottish Ministers with the power to establish by regulations a Tribunal whose remit will be to deal with complaints by bus users where the operator has not satisfactorily dealt with their complaints.
68. Subsection (2) provides that the Tribunal will have a convenor and two other members, who will be appointed by the Scottish Ministers. Subsection (3) provides that regulations may make provision in connection with such matter as the form of complaints, the procedure to be followed by the Tribunal, the matters to which the Tribunal shall have regard, the powers of the Tribunal on making determinations, the tenure of Tribunal members, the payment of remuneration and allowances, the making of reports to the Scottish Ministers, reporting arrangements and appeals.
69. Subsection (4) provides that the traffic commissioner shall make available the necessary staff, pay remuneration, allowances and any other expenses and provide the Tribunal with any other reasonable assistance. Subsection (6) provides that the Scottish Ministers shall pay the traffic commissioner an amount agreed as appropriate to reimburse this expense.

Section 42 Traffic regulation conditions to reduce or limit noise or air pollution

70. This section extends the powers of the traffic commissioner to impose traffic regulation conditions on local bus services under section 7 of the Transport Act 1985. Previously, these powers permitted the traffic commissioner, at the request of local authorities, to impose restrictions on routes and stopping places in the interests of preventing danger to road users or reducing severe traffic congestion. This section enables the traffic commissioner to do so for the additional purposes of reducing or limiting noise or air pollution.

Section 43 Power to obtain information about local services

71. This section enables a local transport authority to obtain from bus operators basic statistical data which may be needed in connection with any of its public transport functions - for example, in the context of local transport strategies or tendering of bus services. The data is limited in subsection (2) to passenger journeys, bus mileage and fare structures. There is a requirement in subsection (3) to produce it in any reasonable form; and in subsections (4) and (5) not to disclose it except with consent or in other specified circumstances.

72. A local transport authority that, without reasonable excuse, discloses information other than in accordance with subsections (4) and (5) commits an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale. In certain circumstances an employee of the authority can also commit an offence and be subject to the same penalties as the authority.

Section 44 Civil penalties for bus lane contraventions

73. This section enables the Scottish Ministers to make regulations allowing “approved” local authorities to impose civil penalties on motorists committing certain bus lane driving offences. Where such a scheme exists, the offences in question will have been decriminalised and the local authority enforcing the scheme will be able to retain receipts received through the penalties imposed. The receipts will, however, have to be used by the local authority for the purposes of achieving policies set out in their local transport strategy.
74. A local authority will be regarded as being “approved” for the purpose of this section if an order has been made designating the whole or part of their area as a permitted or special parking area or the Scottish Ministers have made an order specifying them as such.

Section 45 Registered services: minimum period of operation

75. This section amends section 6 of the Transport Act 1985 in order to require operators of local services to operate new or varied registered services for a period of at least 90 days, or such other period as the traffic commissioner may specify.

Section 46 Power to restrict dates on which scheduled timings of local services may be varied

76. This section amends section 6 of the Transport Act 1985 to enable the Scottish Ministers, by regulations, to restrict the dates on which operators of local services may vary a registration in so far as it relates to the scheduled times of that local service. The regulations may specify the local authority area or areas which are to be subject to such a restriction. Such regulations cannot specify more than 4 dates in any calendar year on which a registration may be varied, and they cannot have effect for a period of more than 3 years.

Section 47 Co-operation

77. This section requires local transport authorities, when carrying out their functions under this Act in relation to QP, QC and ticketing schemes and the provision of information to have regard to the desirability of joint arrangements with other authorities and to co-operate with one another.