

# TRANSPORT (SCOTLAND) ACT 2001

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## EXPLANATORY NOTES

### THE ACT

#### Part 3

#### Road User Charging

#### Road user charging schemes

#### *Section 49 Charging schemes*

78. This section sets out the meaning of a road user charging scheme. A road user charging scheme may only be introduced by local authorities as the local traffic authorities, acting either singly or jointly. It will be for local authorities to decide whether or not they wish to bring forward a scheme. Subsection (2) provides that a charging scheme made by a local authority or authorities acting jointly may apply only to roads for which the charging authority or charging authorities are the traffic authority. This means that the charging authority have no powers to charge for the use of trunk roads, even where they fall within the area of a local charging scheme.
79. Subsection (3) provides that charging schemes should be introduced only where the charging authority have a local transport strategy (as defined in section 82(1)) setting out the authority's agreed policies for transport in their area. Section 79 provides that the Scottish Ministers may issue guidance relating to the preparation of strategies.
80. A charging scheme is defined in subsection (5) as a scheme for imposing charges on the use or keeping of motor vehicles on specified local roads. The term "keeping" is required to allow for the inspection of stationary vehicles in a paper-based area-licensing scheme. The keeper of the vehicle will usually be liable for the charge incurred, although there may be cases where the Scottish Ministers specify that other persons (e.g. the driver or the signatory of a hire agreement) are liable.