

TRANSPORT (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Part 3

Road User Charging

Road user charging schemes

Section 53 Matters to be dealt with in charging schemes

89. This section sets out the basic elements that must be included in the order establishing the charging scheme. It allows the authority to make detailed provision on how exactly a scheme will operate in their area. It is for the charging authority to determine what is included in the order under each of the basic elements.
90. In summary, an order will set out the roads which are to be charged, how the charges are to be defined, the classes of motor vehicle which will be charged (and those which are exempt or eligible for reduced rates of charge), the levels of charge, the duration of the scheme, and matters relating to the collection, payment and recording of charges. It is for the charging authority to determine these matters.
91. Subsection (3) ensures that charging powers cannot be used purely as a charge on parked vehicles.
92. Some of the factors by reference to which different charges might be imposed are described in subsection (4), but this is not an exhaustive list. This gives local authorities a degree of flexibility as to how they may raise a charge so that the scheme might best meet their local policy aspirations. Thus they might, for example, decide to vary the charge to reflect the most congested times of the day. Alternatively, they might view the charging scheme as a device to reduce peak time commuting to work and simply not charge in the evenings or at the weekend.
93. Subsection (5) allows authorities to increase charges in line with inflation (as defined by the retail prices index) on specified dates, if they so wish. An authority must make it clear during consultation if they wish to increase charges in this way over the lifetime of the scheme.
94. Authorities will be required to set the level of the charge with regard to the purposes for which they intend to use the net proceeds. The Scottish Ministers do not intend to approve any charging scheme designed simply to be a revenue raiser and will expect authorities to have an estimate before introducing a scheme of how much the scheme will raise and what local transport improvements they intend to fund with the net proceeds.
95. A charging scheme may require documents or equipment to be carried in or fitted to a vehicle when it is on a charged road. This gives charging authorities power to ensure

*These notes relate to the Transport (Scotland) Act 2001
(asp 2) which received Royal Assent on 25 January 2001*

that everyone who enters a scheme must have a permit or electronic payment unit in their vehicle, or be liable to pay a penalty charge.