



Transport (Scotland) Act 2001

2001 asp 2

PART 2

BUS SERVICES

Quality partnership schemes

3 Quality partnership schemes

- (1) A local transport authority, or two or more such authorities acting jointly, may make a quality partnership scheme covering the whole or any part of their area, or combined area, if they are satisfied that the scheme will—
 - (a) to any extent implement their relevant general policies in the area to which the proposed scheme relates; and
 - (b) either—
 - (i) improve the quality of local services and facilities provided in the area to which the proposed scheme relates in such a way as to bring material benefits to persons using those services and facilities; or
 - (ii) reduce or limit traffic congestion, noise or air pollution.
- (2) A quality partnership scheme may not be made unless the authority have complied with the notice and consultation requirements imposed by section 5 of this Act.
- (3) A quality partnership scheme is a scheme under which—
 - (a) the authority provide, during such periods as may be specified in the scheme, such facilities as may be so specified (in this Part of this Act facilities so specified being referred to as “specified facilities”) in the area to which the scheme relates; and
 - (b) operators of local services who wish to use the specified facilities are required to undertake to provide, during such periods as may be specified in the scheme, local services of such standard as may be specified in the scheme (in this Part of this Act any standard so specified being referred to as the “specified standard”) when using them.
- (4) Any specified facilities—

Status: Point in time view as at 01/07/2001.

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- (a) shall be provided at such locations within the area to which the scheme relates as may be specified in the scheme along routes served, or proposed to be served, by local services; or
 - (b) shall be facilities which are ancillary to facilities so provided.
- (5) Anything which the authority are required to provide, or secure the provision of, by virtue of section 33 or 34 of this Act may not be a specified facility.
- (6) Any specified standard—
- (a) may include—
 - (i) requirements which the vehicles being used to provide the services shall meet; and
 - (ii) requirements as to the minimum frequency of services; but
 - (b) may not include requirements as to the maximum frequency, or timing, of services.
- (7) If in relation to a proposed scheme the provision of any of the specified facilities requires the making of a traffic regulation order in respect of a road for which the Secretary of State and the Scottish Ministers are the traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984 (c.27)), that proposed scheme may not be made unless it is made by the local transport authority and—
- (a) in a case where the order is to be made by the Secretary of State only, the Secretary of State;
 - (b) in a case where the order is to be made by the Scottish Ministers only, the Scottish Ministers; or
 - (c) in a case where the order is to be made by the Secretary of State and the Scottish Ministers, the Secretary of State and the Scottish Ministers, acting jointly.
- (8) Subject to subsection (9) below, for the purposes of this section (other than subsection (1) above) and sections 5 to 10 of this Act, any reference to a local transport authority shall be construed, in any case where a scheme is made (or proposed to be made)—
- (a) by two or more such authorities acting jointly, as a reference to both (or, as the case may be, all) of those authorities;
 - (b) by virtue of subsection (7)(a) or (b) above by—
 - (i) the Secretary of State or the Scottish Ministers; and
 - (ii) such an authority or two or more such authorities, acting jointly, as a reference to the Secretary of State or, as the case may be, the Scottish Ministers and that authority or, as the case may be, those authorities; or
 - (c) by virtue of subsection (7)(c) above by—
 - (i) the Secretary of State;
 - (ii) the Scottish Ministers; and
 - (iii) such an authority or two or more such authorities, acting jointly, as a reference to the Secretary of State, the Scottish Ministers and that authority or, as the case may be, those authorities.

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- (9) In construing a reference to a local transport authority for the purposes of subsection (7) above and section 10 of this Act, paragraph (b) of subsection (8) above shall be disregarded.

4 Regulations as respects specifying existing facilities in quality partnership schemes

- (1) The Scottish Ministers may by regulations make provision as respects the specifying in quality partnership schemes of facilities which are provided before such schemes are proposed (in this section any such facilities being referred to as “existing facilities”).
- (2) The regulations may in particular—
- (a) provide that particular existing facilities or classes of existing facilities may not be specified;
 - (b) provide that existing facilities may not be specified if they were provided before such date as may be prescribed by, or determined in accordance with, the regulations;
 - (c) provide that particular existing facilities or classes of existing facilities may be specified only in circumstances prescribed by the regulations;
 - (d) provide that, in circumstances prescribed by the regulations, particular existing facilities or classes of existing facilities may be specified only with the consent of such person as may be prescribed by, or determined in accordance with, the regulations; and
 - (e) make provision modifying any of sections 5 to 7 as those sections apply in relation to schemes, or proposed schemes, which specify existing facilities.

5 Consultation as to proposed quality partnership scheme

- (1) If a local transport authority propose to make a quality partnership scheme, they shall give notice of the proposed scheme in at least one local newspaper circulating in the area to which it relates.
- (2) The notice shall—
- (a) set out the authority’s proposals for specified facilities and specified standards; or
 - (b) state where, in what form, and at what times, such proposals may be inspected.
- (3) If any of the proposed specified facilities would affect a road for which the Secretary of State and the Scottish Ministers are the traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984 (c.27)) the authority shall consult the Secretary of State and the Scottish Ministers before giving notice of the proposed scheme.
- (4) After giving notice of the proposed scheme, the authority shall consult—
- (a) all operators of local services who are, in the opinion of the authority, likely to be affected by it;
 - (b) such organisations appearing to the authority to be representative of users of local services as they think fit;
 - (c) every other local transport authority any part of whose area is, in the opinion of the authority, likely to be affected by it;
 - (d) any—

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- (i) local transport authority (as defined in paragraphs (a) to (c) of section 108(4) of the Transport Act 2000 (c.38)); or
- (ii) metropolitan district council in England,
any part of whose area is, in the opinion of the authority, likely to be affected by it;
- (e) the traffic commissioner;
- (f) the chief officer of police for each police area which is to any extent comprised in the area to which the scheme relates; and
- (g) such other persons as the authority think fit.

Modifications etc. (not altering text)

C1 S. 5 applied (with modifications) (1.7.2001) by [S.S.I. 2001/218](#), [reg. 5](#)

6 Making of quality partnership scheme

- (1) If, having complied with section 5 of this Act, a local transport authority decide that it is appropriate to make a quality partnership scheme, they may make it—
 - (a) in the form proposed; or
 - (b) subject to such modifications as they may specify.
- (2) A scheme shall set out—
 - (a) the specified facilities to be provided by the authority;
 - (b) the specified standard of local services which operators are required to undertake to provide;
 - (c) the date on which it shall come into operation;
 - (d) the period (being a period of more than three, but not more than seven, years) for which it shall remain in operation; and
 - (e) procedures for determining any dispute arising in relation to the scheme between the authority and any operator of local services who has undertaken to provide such services under the scheme.
- (3) A scheme may provide that—
 - (a) local services specified in it; or
 - (b) local services of a class specified in it,
 are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.
- (4) Any date specified by virtue of subsection (2)(c) above shall not be earlier than the date by which, in the opinion of the authority, it will be reasonably practicable—
 - (a) for the authority to provide the specified facilities in accordance with the scheme; and
 - (b) for operators of local services to provide the specified standard of services in accordance with the scheme,
 and, in any event, shall not be earlier than whichever is the later of the dates mentioned in subsection (5) below.
- (5) The dates referred to in subsection (4) above are—
 - (a) the date 3 months after that on which the scheme is made; and

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- (b) the date 3 months after that on which any traffic regulation order required for the provision of any of the specified facilities is made (or, if more than one such order is required for that purpose, the date on which the last of them is made).
- (6) Not later than 14 days after the date on which a scheme is made, the authority shall give notice—
- (a) in at least one local newspaper circulating in the area to which the scheme relates;
 - (b) to all operators of local services who are, in the opinion of the authority, likely to be affected by the scheme; and
 - (c) to the traffic commissioner.
- (7) The notice shall—
- (a) set out the scheme; or
 - (b) state where, in what form, and at what times, the scheme may be inspected, and, if the scheme made is a modified version of that proposed, state that fact.

7 Postponement of quality partnership scheme

- (1) If it appears to the local transport authority who made a quality partnership scheme reasonable to do so, they may postpone the date on which the scheme would otherwise come into operation by such period, not exceeding 12 months, as they think fit.
- (2) Before postponing a date under subsection (1) above, an authority shall consult all operators of local services who are, in the opinion of the authority, likely to be affected by the postponement.
- (3) Not later than 14 days after the date on which an authority postpone a date under subsection (1) above the authority shall give notice of the postponement—
- (a) in at least one local newspaper circulating in the area to which the scheme relates;
 - (b) to all operators of local services who are, in the opinion of the authority, likely to be affected by the postponement; and
 - (c) to the traffic commissioner.

8 Effect of quality partnership scheme

- (1) Subject to subsections (2) and (3) below, a local transport authority shall, during such periods as may be specified in the quality partnership scheme, provide such of the specified facilities as are to be provided by them under the scheme.
- (2) Subsection (1) above shall not apply in relation to any period during which the authority are temporarily unable to provide the facilities owing to circumstances beyond their control.
- (3) Subsection (1) above shall not apply in the case of the Secretary of State or, as the case may be, the Scottish Ministers if the Secretary of State is, or the Scottish Ministers are, unable to provide the facilities owing to the variation or revocation of a traffic regulation order.
- (4) The operator of a local service may not use the specified facilities unless the operator—

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- (a) has given a written undertaking to the traffic commissioner that the operator will, except in circumstances beyond the operator's control, provide, during such periods as may be specified in the scheme, the local service to the specified standard when using the facilities; and
 - (b) provides the service to that standard when using the facilities.
- (5) Any undertaking given under subsection (4)(a) above shall be treated, during any period when the relevant scheme is in operation, as if it were prescribed particulars registered under section 6 of the 1985 Act (registration of local services) of the service concerned.
- (6) Subsection (4) above shall not apply in relation to services which are excluded from the scheme by virtue of section 6(3) of this Act.
- (7) Where conditions are specified by virtue of section 6(3) of this Act, those conditions shall be treated, during any period when the scheme is in operation, as if they were prescribed particulars registered under section 6 of the 1985 Act of the service concerned.

9 Variation or revocation of quality partnership scheme

- (1) Subject to subsections (3) and (4) below, a local transport authority who made a quality partnership scheme may vary the scheme if they decide that it is appropriate to do so.
- (2) Subject to subsection (4) below, the authority who made a scheme may revoke it if all operators of local services who have given an undertaking such as is mentioned in section 8(4)(a) of this Act consent to the revocation; and such consent shall not be unreasonably withheld.
- (3) If the variation of a scheme under subsection (1) above would require the making of a traffic regulation order, sections 5 and 6 of this Act shall apply to the variation of the scheme as those sections apply to the making of a scheme.
- (4) Sections 5 and 6 of this Act shall apply to any variation (other than a variation which would require the making of a traffic regulation order) under subsection (1) above, or revocation under subsection (2) above, except to the extent that the procedure is modified by regulations made under section 11 of this Act.

10 Reports on quality partnership schemes

- (1) In relation to each quality partnership scheme made by them, a local transport authority shall, for each successive period of 12 months during which the scheme is in operation (the first period being taken to begin on the date on which the scheme comes into operation), prepare and submit to the Scottish Ministers a report on the effectiveness of the scheme.
- (2) In preparing a report under subsection (1) above an authority shall have regard to any representations relating to—
 - (a) local services in their area; and
 - (b) specified facilities,
 made to them during the period to which the report relates.
- (3) An authority may require any operator of a local service to provide such information as the authority may specify for or in connection with the preparation of a report under

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subsection (1) above; and in so far as the provision of such information would be reasonable, the operator shall comply with any such requirement.

- (4) Any report under this section shall be submitted not later than 6 months after the end of the period to which it relates.
- (5) Before submitting a report under this section the authority shall consult the traffic commissioner in relation to the proposed content of the report.

11 Regulations as respects quality partnership schemes

- (1) The Scottish Ministers may by regulations make further provision with respect to—
 - (a) the procedure to be followed when making, varying or revoking quality partnership schemes;
 - (b) specifying any case where no procedure requires to be followed when making, varying or revoking quality partnership schemes;
 - (c) the local services or classes of local services which shall, or may, be excluded from schemes;
 - (d) the conditions which shall, or may, be attached to such exclusions;
 - (e) the form and manner in which undertakings are to be given to the traffic commissioner in connection with schemes;
 - (f) the making of traffic regulation orders in connection with schemes; and
 - (g) such other incidental matters in connection with quality partnership schemes as the Scottish Ministers think fit.
- (2) The regulations may in particular make provision with respect to—
 - (a) giving notice of proposed schemes or proposed variations or revocations of schemes;
 - (b) objections to such proposals;
 - (c) the holding of inquiries or hearings into objections;
 - (d) modifications of such proposals;
 - (e) the form of schemes or variations; and
 - (f) giving notice of schemes which have been made or of variations, or revocations, of schemes.

12 Eligibility for service subsidies

In section 63(5) of the 1985 Act (power of local authority to enter into agreement for service subsidies), in paragraph (a)—

- (a) after “question” there shall be inserted “—(i)”; and
- (b) after “provided” there shall be inserted “; or
 - (ii) would not be provided to the standard specified in a quality partnership scheme made under section 6 of the Transport (Scotland) Act 2001 (asp 2),”.

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