



Transport (Scotland) Act 2001

2001 asp 2

PART

BUS SERVICES

Quality contract schemes

19 Exceptions from section 18(1)

- (1) The Scottish Ministers may by regulations provide that section 18(1) of this Act shall not apply to quality contracts of such description as may be specified in the regulations; and any such description may be framed by reference to—
 - (a) the description of local service to which a quality contract relates;
 - (b) the description of persons proposing to operate a local service;
 - (c) the period during which a local service is to be provided under a contract; or
 - (d) any other relevant circumstances.
- (2) Section 18(1) of this Act shall not apply in any case where it appears to a local transport authority that action is urgently required for the purpose of—
 - (a) maintaining an existing local service;
 - (b) securing the provision of a local service in place of any such service that has ceased to operate; or
 - (c) securing the provision of a local service to meet any public transport requirement which has arisen unexpectedly and ought, in the opinion of the authority, to be met without delay.
- (3) Where by virtue of subsection (2) above any authority enters into a quality contract to which subsection (1) of section 18 of this Act does not apply, that authority shall as soon as practicable invite tenders for the provision of the service which is the subject of that quality contract for such period and on such basis as may be specified in the invitation to tender; and subsections (3) to (7) of that section shall apply in any such case as if the invitation had been issued under subsection (2) of that section.
- (4) Any quality contract entered into by virtue of subsection (2) above shall be made so as to remain in force for no longer than 3 months after the end of the period allowed

for the submission of tenders in accordance with the invitation to tender issued under subsection (3) above.

- (5) Subject to subsections (6) and (7) below, where—
- (a) an invitation to tender for the provision of any service is issued under subsection (3) above or subsection (2) of section 18 of this Act; and
 - (b) no tender, or no tender which the authority who issued the invitation consider acceptable, is submitted in response to that invitation,
- any power of that authority to enter into a quality contract in order to secure that service shall cease to be subject to subsection (1) of that section.
- (6) Any quality contract which is entered into by an authority by virtue of subsection (5) above shall be made so as to remain in force for no longer than the period specified in section 18(3) of this Act.
- (7) On entering into a quality contract such as is mentioned in subsection (6) above the authority shall publish in such manner as may be prescribed by regulations made by the Scottish Ministers either—
- (a) a statement that no tender was submitted in response to that invitation to tender; or
 - (b) a statement of their reasons for considering that no tender so submitted was acceptable,
- as the case may require.