

*These notes relate to the Transport (Scotland) Act 2005
(asp 12) which received Royal Assent on 5 August 2005*

TRANSPORT (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT

3. The Act takes forward the proposals in the White Paper *Scotland's transport future*¹ and fulfils commitments in the Partnership Agreement (*A Partnership for a Better Scotland: Partnership Agreement*)² published in May 2003) to bring forward legislation to:
 - create regionally based Transport Partnerships;
 - enable certain transport functions currently carried out by Strathclyde Passenger Transport Executive and Strathclyde Passenger Transport Authority to be carried out by the Scottish Ministers;
 - create the office of the Scottish Road Works Commissioner to monitor the quality of road works;
 - improve the co-ordination of road works by making the Scottish Road Works Register a key planning tool;
 - introduce stricter requirements for reinstating roads and new provisions on resurfacing roads;
 - make further provision for enforcing road work offences;
 - empower the Scottish Ministers to introduce national concessionary travel schemes and modify or revoke any existing schemes run by transport authorities;
 - permit local authorities to establish, alter or remove pedestrian crossings without notifying the Scottish Ministers;
 - streamline the administrative process for supporting shipping services in the Highlands and Islands;
 - amend the procedures for dealing with applications for harbour orders; and
 - enable local authorities in the current Strathclyde Passenger Transport Area to establish quality partnerships, quality contracts and joint-ticketing schemes.
4. The Act also incorporates a number of significant amendments that were introduced during the Parliamentary process to bring forward legislation to:
 - create a Public Transport Users' Committee for Scotland;
 - change the terminology on badges for vehicles used for disabled people; and
 - extend the remit of the Bus User Complaints Tribunal.
5. The Act impacts on a number of other Acts but makes particular reference to:

¹ Scottish Executive, *Scotland's transport future* (2004) www.scotland.gov.uk/library5/transport/stfwp-00.asp

² Scottish Executive, *A partnership for a Better Scotland: Partnership Agreement* (2003), www.scotland.gov.uk/library5/government/pfbs-00.asp

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- the New Roads and Street Works Act 1991.
 - the Roads (Scotland) Act 1984.
6. The Act is in four parts:
- Part 1: Regional transport;
 - Part 2: Road works;
 - Part 3: Miscellaneous;
 - Part 4: General.
7. **Part 1** consists of three chapters. Chapter 1 creates regional transport partnerships across the whole of Scotland. Each transport partnership will be required to prepare a statutory regional transport strategy for their area and each strategy will make the case for investment in that region as well as guiding and co-ordinating the activities of constituent councils, health boards and other specified public bodies in the delivery of that strategy. Chapter 2 enables the Scottish Ministers to assume control of the rail functions of Strathclyde Passenger Transport thus bringing consistency across Scotland. Chapter 3 provides details on the transfer arrangements of staff, property, rights and liabilities where functions are transferred by virtue of certain provisions in the Act.
8. **Part 2** contains provisions to improve the quality of and co-ordination of road works. It establishes a Scottish Road Works Commissioner to monitor the quality of road works at a national level across roads authorities and undertakers, drive and promote improvements and impose penalties for poor performance. New and enhanced duties are placed on road works authorities and undertakers to co-ordinate and plan their works via the Scottish Road Works Register. The Act also provides for an increase in the levels of fines of specified offences and provides road works authorities with the authority to issue fixed penalty notices for certain offences.
9. **Part 3** contains miscellaneous transport related provisions. These include provisions to establish national travel concession schemes, create a Public Transport Users' Committee and modify or amend legislation relating to pedestrian crossings, shipping services, harbours and badges displayed on vehicles used by organisations concerned with care of people with disabilities. The remit of the Bus User Complaints Tribunal is extended to cover express and long-distance coaches so that all bus services that are available to the general travelling public are able to be considered. Part 3 also contains measures that make minor amendments to the Transport (Scotland) Act 2001 including changes to enable local authorities in the current Strathclyde Passenger Transport Area to establish quality bus partnerships and quality bus contracts.
10. **Part 4** describes how the secondary legislation (orders and regulations) will be made as well as providing a definition of certain words and expressions used in the Act. It also deals with commencement and provides the short title of the Act.