



Transport (Scotland) Act 2019

2019 asp 17

PART 4

TICKETING ARRANGEMENTS AND SCHEMES

41 Ticketing arrangements

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 27 insert—

“CHAPTER 3

TICKETING ARRANGEMENTS AND TICKETING SCHEMES

Meaning of “ticketing arrangements” etc.

27A Meaning of “ticketing arrangements” etc.

- (1) In this Chapter, “ticketing arrangements” means arrangements under which persons may become entitled—
 - (a) to make more than one journey on particular local services (whether or not operated by the same person),
 - (b) to make a particular journey on two or more local services (whether or not operated by the same person),
 - (c) where a particular journey could be made on local services provided by either (or any) of two or more operators, to make the journey on whichever service the entitled person chooses, or
 - (d) to make a journey on one or more local services (whether or not operated by the same person) and one or more connecting rail or ferry services or to make more than one such journey,by entering into a single transaction of such description as the operator or operators of such services may require.

Status: This is the original version (as it was originally enacted).

- (2) In this Chapter, ticketing arrangements are “smart ticketing arrangements” if they include provision to the effect that evidence of a person’s entitlement to travel may be held or produced by the person in electronic form (whether or not it may also be held or produced in another form).
 - (3) In this Chapter, “connecting rail or ferry service” means a service for the carriage of passengers by railway or ferry which runs between—
 - (a) a station, port or stopping place at or in the vicinity of which local services stop and which serves any part of the area to which the arrangement relates, and
 - (b) any other place.
 - (4) In subsection (3), “railway” has the same meaning as in section 67(1) of the Transport and Works Act 1992.
 - (5) The Scottish Ministers may by regulations amend the definition of “ticketing arrangements” in subsection (1) so that it includes arrangements under which persons may become entitled to make a journey on one or more local services (whether or not operated by the same person) and by means of such other service or class of service as may be specified in the regulations.
 - (6) Regulations under subsection (5) may also amend sections 28 to 31 in their application to services specified in the regulations as the Scottish Ministers consider appropriate.”.
- (3) Section 28(5) is repealed.
 - (4) The italic heading immediately preceding section 28 becomes “*Ticketing arrangements*”.
 - (5) In section 81(4)(b) (regulations subject to the affirmative procedure), before “41(1)” insert “27A(5),”.

42 National technological standard for smart ticketing

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 27A insert—

“National standard and advisory board for smart ticketing

27B National technological standard for smart ticketing

- (1) The Scottish Ministers may specify a technical standard for the implementation and operation of smart ticketing arrangements.
- (2) A standard may be specified under subsection (1) by reference to a standard published by another person or for another purpose.
- (3) The power in subsection (1) to specify a standard includes the power to vary and revoke a specification.
- (4) Before specifying a standard under subsection (1) (or varying or revoking a specification) the Scottish Ministers must consult the National Smart Ticketing Advisory Board.

Status: This is the original version (as it was originally enacted).

- (5) The Scottish Ministers must publish any specification made under subsection (1) (including any variation or revocation of a specification).
- (6) In this Chapter, “national technological standard for smart ticketing” means the standard for the time being specified under subsection (1) and published under subsection (5).”.

43 National Smart Ticketing Advisory Board

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 27B insert—

“27C National Smart Ticketing Advisory Board

- (1) The Scottish Ministers must establish an advisory committee to be known as the National Smart Ticketing Advisory Board (“the Board”).
- (2) The function of the Board is to advise the Scottish Ministers in relation to their functions insofar as they relate to—
 - (a) smart ticketing arrangements, and
 - (b) the national technological standard for smart ticketing.
- (3) The Board also has the function of issuing advice and recommendations to the Scottish Ministers in relation to the strategic development of smart ticketing in Scotland.
- (4) The Scottish Ministers may by regulations make provision about the Board, including provision about—
 - (a) the appointment, removal and replacement of members,
 - (b) the remuneration of members (including as to payment of a member’s expenses),
 - (c) the process by which the Board makes decisions.
- (5) Before making regulations under subsection (4), the Scottish Ministers must consult—
 - (a) all local transport authorities,
 - (b) such organisations appearing to Scottish Ministers to be representative of users of local services and connecting rail or ferry services as they think fit,
 - (c) such organisations appearing to Scottish Ministers to be representative of operators of local services and connecting rail or ferry services as they think fit,
 - (d) such other persons as they think fit.”.

44 Ticketing schemes

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) In section 29 (ticketing schemes)—
 - (a) after subsection (3) insert—

“(3A) A ticketing scheme must require the ticketing arrangements—

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- (a) to be smart ticketing arrangements, and
 - (b) to comply with the national technological standard for smart ticketing (to the extent it is relevant to the arrangements).
- (3B) A ticketing scheme may require the ticketing arrangements to include provision—
- (a) enabling payment in particular ways,
 - (b) about the persons to whom payment may be made,
 - (c) about enabling entitlement to travel to be evidenced in particular ways,
 - (d) about providing information about the arrangements to the public,
 - (e) about publicising local services, fares or ticketing arrangements provided or made available by any operator of a local service of a class specified in the scheme, and
 - (f) as to the appearance of tickets.
- (3C) A ticketing scheme may make provision for ticketing arrangements giving rise to different kinds of entitlement to travel including, in particular—
- (a) an entitlement that is valid for a specified period, and
 - (b) an entitlement that is valid only in a specified area.”,
- (b) in subsection (5), for “28(5)” substitute “27A(1)”,
- (c) after subsection (6) insert—
- “(7) In carrying out their functions under this section and sections 30 and 31 in relation to ticketing schemes, local transport authorities must co-operate with one another.
- (8) In carrying out their functions under this section and sections 30 and 31 in relation to ticketing schemes, local transport authorities must have regard to the desirability, in appropriate cases, of having a ticketing scheme that—
- (a) facilitates journeys between the area to which the ticketing scheme applies and adjoining areas of Scotland, or
 - (b) facilitates the adoption of ticketing arrangements similar to those specified in the ticketing scheme in adjoining areas of Scotland.”.
- (3) In section 30 (consultation as to proposed ticketing scheme)—
- (a) in subsection (1), for “at least one local newspaper circulating” substitute “such manner as they consider appropriate for bringing it to the attention of persons”,
 - (b) in subsection (3), after paragraph (c) insert—
 - “(ca) any—
 - (i) local authority,
 - (ii) National Park authority (as established by virtue of the National Parks (Scotland) Act 2000), and
 - (iii) Transport Partnership,
 any part of whose area or region would, in the opinion of the authority, be affected by the proposed scheme,

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- (cb) where the proposed scheme specifies arrangements of a kind mentioned in section 27A(1)(d)—
 - (i) the Scottish Ministers,
 - (ii) all operators of connecting rail or ferry services who are, in the opinion of the authority, likely to be affected by it,
 - (iii) such organisations appearing to the authority to be representative of users of connecting rail or ferry services as they think fit,
 - (cc) the Competition and Markets Authority.”.
- (4) In section 31 (making of ticketing scheme)—
- (a) after subsection (1) insert—

“(1A) If the scheme specifies arrangements of a kind mentioned in section 27A(1)(d), it may only be made with the agreement of the operator of the connecting rail or ferry service concerned.”,
 - (b) in subsection (3)—
 - (i) in paragraph (a), for “at least one local newspaper circulating” substitute “such manner as they consider appropriate for bringing it to the attention of persons”,
 - (ii) in paragraph (b), after “services” insert “or connecting rail or ferry services”,
 - (iii) after paragraph (c) insert—

“(ca) to every other person consulted in relation to the scheme under section 30(3).”.
 - (c) in subsection (4)(b), after “service” insert “and the connecting rail or ferry services (if any)”,
 - (d) after subsection (4) insert—

“(5) The authority may vary or revoke the scheme.

(6) If the proposed variation would result in the scheme relating to all or part of the area of another local transport authority, the reference in subsection (5) to the authority includes that other authority.

(7) The variation or revocation is subject to the same procedure as the making of the scheme and in the application of that procedure—

 - (a) a reference in sections 29 and 30 and subsections (1) to (4) to making a scheme is to be treated as a reference to varying or revoking the scheme,
 - (b) a reference in those provisions to the proposed scheme is to be treated as a reference to the scheme as proposed to be varied or the proposed revocation of the scheme,
 - (c) a reference in those provisions to the date on which the scheme comes into operation is to be treated as a reference to the date on which the scheme as varied comes into operation or the date on which the scheme comes to an end.”.
- (5) In section 47—
- (a) in subsection (1), the words “or ticketing scheme” are repealed,
 - (b) in subsection (3)(a), the words “and ticketing schemes” are repealed.

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(6) Before section 29 insert—

“Ticketing schemes”.

45 Directions about ticketing schemes

(1) The Transport (Scotland) Act 2001 is amended as follows.

(2) After section 32 insert—

“32A Directions about ticketing schemes

- (1) The Scottish Ministers may direct a local transport authority, or two or more such authorities, to exercise their power—
 - (a) under section 29(1) to make a ticketing scheme, or
 - (b) under section 31(5) to vary a ticketing scheme.
- (2) A direction under subsection (1) may specify—
 - (a) ticketing arrangements or kinds of ticketing arrangements that operators of local services must be required to make and implement under the ticketing scheme,
 - (b) provision of the kind mentioned in section 29(3B) that the ticketing arrangements must include,
 - (c) the class of local services to which the scheme is to apply.
- (3) Before making a direction under subsection (1), the Scottish Ministers must consult the National Smart Ticketing Advisory Board.
- (4) A direction under subsection (1) must—
 - (a) be in writing, and
 - (b) be published (as soon as practicable after it is communicated to the local transport authority or authorities), and
 - (c) set out the Scottish Ministers’ reasons for making it.
- (5) The Scottish Ministers may revise or revoke a direction under subsection (1).
- (6) Subsection (4) applies to the revision or revocation of a direction under subsection (1) as it applies to such a direction.”.

46 Reports on ticketing arrangements and schemes

(1) The Transport (Scotland) Act 2001 is amended as follows.

(2) After section 32A insert—

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“Reports on ticketing arrangements and schemes

32B Reports on ticketing arrangements and schemes

- (1) A local transport authority must, as soon as practicable after the end of each financial year, prepare and publish a report on the performance of their functions under sections 28 and 29.
- (2) The report is to include information on—
 - (a) any determination made by the authority under section 28(1) during the year,
 - (b) any arrangements the authority has made under section 28(4) during the year, including, in relation to the required ticketing arrangements to which those arrangements relate—
 - (i) whether or not they are smart ticketing arrangements,
 - (ii) the extent to which they comply with the national technological standard for smart ticketing, and
 - (iii) where they are not smart ticketing arrangements or do not comply with the national technological standard for smart ticketing, the reasons for this, and
 - (c) any ticketing schemes the authority has made, varied or revoked during the year.
- (3) The reference in subsection (2)(c) to ticketing schemes made, varied or revoked by the authority includes ticketing schemes made, varied or revoked by the authority and one or more other local transport authorities acting jointly.”.

47 Application of ticketing arrangements and schemes to trams

- (1) Subject to the modification contained in subsection (2), the provisions of Chapter 3 of Part 2 of the Transport (Scotland) Act 2001 apply to any service for the carriage of passengers by tramway as they apply to the provision of a local service.
- (2) Section 32(2) of the Transport (Scotland) Act 2001 does not apply.
- (3) In subsection (1), “tramway” has the same meaning as in section 67(1) of the Transport and Works Act 1992.
- (4) Section 54(2) of the Edinburgh Tram (Line One) Act 2006 is repealed.
- (5) Section 54(2) of the Edinburgh Tram (Line Two) Act 2006 is repealed.

48 Guidance

- (1) The Transport (Scotland) Act 2001 is modified as follows.
- (2) In section 79(1) (guidance)—
 - (a) in paragraph (c), the words “ticketing schemes,” are repealed,
 - (b) after paragraph (c) insert—
 - “(ca) local transport authorities in relation to—

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- (i) their functions under section 28,
- (ii) ticketing schemes, and
- (iii) the preparation of reports under section 32B,”.