

Changes to legislation: There are currently no known outstanding effects for the Transport (Scotland) Act 2019, PART 1. (See end of Document for details)

SCHEDULE
MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

BUS SERVICES

Road Traffic Regulation Act 1984

- 1 (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 1 (traffic regulation orders), for subsection (3A) substitute—
- “(3A) A local traffic authority may make a traffic regulation order in respect of a road in relation to which the Scottish Ministers are the traffic authority if—
- (a) the order is required for the provision of facilities or the taking of a measure pursuant to a scheme implementing a bus services improvement partnership plan made by the authority under Part 2 of the Transport (Scotland) Act 2001, and
- (b) the consent of the Scottish Ministers is obtained.”.
- (3) In schedule 9 (variation or revocation of certain traffic regulation orders), in paragraph 27(3), for the words from “pursuant” to “scheme” substitute “ or the taking of a measure pursuant to a scheme implementing a bus services improvement partnership ”.

Commencement Information

II Sch. para. 1 in force at 4.12.2023 by S.S.I. 2023/250, sch.

Transport Act 1985

- 2 (1) The Transport Act 1985 is amended as follows.
- (2) In section 63(5) (power of local authority to enter into agreement for service subsidies), in paragraph (aa)(ii), for “to the standard specified in a quality partnership scheme made under section 6” substitute “ in compliance with a service standard imposed in a bus services improvement partnership scheme made under section 3B ”.
- (3) In section 135 (procedure for making regulations etc.)—
- (a) after subsection (1) insert—
- “(1A) But section 61(2) of the 1981 Act (consultation with representative organisations) does not apply to regulations made under sections 6ZA(2) or (5), 6ZB(2) or 6ZC(1) of this Act.”.
- (b) in subsection (3), for “subsection (4)” substitute “ subsections (4) and (4A) ”,
- (c) after subsection (4) insert—
- “(4A) Regulations under section 6ZC(1), which make provision of the type mentioned in paragraph (d) of that section, are subject to the affirmative procedure.”.

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Commencement Information

- I2** Sch. para. 2(1)(3) in force at 28.11.2022 by S.S.I. 2022/332, reg. 2, sch.
I3 Sch. para. 2(2) in force at 4.12.2023 by S.S.I. 2023/250, sch.

Transport (Scotland) Act 2001

- 3 (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 32B (as inserted by section 46 of this Act), insert— “ CHAPTER 4
Other matters ”.
- (3) In section 37 (competition test)—
- (a) in subsection (1)(a), for “quality partnership schemes” substitute “ partnership schemes ”,
 - (b) in subsection (2)(a)—
 - (i) for “quality partnership scheme” substitute “ partnership scheme ”,
 - (ii) for “section 5(1)” substitute “ paragraph 6(2) or, as the case may be, 14(1) of schedule A1 ”.
- (4) In section 39 (penalties)—
- (a) in subsection (1)(b), for “8(4) or 22(1)(b) or (2)” substitute “ 3F(1) or 13B(1)(b) or (3) ”
 - (b) after subsection (1)(b) insert—

[^{F1}“(bb)] failed to comply with a requirement to provide information (including a requirement to provide it within a specified time or in a specified form) under section [^{F2}3K(2) or 13R(2)],”.
- (5) In section 47 (co-operation)—
- (a) in subsection (1)—
 - (i) for “quality partnership scheme,” substitute “ partnership scheme ”,
 - (ii) for “quality contract scheme” substitute “ or franchising framework ”,
 - (iii) for “scheme” where it fourth occurs substitute “ scheme or framework ”,
 - (b) in subsection (3)(a)—
 - (i) for “quality partnership schemes,” substitute “ partnership schemes ”,
 - (ii) for “quality contract schemes” substitute “ and franchising frameworks ”.
- (6) In section 48 (interpretation of Part 2)—
- (a) in subsection (1)—
 - (i) at the beginning insert “ Subject to subsection (1A) ”
 - (ii) the definition of “operational date” is repealed
 - (iii) at the appropriate place insert—

““operational service standard” is to be construed in accordance with section 3C(1)(b),”

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- (iv) the definition of “quality contract” is repealed
 - (v) in the definition of “relevant general policies”, in paragraph (a)(ii)—
 - (A) after “relate to” insert “ providing services of the kind mentioned in section 2A(1) of this Act or ”,
 - (B) for “a quality partnership scheme or a quality contract scheme” substitute “ a partnership scheme or a franchising framework ”,
 - (vi) at the appropriate place insert—
 - ““route service standard” is to be construed in accordance with section 3C(1)(a),”
 - (vii) the definitions of “specified facilities” and “specified standard” are repealed,
 - (viii) at the appropriate place insert—
 - ““Transport Partnership” means a Transport Partnership created by order under section 1 the Transport (Scotland) Act 2005.”.
- (b) after subsection (1) insert—
 - “(1A) The definition of “traffic regulation order” in subsection (1) does not apply for the purposes of chapter 1 of this Part.”.
- (7) In section 79 (guidance)—
- (a) in subsection (1)(c)—
 - (i) for “quality partnership schemes” substitute “ partnership schemes ”,
 - (ii) for “quality contract schemes” substitute “ franchising frameworks ”,
 - (b) in subsection (2), after “section” where it first occurs insert “ or any other section ”.
- (8) In section 81 (regulations and orders)—
- (a) in subsection (4)(a), the words “14(6), 18(2)(b)” are repealed,
 - (b) in subsection (4)(b), for “41(1) of this Act” substitute “ 3G(4), 3H(7), 13M(5), 13Q(4) [F327A(5), 35A(1)] or 41(1) or paragraph 26 of schedule A1 ”,
 - (c) after subsection (4)(b) insert—
 - “(c) regulations under section [F43M(2)(c)] which make provision about what may constitute a facility or measure.”.
- (9) In section 82 (interpretation of Act)—
- (a) in subsection (1)—
 - (i) at the appropriate place insert—
 - ““franchising framework” is to be construed in accordance with section 13A of this Act,”
 - (ii) the definition of “quality contract scheme” is repealed,
 - (iii) for the definition of “quality partnership scheme” substitute—
 - ““partnership scheme” is to be construed in accordance with section 3B of this Act,”

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- (iv) at the appropriate place insert—
- ““stopping place” has the same meaning as in the 1985 Act”
- (b) in subsection (2), the following words are repealed—
- “section 3(3)(a);
- section 6(2)(a) and (4)(a);
- section 8(1) and (2);
- section 10;
- section 13(6) and (7);
- section 18;
- section 19;
- section 24;”.

Textual Amendments

- F1** Word in sch. para. 3(4)(b) substituted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), [2\(7\)\(a\)\(i\)](#)
- F2** Words in sch. para. 3(4)(b) substituted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), [2\(7\)\(a\)\(ii\)](#)
- F3** Words in sch. para. 3(8)(b) inserted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), [2\(7\)\(b\)](#)
- F4** Word in sch. para. 3(8)(c) substituted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), [2\(7\)\(c\)](#)

Commencement Information

- I4** Sch. para. 3(6)(a)(v)(A) in force at 24.6.2022 by [S.S.I. 2022/204](#), [reg. 2\(b\)](#)
- I5** [Sch. para. 3\(3\)\(4\)\(5\)\(7\)\(8\)\(9\)](#) in force at 4.12.2023 by [S.S.I. 2023/250](#), [sch.](#)
- I6** [Sch. para. 3\(6\)](#) in force at 4.12.2023 in so far as not already in force by [S.S.I. 2023/250](#), [sch.](#)

Transport (Scotland) Act 2005

- 4 (1) The Transport (Scotland) Act 2005 is amended as follows.
- (2) In section 10(5)—
- (a) before paragraph (a) insert—
- “(za) providing services for the carriage of passengers by road using vehicles that require a PSV operator's licence to do so,”
- (b) for paragraph (a) substitute—
- “(a) making and implementing bus services improvement partnership plans,”
- (c) in paragraph (b), for “quality contract schemes” substitute “ franchising frameworks ”.

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- I7** Sch. paras 4(1)(2)(a) in force at 24.6.2022 by S.S.I. 2022/204, **reg. 2(b)**
I8 Sch. paras. 4(2)(b)(c) in force at 4.12.2023 by S.S.I. 2023/250, **sch.**

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