



Transport (Scotland) Act 2019

2019 asp 17

PART 3

BUS SERVICES

Bus services improvement partnerships

35 Bus services improvement partnerships

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) For sections 3 to 12 (including the italic heading immediately preceding section 3), substitute—

“CHAPTER 1

BUS SERVICES IMPROVEMENT PARTNERSHIPS

Partnership plans and schemes

3A Bus services improvement partnership plans

- (1) A local transport authority may, if they consider it appropriate to do so, make a bus services improvement partnership plan (a “partnership plan”) in relation to the whole or part of their area.
- (2) A partnership plan is a plan that—
 - (a) specifies the area and the period to which the plan relates,
 - (b) sets out for the area—
 - (i) an analysis of the local services,
 - (ii) policies relating to the local services,
 - (iii) objectives to be met within the period as regards the quality and effectiveness of the local services provided,

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- (c) describes how the partnership scheme (or schemes) to be made at the same time as the partnership plan (see section 3B) is intended to assist in implementing the policies and meeting the objectives, and
 - (d) describes the intended effect of any such scheme (or schemes) on areas which are adjacent to the plan's area.
- (3) A partnership plan must also—
- (a) describe the proposals for obtaining the views of users of local services in the area about how well the plan and the partnership scheme (or schemes) are working, and
 - (b) specify how the plan is to be reviewed and the dates by which reviews are to be completed.
- (4) To make a partnership plan a local transport authority must comply with Part 1 of schedule A1.

3B Schemes to implement bus services partnership plans

- (1) A local transport authority must, at the same time as making a partnership plan, make one or more bus services improvement partnership schemes (a “partnership scheme”) relating to the whole or part of the area to which the plan relates.
- (2) A local transport authority that have made a partnership plan may make such further partnership schemes relating to the whole or part of the area of the partnership plan as they consider appropriate.
- (3) A partnership scheme is a scheme that—
- (a) specifies the area and the period to which the scheme relates,
 - (b) imposes one or more service standards in relation to the local services that have one or more stopping places in that area, and
 - (c) specifies one or more—
 - (i) facilities to be provided in the area as part of the scheme, or
 - (ii) measures to be taken under the scheme,
 by the local transport authority.
- (4) A partnership scheme may—
- (a) provide for the exemption of such local services or such descriptions of local services as the scheme may specify, and
 - (b) specify conditions (if any) as to when such exemptions are to apply.
- (5) A partnership scheme may also include requirements for the taking of actions in order to facilitate the operation of the partnership scheme.
- (6) A partnership scheme may be made only if the local transport authority are satisfied that—
- (a) the scheme will contribute to the implementation of—
 - (i) the policies set out in the partnership plan to which it relates, and
 - (ii) the authority's relevant general policies, and
 - (b) the scheme will—

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- (i) bring benefits to persons using local services in the whole or any part of the area to which the scheme relates by improving the quality or effectiveness of those services, or
 - (ii) reduce or limit traffic congestion, noise or air pollution.
- (7) Any specified facility must be provided at specific locations along routes served, or proposed to be served, by local services within the area of the partnership scheme.
- (8) Nothing that a local transport authority are required to provide or secure the provision of by virtue of section 33 or 34 is to be specified as a facility or measure for the purposes of a partnership scheme.
- (9) A partnership scheme must specify how its operation is to be reviewed and the dates by which reviews are to be completed.
- (10) A partnership scheme may provide for circumstances in which it may be varied or revoked in accordance with the provisions of the scheme (rather than under section 3H or, as the case may be, 3I).
- (11) To make a partnership scheme a local transport authority must comply with Part 1 of schedule A1.

3C Partnership schemes: service standards

- (1) The service standards that a partnership scheme may impose include requirements—
 - (a) in relation to the frequency or timing of particular local services or local services of particular descriptions (a “route service standard”), or
 - (b) in relation to any other matter relating to the standard of service that is to be provided (an “operational service standard”).
- (2) A route service standard may, in particular, determine the frequency or timing allowed in relation to a local service—
 - (a) by reference only to that service,
 - (b) by reference to that service and other local services, taken together.
- (3) An operational service standard may, in particular, impose requirements about—
 - (a) the vehicles which are used to provide services,
 - (b) the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions on services to which the scheme applies,
 - (c) ticketing and the manner in which entitlement to travel may be evidenced,
 - (d) the pricing of multi-operator travel cards,
 - (e) the provision of information to the public about local services,
 - (f) the dates on which the timing of local services may be changed.
- (4) A partnership scheme may not impose service standards in relation to the use of vehicles under permits granted under section 22 of the 1985 Act.

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- (5) A service standard imposed by a partnership scheme has effect only in relation to so much of a local service as is provided in the area to which the scheme relates.
- (6) The Scottish Ministers may by regulations define the expression “multi-operator travel cards” for the purposes of this section.

3D Route service standards: modification for overprovision

- (1) This section applies where—
 - (a) a partnership scheme is in operation,
 - (b) a route service standard imposed by the scheme applies to a service registered under section 6 of the 1985 Act, and
 - (c) the local transport authority who made the scheme are satisfied that, due to an increase (or an expected increase) in the number of operators registered in respect of the area of the scheme, the service cannot be provided in accordance with the route service standard.
- (2) The local transport authority must modify the route service standard in such manner as is necessary to take account of the number of registered operators (or expected number of such operators) to enable the service to be provided in accordance with the service standard.
- (3) A modification of a route service standard under this section is to be treated as a variation under section 3H of the partnership scheme which imposed the service standard and paragraph 18(3) of schedule [F1A1] applies to the modification as it does to such a variation.
- (4) Without limit to the generality of section 3M, the Scottish Ministers may by regulations make further provision about the modification of route service standards under this section, including, in particular, provision—
 - (a) about the process that a local transport authority must comply with before making a modification under this section,
 - (b) about the circumstances in which a modification may be postponed and the process to be followed to postpone a modification,
 - (c) specifying circumstances in which this section is not to apply.

3E Partnership schemes: Scottish Ministers' traffic regulation orders

- (1) This section applies if, in relation to a proposed partnership scheme or the proposed variation of an existing scheme, the provision of a facility or the taking of a measure requires the making of a traffic regulation order in respect of a road for which the Scottish Ministers are the traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984).
- (2) The partnership scheme may not be made, postponed, varied or revoked unless it is made, postponed, varied or revoked by the local transport authority and the Scottish Ministers acting jointly.

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3F Effect of partnership plans and schemes

- (1) If a partnership scheme imposes a service standard in relation to a local service, the operator of the service must comply with the service standard.
- (2) If a partnership scheme requires a local transport authority or, where section 3E applies, the Scottish Ministers, to provide a facility, they must—
 - (a) provide the facility not later than the date specified in the scheme for its provision (subject to the local transport authority postponing its coming into operation under section 3G(1) or 3H(4)),
 - (b) continue to provide the facility for the remainder of the period for which the scheme is in operation.
- (3) If a partnership scheme requires a local transport authority or (where section 3E applies) the Scottish Ministers to take a measure, they must—
 - (a) take the measure not later than the date specified in the scheme for taking it (subject to the local transport authority postponing its coming into operation under section 3G(1) or 3H(4)),
 - (b) continue to take the measure for the remainder of the period for which the scheme is in operation.
- (4) Subsections (2) and (3) do not apply in relation to any period during which the local transport authority are temporarily unable to provide the facility or, as the case may be, take the measure, due to circumstances beyond their control.
- (5) Subsections (2) and (3) do not apply in the case of the Scottish Ministers if they are unable to provide the facility or, as the case may be, take the measure, because of the variation or revocation of a traffic regulation order.
- (6) A local transport authority must secure that—
 - (a) each review of a partnership plan which is required by the plan is carried out in the manner specified in it,
 - (b) each review of the operation of a partnership scheme which is required by the scheme is carried out in the manner specified in it, and
 - (c) each review (whether of a plan or scheme) is completed by the date specified in the plan or scheme as the date for completing that review.

3G Postponement of partnership scheme coming into operation

- (1) A local transport authority may, if they consider it appropriate, decide to postpone the coming into operation of a partnership scheme or any part of it (such as the date by which a service standard must be met or facility provided) by such period as they think fit.
- (2) But the coming into operation of a partnership scheme, or any part of it, must not be postponed by a period or periods which in total exceed 12 months.
- (3) To postpone the coming into operation of a partnership scheme or any part of such a scheme, a local transport authority must comply with paragraphs 9 and 10 of schedule A1.

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- (4) The Scottish Ministers may by regulations amend subsection (2) to specify a different total period of postponement than the one for the time being specified there.

3H Variation of a partnership plan or scheme

- (1) A local transport authority may vary—
- (a) a partnership plan and any related scheme, or
 - (b) a partnership scheme.
- (2) In particular, a partnership plan or scheme may be varied by changing the area to which the plan or scheme relates so that it—
- (a) includes the whole of the area of another local transport authority (a “prospective authority”), or
 - (b) ceases to include any part of the area of the local transport authority which made the plan or scheme.
- (3) A partnership scheme may be varied only if the local transport authority (and, if applicable, the prospective authority) are satisfied that—
- (a) the scheme, as varied, will contribute to the implementation of—
 - (i) the policies set out in the partnership plan (or those policies in the plan as proposed to be varied) to which it relates, and
 - (ii) the local transport authority's (and, if applicable, the prospective authority's) relevant general policies, and
 - (b) the scheme, as varied, will—
 - (i) bring benefits to persons using local services in the whole or any part of the area of the scheme (as varied) by improving the quality or effectiveness of those services, or
 - (ii) reduce or limit traffic congestion, noise or air pollution.
- (4) A local transport authority may, if they consider it appropriate, decide to postpone the coming into operation of the variation of a partnership scheme or any part of it by such period as they think fit.
- (5) But the coming into operation of the variation of a partnership scheme, or any part of it, must not be postponed by a period or periods which in total exceed 12 months.
- (6) To—
- (a) vary a partnership plan or a partnership scheme (otherwise than in accordance with the scheme itself, under section 3D, or when making a franchising framework), a local transport authority (and any prospective authority) must comply with Part 2 of schedule A1, and
 - (b) postpone the coming into operation of such a variation, a local transport authority (and any prospective authority) must comply with paragraphs 19 and 20 of that Part.
- (7) The Scottish Ministers may by regulations amend subsection (5) to specify a different total period of postponement than the one for the time being specified there.

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3I Revocation of a partnership plan or scheme

- (1) A local transport authority may—
 - (a) revoke a partnership plan that relates to the whole or any part of their area,
 - (b) revoke a partnership scheme relating to such a plan.
- (2) A local transport authority may not—
 - (a) revoke a partnership plan without also revoking all the schemes relating to it, or
 - (b) revoke all schemes relating to a plan without also revoking the plan.
- (3) To revoke a partnership plan or a scheme (otherwise than in accordance with the scheme itself or when making a franchising framework), a local transport authority must comply with Part 3 of schedule A1.

3J Reports on partnership schemes

- (1) A local transport authority must, in relation to each partnership scheme made by them, for each successive period of 12 months during which the scheme is in operation, prepare and publish a report on the effectiveness of the scheme.
- (2) For the purposes of subsection (1), the first period is to begin on the date on which the scheme, or any part of it, comes into operation.
- (3) In preparing a report under subsection (1), the local transport authority must—
 - (a) consult the traffic commissioner and such other persons as they consider appropriate for the purposes of assessing the effectiveness of the scheme, and
 - (b) consider any representations made to them (whether as part of the consultation or otherwise) in relation to the effectiveness of the scheme during the period under review.

3K Provision of information: bus services improvement partnerships

- (1) This section applies if a local transport authority are exercising any of the following functions—
 - (a) preparing and making a partnership plan or scheme,
 - (b) reviewing the effectiveness of a partnership plan or scheme, or
 - (c) determining whether and how to vary, or revoke, a partnership plan or scheme.
- (2) The local transport authority may require an operator of a local service in the relevant area to provide them with such relevant information relating to the function being exercised as they may specify.
- (3) The local transport authority must specify the function it is exercising when requiring the provision of relevant information.
- (4) The operator may be required to provide the information—

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- (a) in any form which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide, and
 - (b) before the end of such period as may be specified by the local transport authority.
- (5) A local transport authority that have obtained relevant information under this section may only—
- (a) use the information for the purpose of exercising the function for which it was obtained, and
 - (b) supply the information to a person listed in subsection (6) for use in connection with that function.
- (6) The persons are—
- (a) a local transport authority,
 - (b) persons providing services to the local transport authority in connection with the function being exercised,
 - (c) where section 3E applies, the Scottish Ministers.
- (7) A person who receives relevant information under subsection (5)(b) must not disclose it to any other person or use it in connection with a purpose other than the specified function.
- (8) A person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where an offence under subsection (8) committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.
- (11) In this section, “relevant information” means information of a description specified in regulations made by the Scottish Ministers.
- (12) Regulations under subsection (11) may specify circumstances in which relevant information (or types of relevant information) may not be required by a local transport authority.

3L Multi-authority bus services improvement partnerships

- (1) Two or more local transport authorities may act jointly to make a partnership plan and scheme (or schemes) under this chapter.
- (2) In those circumstances, unless the context otherwise requires, a reference in this chapter (other than this section) to—
- (a) a local transport authority, in relation to a partnership plan or a partnership scheme or to a proposed plan or scheme, is a reference to the authorities acting jointly,
 - (b) the area of a local transport authority is a reference to the combined areas of the authorities,

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- (c) the relevant general policies of a local transport authority is a reference to the relevant general policies of each local transport authority.
- (3) Where two or more local transport authorities act jointly to make a partnership plan or scheme, they must continue to act jointly in relation to the plan or scheme in all respects.

3M Further provision

- (1) The Scottish Ministers may by regulations make further provision about—
- (a) partnership plans and schemes,
 - (b) the procedures to be followed to prepare and make, postpone, vary and revoke a plan or scheme (but see also Part 4 of schedule A1 which confers power on the Scottish Ministers in relation to certain expressions used in those procedures),
 - (c) reviewing and reporting on the operation of a plan and scheme.
- (2) Without limit to that generality, regulations under this section may make provision about—
- (a) the form and content of a partnership plan or scheme,
 - (b) descriptions of local services which may or must be exempted from a scheme,
 - (c) what may constitute a facility or measure,
 - (d) the conditions that may be specified in a scheme for its variation or revocation,
 - (e) the form and content of any notice to be given in connection with a plan or scheme,
 - (f) the standards and requirements that a scheme or plan may specify in respect of the accessibility of bus services for disabled persons and persons who have limited mobility.”.

Textual Amendments

- F1** Word in s. 35 substituted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), 2(2)
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Commencement Information

- I1** S. 35 in force at 4.12.2023 by [S.S.I. 2023/250](#), sch.

Changes to legislation:

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