

# TRANSPORT (SCOTLAND) ACT 2001

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## EXPLANATORY NOTES

### THE ACT

#### Part 4

#### Miscellaneous and General

##### *Section 68 Travel concession schemes*

110. This section gives the Scottish Ministers the power, by order, to require local authorities, either acting alone or jointly with other local authorities, to provide a minimum level of travel concession for pensioners and disabled people.
111. The Scottish Ministers may by order require local transport authorities to provide a minimum level of travel concession for eligible persons i.e. elderly and disabled people, on eligible services which are defined in subsection (7) as including bus services, ferry services and others services which the Scottish Ministers may by order specify. The Scottish Ministers may also by order extend eligibility for travel concessions to other specified groups.

##### *Section 69 Joint boards for management, maintenance etc. of certain bridges*

112. This section gives the Scottish Ministers powers to dissolve by order any body other than a roads authority which under any enactment has responsibility for the management and maintenance of certain bridges in Scotland (at present the only two bodies are the Forth Road Bridge Joint Board and the Tay Road Bridge Joint Board) and to transfer the property, rights and liabilities of that body to a new joint board. Subsection (2) sets out the provisions that may be specified in such an order.
113. Subsection (3) provides that a new joint board shall be deemed to be a joint board within the meaning of the Local Government (Scotland) Act 1973 (c.65); and to be a local traffic authority in relation to any road carried by the bridge for the purposes of Part 3 of the Act. Subsections (2)(c) and (3)(b) will enable any new joint board to plan for all modes of transport relating to travel across the relevant river, and where appropriate, bring forward a charging scheme under Part 3 of the Act.

##### *Section 70 Grants for transport-related purposes*

114. This section enables the Scottish Ministers to make grants to any persons for transport-related purposes. Grants will be of such amounts and subject to such conditions as the Scottish Ministers may determine. The Scottish Ministers are required to lay a report before the Scottish Parliament on grants made during any financial year, and the report must include details of the amount of grant, the person to whom it has been paid and the purposes for which it has been paid.

***Section 71 Financial assistance for inland waterway and sea freight***

115. This section repeals section 140 of the Railways Act 1993 which gave Ministers powers to award freight facilities grants for inland waterway traffic. This section will also give the Scottish Ministers power to award grants to aid the transfer of freight from road to inland waterway and coastal and short sea shipping movements that begin and end in Scotland.

***Section 72 Disabled persons' transport needs: power to establish committee***

116. This section gives the Scottish Ministers the power, by regulations, to establish a committee to advise on the transport needs of disabled people. It also gives the Scottish Ministers the power to make regulations concerning the membership and operation of the committee.

***Section 73 Badges for display on motor vehicles used by disabled persons: enforcement***

117. This section amends section 21 of the Chronically Sick and Disabled Persons Act 1970 which established the Orange Badge Scheme of Parking Concessions for Disabled and Blind People and was replaced from 1 April 2000 by the European Blue Parking Badge Scheme for Disabled People. (The new blue badge will be phased in over a 3 year period as existing orange badges come up for renewal or as new applications are processed.) The addition of section 21(4BA) provides the police, traffic wardens and local authority parking attendants with the powers to inspect blue/orange badges issued under the schemes. The addition of section 21(4BB) creates an offence of refusing to produce a badge when requested to do so by any of these authorised persons. The addition of section 21 (8A) defines "constable" as meaning a police constable, a traffic warden and a parking attendant.
118. The addition of section 21(7CA) allows the Scottish Ministers to make regulations about appeal procedures where an appeal against the local authority's decision not to issue a badge has been refused by the Scottish Ministers.
119. The addition of section 21(7F) enables the Scottish Ministers to give recognition in regulations made in Scotland to badges issued in Northern Ireland and other EC member states outside the United Kingdom.

***Section 74 Home Zones***

120. This section enables local authorities to designate home zones with a view to implementing measures for securing certain purposes, namely: to improve the safety of persons using the road, to improve or preserve the environment through which the road runs; to improve facilities and bring benefits to non-motorised vehicle users of the road; and to any extent to implement their transport policies. It also enables the Scottish Ministers to make regulations prescribing the procedures to be followed by local authorities when designating roads as home zones.
121. Under subsection (3), local authorities will be required to produce a report on the measures they have implemented in the home zones they have designated.

***Section 75 Amendment of Roads (Scotland) Act 1984***

122. This section allows roads authorities to introduce an experimental redetermination order ("ERO") for a maximum period of 18 months to test the effectiveness of such an order. Thereafter, the ERO would either lapse or the authority would promote a permanent redetermination order.

***Section 76 Amendment of Road Traffic Act 1988***

123. Section 40 of the Road Traffic Act 1988 enables the Scottish Ministers to make contributions towards the cost of measures, taken by authorities and bodies other than local authorities, for promoting road safety. Section 76 extends the scope of section 40 so as to enable the Scottish Ministers to make contributions towards the cost of measures taken by local authorities for promoting road safety.

***Section 77 Patrolling school crossings***

124. Sections 26 to 28 of the Road Traffic Regulation Act 1984 make provision enabling local authorities to make arrangements for patrolling places where children cross roads on their way to or from school, or from one part of a school to another between the hours of 8 a.m. and 5.30 p.m. School crossing patrols have power to stop traffic to enable children to cross the road.
125. Subsection (2) amends section 26(1) of the 1984 Act by removing the restriction on the times when school crossing patrols may operate. Subsection (3) inserts a new subsection after section 26(1) of the 1984 Act. The new subsection (1A) gives local authorities the power to determine the times when school crossings are patrolled.
126. Subsection (4) amends section 28(1) of the 1984 Act by removing the restriction on the times when school crossing patrols have power to stop traffic. In addition, it gives school crossing patrols the power to stop traffic for any person who is crossing or seeking to cross the road.

Subsection (5) amends section 28(2)(a) of the 1984 Act so as to require a driver of a vehicle to stop, when required to do so by a school crossing patrol, for any person to cross the road.

***Section 78 Stands etc. for bicycles and motor cycles***

127. **Section 72** amends section 63 of the Road Traffic Regulation Act 1984 so as to give powers to local authorities to provide devices for securing bicycles and motorcycles. As well as stands or racks, these devices could be in the form of a bar to which a motorcycle or bicycle could be fastened.