



# Transport (Scotland) Act 2005

## 2005 asp 12

### PART 1

#### REGIONAL TRANSPORT

#### CHAPTER 1

#### REGIONAL TRANSPORT PARTNERSHIPS

##### *Regional transport strategies*

### **5 Formulation and content of regional transport strategies**

- (1) It is the duty of each Transport Partnership to draw up a strategy for transport within its region (its “transport strategy”).
- (2) Its transport strategy shall include provision about each of the following matters—
  - (a) the respects in which transport in the region needs to be provided, developed or improved having regard to, among other things—
    - (i) future needs including those occasioned by demographic and land use changes; and
    - (ii) what can be done, taking account of cost, funding and practicability;
  - (b) meeting the needs of all inhabited places, in particular, those which the Partnership considers different from the remainder of the region by reason of their remoteness or the sparsity of their populations;
  - (c) meeting the need for efficient transport links between heavily populated places;
  - (d) how transport in the region will be provided, developed, improved and operated so as—
    - (i) to enhance social and economic well-being;
    - (ii) to promote public safety, including road safety and the safety of users of public transport;
    - (iii) to be consistent with the principle of sustainable development and to conserve and enhance the environment;

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- (iv) to promote social inclusion;
  - (v) to encourage equal opportunities and, in particular, the observance of the equal opportunities requirements;
  - (vi) to facilitate access to hospitals, clinics, surgeries and other places where a health service is provided;
  - (vii) to integrate with transport elsewhere;
  - (e) the order of priority in which different elements of the provision, development and improvement of transport should be undertaken;
  - (f) how the Transport Partnership's functions will be exercised so as to fulfil its transport strategy and, if the Partnership considers that the conferring of further functions is necessary for that purpose, what those functions are;
  - (g) how the Transport Partnership, so as to enable it to fulfil its transport strategy, will seek to influence its constituent councils or council in the performance of their functions relating to transport;
  - (h) the measuring and monitoring of the achievement of the strategy.
- (3) In performing its duty under this section, a Transport Partnership shall have regard to any guidance in that respect given to it or to Transport Partnerships generally by the Scottish Ministers and to any current national transport strategy established by the Scottish Ministers.
- (4) In subsection (2)(d)(v) above, "equal opportunities" and "equal opportunities requirements" have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c. 46).

## **6 Procedure before and after the drawing up of regional transport strategies**

- (1) A Transport Partnership shall—
- (a) before arriving at its transport strategy, consult—
    - (i) its constituent councils or council;
    - (ii) each Health Board the area or part of the area of which falls within the Transport Partnership's region (or, if that region is coterminous with a Health Board's area, that Health Board); and
    - (iii) such other persons as it thinks fit;
  - (b) subject to subsection (2) below—
    - (i) in the case of a Partnership created under section 1 above on or before 31 March 2006, by 31 March 2007;
    - (ii) in any other case, within 12 months of its creation, submit its transport strategy to the Scottish Ministers for approval.
- (2) The Scottish Ministers may—
- (a) at the request of a Transport Partnership made to them within 8 months of the creation of the Partnership; and
  - (b) if satisfied that there are good reasons for doing so, authorise the Partnership to submit its transport strategy to them later than the time limit specified in subsection (1)(b) above in relation to the Partnership but not later than such date as is specified in the authorisation.
- (3) A Transport Partnership making a request for the purposes of subsection (2) above shall, if so required by the Scottish Ministers, provide them with reports or information

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of such kind and in such form as they, for the purposes of that subsection, specify in the requirement.

- (4) A transport strategy has effect for the purposes of this Act when it is approved by the Scottish Ministers.
- (5) In deciding whether to approve a transport strategy, the Scottish Ministers shall include among the matters to which they have regard the extent to which it will contribute to the realisation of their transport policies.
- (6) On approving its transport strategy, the Scottish Ministers shall inform the Transport Partnership of that fact.
- (7) On being so informed, the Transport Partnership shall—
  - (a) inform its constituent councils or council that its transport strategy has effect, specifying the date when it took effect;
  - (b) send each of them or, as the case may be, it a copy of the transport strategy; and
  - (c) publish the transport strategy in such manner as it thinks fit.

## **7 Review, modification and renewal of regional transport strategies**

- (1) A Transport Partnership—
  - (a) shall keep its transport strategy under review;
  - (b) may modify its transport strategy or draw up a new one;
  - (c) shall, within such period as is specified in a direction by the Scottish Ministers requiring it to do so, draw up a new transport strategy.
- (2) Sections 5(2) and (3) and 6(1)(a) and (4) to (7) above apply in relation to the modification of a transport strategy and the drawing up of a new one as they apply in relation to the drawing up of a Transport Partnership's original transport strategy.
- (3) A direction given for the purposes of subsection (1)(c) above may be given to one or more or all Transport Partnerships.

## **8 Duty of constituent councils and other public bodies as respects regional transport strategies**

- (1) A constituent council shall, so far as possible, perform those of its functions which relate to or which affect or are affected by transport consistently with the transport strategy of the (or, as the case may be, each) Transport Partnership of which it is a constituent council.
- (2) Each—
  - (a) Health Board; and
  - (b) specified public body,shall, so far as possible, perform those of its functions and activities which relate to or which affect or are affected by transport consistently with the transport strategy of the (or, as the case may be, each) Transport Partnership in relation to which it is specified.
- (3) The Scottish Ministers shall, as respects each Health Board, specify by order which Transport Partnership's transport strategy is, or which Transport Partnerships' transport strategies are, for the purposes of subsection (2) above, the strategy or strategies consistently with which the Board is to perform its functions.

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- (4) In subsection (2) above, “specified” in relation to a public body mentioned in paragraph (b) of that subsection means specified by order made by the Scottish Ministers and in specifying a public body for the purposes of that subsection, the Scottish Ministers shall specify the Transport Partnership or Partnerships in relation to which it is specified.

**9 Joint regional transport strategies**

- (1) Two or more Transport Partnerships may together, in the discharge of their respective duties under sections 5 and 6(1) above, draw up a joint transport strategy for transport within their combined regions.
- (2) This Part of this Act applies in relation to the Transport Partnerships which draw up a joint transport strategy, to their combined regions and to that strategy as it applies to a Transport Partnership, its region and its transport strategy.