

TRANSPORT (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Part 1

Joint Transport Strategies

Section 1 Joint transport strategies

3. This section gives the Scottish Ministers the power to require specified public bodies to prepare and submit to them a joint transport strategy addressing a named transport issue.
4. Subsection (2) places a statutory obligation on the Scottish Ministers to consult those bodies which would be covered by an order, and enables them to consult other interested parties.
5. Subsection (3) sets out details of the provisions, which may be included in an order requiring a joint strategy. This includes the form of the joint strategy, the environmental, social and economic impact of the strategy, other matters to which the public bodies are to have regard, the procedures relating to the preparation and making of the strategy and the timeframe within which a joint strategy is to be submitted.
6. Subsection (4) provides that an order requiring a joint strategy shall contain provision on consultation.
7. In addition subsection (5) provides that public bodies specified in an order have the discretion to consult such other persons, as they consider appropriate in preparing a joint strategy.
8. An order made by the Scottish Ministers under the powers conferred by subsection (1) will be subject to negative resolution procedure.

Section 2 Directions

9. This section sets out the circumstances in which the Scottish Ministers may give directions to specified public bodies in connection with the preparation of a joint transport strategy. The Scottish Ministers will have the power to issue directions in three separate sets of cases, namely:
 - where no strategy is prepared;
 - where no strategy is submitted; or
 - in any other case where, in the opinion of the Scottish Ministers there are exceptional circumstances.
10. Where the Scottish Ministers are of the opinion that there are other exceptional circumstances subsection 2 requires them to consult the public body in question and other appropriate persons before giving a direction under subsection (1). Section 2 is without prejudice to section 211 of the Local Government (Scotland) Act 1973 (c.65).

*These notes relate to the Transport (Scotland) Act 2001
(asp 2) which received Royal Assent on 25 January 2001*

This provides for the Scottish Ministers to order a local inquiry if they believe that a local authority may have failed to do what is statutorily required of them.