



# Transport (Scotland) Act 2005

## 2005 asp 12

### PART 1

#### REGIONAL TRANSPORT

#### CHAPTER 1

#### REGIONAL TRANSPORT PARTNERSHIPS

#### *Regional transport functions*

### **10 Other transport functions of regional Transport Partnerships**

- (1) The Scottish Ministers may, as respects a Transport Partnership, and by order, provide for any statutory function relating to transport they think fit, to be carried out by that Transport Partnership—
  - (a) instead of the person who, immediately before it was so provided, was responsible for carrying it out; or
  - (b) concurrently with that person.
- (2) In making an order under subsection (1) above after the coming into effect of the Transport Partnership's transport strategy, the Scottish Ministers shall have regard to that strategy.
- (3) The person referred to in subsection (1) above may be the Scottish Ministers.
- (4) The functions which may be the subject of an order under subsection (1) above may, without prejudice to the generality of that subsection, include any of the following—
  - (a) those conferred on local transport authorities by or under Part 2 of the Transport (Scotland) Act 2001 (asp 2) (bus services) and Part 3 of that Act (road user charging);
  - (b) those conferred by or under any enactment and which relate to the management and maintenance of a bridge constructed in pursuance of functions conferred by, or by an order made under or confirmed by, any enactment;

*Status: Point in time view as at 04/12/2023.*

*Changes to legislation: Transport (Scotland) Act 2005, Section 10 is up to date with all changes known to be in force on or before 04 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) those conferred on traffic authorities by sections 1 to 4 of the Road Traffic Regulation Act 1984 (c. 27) (traffic regulation orders) and on local traffic authorities by section 19 of that Act (regulation of use of roads by public service vehicles);
  - (d) those conferred on councils by sections 63 and 64 of the Transport Act 1985 (c. 67) (securing the provision of passenger transport and related consultation and publicity).
- (5) The following are examples of the functions which may be the subject of an order under this section—
- [<sup>F1</sup>(za) providing services for the carriage of passengers by road using vehicles that require a PSV operator's licence to do so,]
  - [<sup>F2</sup>(a) making and implementing bus services improvement partnership plans,]
  - (b) entering into [<sup>F3</sup>franchising frameworks];
  - (c) entering into ticketing arrangements and ticketing schemes;
  - (d) providing information about bus services;
  - (e) installing bus lanes;
  - (f) providing subsidised bus services;
  - (g) making and implementing road user charging schemes;
  - (h) operating ferry services;
  - (i) managing tolled bridges;
  - (j) operating airports and air services;
  - (k) entering into public service contracts.
- (6) A Transport Partnership which proposes to request the making of an order under subsection (1) above shall, before doing so, consult its constituent councils or council on what the order might do.
- (7) In making such a request, a Transport Partnership shall have regard to any guidance given by the Scottish Ministers as to the form and content of such requests.
- (8) Before making an order under subsection (1) above, the Scottish Ministers shall consult—
- (a) except where the order will be made at its request, the Transport Partnership to which the order will relate;
  - (b) its constituent councils or council; and
  - (c) such other persons as the Scottish Ministers think fit.
- (9) An order under subsection (1) above may modify any enactment.

#### Textual Amendments

- F1** S. 10(5)(za) inserted (24.6.2022) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 4(2)(a)** (with s. 126); S.S.I. 2022/204, reg. 2(b)
- F2** S. 10(5)(a) substituted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 4(2)(b)** (with s. 126); S.S.I. 2023/250, sch.
- F3** Words in s. 10(5)(b) substituted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), s. 130(2), **sch. para. 4(2)(c)** (with s. 126); S.S.I. 2023/250, sch.

#### Commencement Information

- I1** S. 10 in force at 10.10.2005 by S.S.I. 2005/454, art. 2, **Sch. 2**

**Status:**

Point in time view as at 04/12/2023.

**Changes to legislation:**

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