

TRANSPORT (SCOTLAND) ACT 2019

EXPLANATORY NOTES

THE ACT

Part 3 – Bus Services

Entering into franchise agreements

Entering into franchise agreements – inserted section 13L

211. Once a local transport authority have made a franchising framework, they may start to enter into franchising agreements for the provision of local services under the framework. This process is governed by the procurement requirements set out in both EU legislation (EU Regulation 1370/2007) and domestic law.
212. Subsections (3) and (6) confirm that tenders may be accepted only from (i) operators who hold valid PSV operator licences which are not subject to conditions preventing them from operating the local services to which the tender relates, or (ii) operators who hold community bus permits.
213. Subsections (4) and (5) provide that whenever a local transport authority and an operator enter into a new franchise agreement, the local transport authority must give notice to the other operators who the authority think are likely to be affected and to the traffic commissioner.
214. The notice must contain details of the local services covered by the franchise agreement, the date when it is to come into operation and state for how long the agreement will last.
215. This notice will likely be of practical importance as the granting of a franchise agreement will mark the point at which provision of the local services in question will start to become restricted to the operator with the franchise agreement and this notice will make operators aware of that.